

## Supplemental Regulations Section V February 13, 2013

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#### A. General Provisions for All Districts

##### 1. Accessory Buildings and Uses

- a. Accessory Apartments. Accessory apartments within an existing structure are a permitted use in all districts except I-1, where they are prohibited. Accessory apartments in a new addition to an existing structure are permitted with an abbreviated site plan review (ASPR) pursuant to Section XIII in all districts, except in I-1, where they are prohibited. Conversions of single family to three or four family dwellings shall be considered a multi-family use and shall follow applicable standards as established in this local ordinance.
- b. When Accessory Apartment is in Single-Family Dwellings.
  1. No exterior changes shall be made which will alter or extend the existing foundation of the principal structure.
  2. The accessory apartment is self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
  3. The accessory apartment is subordinate to the principal.
  4. The accessory apartment within a single family dwelling shall not occupy more than 40% of the square footage of that single family dwelling.
  5. The conversion of any existing single-family dwelling to accommodate an accessory apartment is limited to one accessory apartment per principal residence.
  6. Parking, as required for an accessory apartment/principal residence, shall be a minimum of two spaces per dwelling unit on-site and shall be designed and located to be convenient without encroaching on any required yard or setback area.
  7. Columbia County Department of Health approved water supplies and sanitary systems shall be required prior to granting of any zoning permit for an accessory apartment. Such systems may be connected to existing or upgraded water supply and sanitary systems of the single-family dwelling or may be separate facilities. If a separate system is necessary, all other standards, setbacks and requirements of this Law and of the County Department of Health shall be met.
  8. In the AR and Carson Road districts, the lot may not be an existing nonconforming lot of less than the prescribed lot area or lot width. In all other districts, nonconforming lots may be used for accessory apartments.
  9. When an existing single-family structure is altered to accommodate an accessory apartment, all construction associated with adaptation of the existing structure shall be performed in a manner that retains and enhances the character of the structure. The design and construction of the adaptation of the accessory

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structure shall further be compatible with the parent structure on the premises and with the overall character of the neighborhood.

### c. When Accessory Apartment is in Accessory Structure to Single-Family Dwelling.

1. The principal dwelling and the accessory apartment shall be, at the time of construction, on a single lot with a lot area no less than the minimum specified for the zoning district. All existing and new accessory apartments shall satisfy all setback requirements set forth for a principal structure within the zoning district. An area variance may be requested for those that do not meet the setbacks.
2. The accessory apartment is self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
3. Parking, as required for an accessory apartment/principal residence, shall be a minimum of two spaces per dwelling unit on site and shall be designed and located to be convenient without encroaching on any required yard or setback.
4. The accessory apartment in structure that is accessory to a single-family dwelling shall not occupy more than 40% of the accessory structure and shall not exceed 1000 square feet.
5. No accessory apartment in an accessory structure shall be housed in a mobile home.
6. Columbia County Department of Health approved water supplies and sanitary systems shall be required prior to granting of any zoning permit for an accessory apartment. Such systems may be connected to existing or upgraded water supply and sanitary systems of the single-family dwelling or may be separate facilities. If a separate system is necessary, all other standards, setbacks and requirements of this Law and of the County Department of Health shall be met.
7. Only one accessory apartment shall be allowed in any single-family dwelling and only one accessory apartment shall be allowed on any single-family residential lot.
8. The design of any proposed addition to the principal single-family dwelling or any accessory structure in which the accessory apartment is proposed shall conform to the general character and appearance of the principal dwelling and be consistent with the general character of the neighborhood.
9. The driveway for ingress and egress to the accessory apartment should utilize the existing driveway utilized for the ingress and egress of the principal single-family dwelling to the maximum extent practicable. If another driveway is needed, its location and design should not adversely affect the existing driveway on the lot or driveways of neighboring lots in the area with respect to safety and layout.
10. The location and use of the accessory apartment shall not reduce the value, cause a nuisance or otherwise adversely affect neighboring properties.

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11. The design, size, and layout of the accessory apartment shall be consistent with the continual use of the apartment as an accessory use to the principal single-family dwelling on the lot. Such accessory apartment shall not be subdivided from any parcel containing a single-family dwelling for any use.

### d. Other Accessory Buildings or Uses

1. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established. In no instance shall an accessory building or use be established on a vacant lot. Accessory buildings shall not be used for dwelling purposes except where permitted as an accessory dwelling.
2. Accessory structures not attached to principal buildings shall be located no closer to the principal building than 12 feet or a distance equal to the height of each accessory building, whichever is greater. This shall not apply to barns, silos, corn cribs, or other structures used for agricultural purposes.

In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts may not be located in front yards of such lot and shall be distant not less than 20 feet from any lot line. No boat or truck over one ton capacity shall be parked or stored, whether registered or un-registered on any residential lot in the R-2 District except in the rear yard and not closer than the required side yard to any side lot line.

3. Accessory buildings shall not exceed the height regulations of the applicable zoning district.

## 2. Flood Prevention

- a. The regulations contained in Local Law #1 of 1990 (Flood Damage Prevention) shall apply. In addition, the Planning Board shall review subdivision, special use, and site plan applications located within the mapped floodplain to assure that all such proposals are consistent with the need to minimize flood damage or potential pollution of sensitive groundwater supplies in those locations. All structures and public utilities and facilities shall be located, elevated and constructed to minimize or eliminate flood damage and adequate drainage shall be provided so as to reduce exposure to flood hazards. In order to minimize ground and surface water pollution, the following uses are prohibited within the mapped floodplain:

Golf courses  
Storage of petroleum or chemical products  
Slaughterhouse  
Dry cleaners  
Manure storage

- b. In instances where the current Industrial District coincides with the mapped floodplain at the time this ordinance is adopted, owners and operators of businesses within the I-1 district shall take all prudent precautions and measures to store and protect petroleum

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and chemical products from exposure to and distribution by floods, or to store petroleum and chemical products outside the mapped floodplain.

### 3. Stormwater

- a. Stormwater runoff rates after development shall not exceed the rates that existed prior to the site being developed. Existing natural areas that already provide storm water erosion control shall be protected to the maximum extent practical.
- b. Erosion and stormwater control management practices shall be designed and constructed in accordance with the Stormwater Design Manual of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES), and with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations.
- c. All non-residential land disturbances of one (1) acre or larger and applicable residential developments that disturb one to five or more acres shall conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities (GP-0-10-001), or as amended or revised.
- d. The Planning Board may require the stormwater treatment to be designed through low-impact stormwater management practices. Bioretention (bioswales), dry wells, filter and buffer strips, grass swales, rain gardens, and infiltration trenches should be installed to infiltrate runoff from parking lots and other impervious surfaces to the maximum extent practical. Where vegetative solutions are not feasible, the Planning Board shall include porous surfaces to allow infiltration of stormwater to the maximum extent practical.

### 4. Utilities

- a. In all non-residential and multi-family residential developments, the Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction.
- b. Required utilities may include water, sewer, storm drainage, telephone, cable, electricity, and wiring for street lights.
- c. Propane gas supplies and three-phase power systems may be placed above the ground surface where completely fenced or screened and not located in front of the building.
- d. Reasonable provision shall be made for the extension of utilities to adjoining properties, and the granting and recording of easements as required.
- e. Fences that are not easily climbed and other safety devices shall be installed and maintained around electric and gas substations or other public utility facilities in order to make the facilities inaccessible to the general public.

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- f. The Planning Board may require as-built drawings to depict water lines, vales, fire hydrants, and other elements of a water distribution system or waste treatment system constructed to serve a project.
  - g. All roof, wall or ground mounted mechanical equipment including, but not limited to, heating and air conditioning units, exhaust fans, etc., shall be completely screened or located inside the principal building. If visible from the public street, an adjoining property, or a public parking lot, exterior utilities shall be screened by use of a fence, earth berm, or hedge of sufficient height and density. Satellite dishes shall be screened from view to the maximum extent practical.
5. Fences and Walls

No fence or wall, other than the wall of a permitted structure, shall exceed a height of 4 feet in the front yard or where corner sight distances are required for traffic safety. No fence or wall, other than the wall of a permitted structure shall exceed a height of 6 feet in the side or rear yard. Fence height restrictions do not apply in the I-1 district only when the lot does not abut a residential or commercial district and when the fence height and location do not adversely affect site distance at street or driveway intersections.

A fence may be constructed of permanent material, such as wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or other materials that are similar in durability.

6. Buffers between Farm and Non-farm Uses, and Protection of Agricultural Lands
- a. All major subdivisions and commercial developments in the Ag District shall provide for an agricultural buffer between itself and an agricultural operation that may be present. Buffers shall be established to reduce the exposure of non-farm uses to odors, noise, and other potential nuisances associated with the agricultural operation and to protect the agricultural operation from potential complaints related to same. Buffers shall also be required between new agricultural-related businesses and residential areas or uses in the Ag District.
  - b. Agricultural buffers between farms and minor subdivisions and single and two-family residences are not required provided the applicant states, in writing, that they acknowledge the potential odors, sounds and other potential nuisances associated with an adjacent agricultural operation, that they accept those nuisances, and that they choose to not provide an effective buffer against those agricultural operations and effects. This written statement shall be entered into the official file for that application with the Planning Board. Absent such a written statement, the Planning Board may require an agricultural buffer to be provided for by the non-farm applicant.
  - c. When a buffer is required, the following standards shall be met.
    - 1. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and shall be no less than fifty (50) feet in width. This buffer shall be within the prescribed setbacks, rather than in addition to the setbacks required for such district. If the setback is less than 50 feet, the buffer shall be to the extent of the setback.

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2. Buffers may be required to be larger depending upon the type of agriculture or farm use adjacent to the non-farm use, the topography and the proposed design and planting of such buffer.
  3. It shall be the responsibility of the non-farm applicant, including new agricultural-related businesses, subject to approval by the Planning Board, to provide an effective buffer that will reasonably protect adjacent non-farm areas from agricultural procedures.
- d. For all site plan, abbreviated site plan, special use permits, and subdivision approvals, land disturbance shall be identified and located in a manner to protect the maximum amount of prime and statewide important farmland soils insofar as practical as follows:
1. On the least fertile soils for agricultural uses and in a manner which permits access to active agricultural land.
  2. Within any woodland contained within the parcel, or along the far edges of open fields adjacent to any woodland, to reduce impact on agricultural operations and to enable new construction to be visually absorbed by natural landscape features.
  3. In locations least likely to block or interrupt scenic vistas as seen from public roadways.

### 7. Buffers Between Zoning Districts

Where a lot in any business district or industrial district abuts a lot in a residential or agriculture district, the business uses shall provide along each abutting side or rear lot line a wall, fence, compact evergreen hedge or a landscaped strip of trees or shrubs designed to form a visual screen not less than 6 feet in height at the time of planting. Except for the required landscape areas and parking areas, a business use which is not conducted within a completely enclosed building shall be screened by a 6 foot solid masonry wall, chain link fence covered with an evergreen vine, or compact evergreen hedge.

Where a lot in an industrial district abuts a lot in a residential district, such lot in the industrial district shall meet the requirements of Section V (L).

### 8. Flag Lot

Exception to lot frontage requirements may be granted for lots designed as "flag lots in the Ag District" provided that:

- a. In the opinion of the Planning Board, the character of the land precludes typical subdivision development, or a unique and desirable lot can be created;
- b. The purpose of creating the flag lot is not to circumvent typical subdivision with internal street development and does not negatively impact the continuing use of farmland. Flag lots are not permitted where they will increase the number of lots accessing roads in the Town of Ancram;

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- c. The proposed lot has a minimum "Lot Frontage" of twenty-five (25) feet, as measured along the right-of-way of the fronting highway throughout the entire length leading to the buildable portion of the lot and there shall be 100 feet width at the actual building line;
- d. The required setbacks can be met when measured from the point where the lot meets the required minimum lot width for that zoning district.
- e. The minimum driveway width for a flag lot is 10 feet.
- f. The flagpole portion of the lot shall not be considered in determining the area of the lot.
- g. Land subdivisions shall be restricted to minor subdivisions or where necessary in a major subdivision to eliminate direct access to roads. Subdivisions with two or more flag lots are prohibited unless the subdivision is part of a major subdivision.
- h. The flagpole portion of the flag lot shall be under the same ownership as the flag portion of the lot.

### 9. Demolition

Demolition/Reclamation. Whenever any principal structure is demolished within any hamlet district, the lot shall be graded and seeded within 15 days of demolition and all debris shall be removed and disposed of in appropriate waste facilities.

### 10. Cemeteries

No burial or memorial plats or buildings shall be located closer than 50 feet to any residential lot line, except when a dense evergreen hedge, wall or landscaped strip at least 6 feet in height is provided to completely screening the cemetery from all adjacent residential property. No cemetery structure such as, but not limited to a mausoleum or monument exceeding six feet in height may be located within 20 feet of any residential lot line.

### 11. Sanitary Disposal

No person shall undertake to construct any new building or structure in the Town without first meeting the requirements for a system, or facilities for, the separate disposal of water-borne sewage, domestic or trade wastes in accordance with applicable regulations of the Town, the Columbia County Department of Health and other governmental agencies.

### 12. Agricultural Data Statement, Disclosures, Coordination with NYS Agricultural Districts.

- a. When parcels of land are located within a certified New York State Agricultural District, or within 500 feet of the boundary of a certified New York State Agricultural District as defined in Article 25AA of the New York State Agriculture and Markets Law, the following shall apply to any residential or non-residential development:

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1. Required Disclosure. The Planning Board shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units, or place as a plat note as follows:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under article 25-AA of the Agriculture and Markets Law."

This disclosure shall be required as a note on a subdivision plat or Site Plan, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, inclusion in an offering plan or real estate listing information sheet, or letter of notification.

2. Agricultural Data Statement. All applications for a Special Use Permit, Site Plan approval, use variance, or subdivision approval requiring Planning Board or Zoning Board of Appeals review and approval for a proposal located on property within a New York State certified Agricultural District containing a farm operation, or other property with boundaries within five hundred (500) feet of a farm operation located in such agricultural district shall include an agricultural data statement. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district.
  - b. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district.
  - c. When the planning board or zoning board of appeals receives an application requiring an agricultural data statement, the agricultural data statement shall be mailed to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant. The agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and



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a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

- d. The Planning Board may request an advisory opinion from the Columbia County Farmland Protection Board, Columbia County Soil and Water District, New York State Department of Agriculture and Markets or other suitable agencies as needed with any costs borne by the applicant.
- e. Further, the Town must refer all applications that require an agricultural data statement to the County Planning Board as required by Sections 239-m and 239-n of the NYS General Municipal Law.
- f. The reviewing board shall evaluate and consider the Ag Data Statement to determine the possible impacts the proposed project may have on the functioning farm operations within the agricultural district. The board shall evaluate and determine if appropriate mitigation measures are necessary to prevent conflict with farming practices.

### 13. Corner Clearance

To minimize traffic hazards at street intersections, no obstruction shall be allowed on any corner lot between a height of two and one half feet and ten feet above the centerline elevation of adjacent pavement. Nothing shall be planted, erected or maintained within the triangle formed by the intersecting pavement lines and a straight line that meets those pavement lines 50 feet from where the pavement lines intersect (or would intersect if rounded corners are projected).

### 14. General Performance Standards. The Planning Board shall ensure during project review that a proposed development conforms to these standards:

- a. Odor, smoke, dust, and other atmospheric pollutants. The emission of odor, smoke and other particulate matter shall not be permitted in violation of any applicable federal, state, county or town law or regulation, including, but not limited to, Article 6, Part 201 of the New York State Code of Rules and Regulations. For the purpose of grading the density of smoke, the Ringlemann Smoke Chart or US Environmental Protection Agency (EPA) Method 9 or 22 shall be used to determine the total smoke emitted. The emission of one smoke unit per hour or more and smoke with discernable density of No. 2 or higher on the Ringlemann Smoke Chart shall be prohibited. The production of odors of concentrations of noxious or explosive gases shall be prohibited.
- b. Heat. No heat shall be produced that is perceptible beyond the boundaries of the lot from which the heat is emanating.
- c. Industrial wastes. All State and federal laws, rules and regulations applicable to the discharge of solid and liquid waste shall be met. No solid or liquid wastes shall be discharged into any public sewer, private sewage disposal system, stream, or on or into the ground, except in strict accordance with the standards approved by the New York State Department of Health or other duly-empowered agency.

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- d. Fire and explosion hazards. All State and federal requirements applicable to fire and explosion hazards shall be met. The Planning Board may request an advisory opinion from the local fire department as to the department's capacity to address any potential fire and explosion hazards which may be generated by the application.
- e. Vibration and noise. No vibration shall be permitted which is capable of being felt by any person lawfully at any adjoining lot line. Noise levels shall not exceed 55 dBA, unless where noted.
- f. Light Pollution and Glare. No use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located. All exterior lighting, including security lighting, signs or other uses shall be directed away from adjoining streets and properties. No direct glare shall be permitted and all lighting fixtures shall be shielded so that the angle of illumination is directed downwards rather than out.

### B. Commercial Logging

- 1. To protect neighbors and the environment from unprofessional logging practices, a logging permit issued by the Zoning Enforcement Officer is required for any commercial logging activity that proposes harvesting more than 50,000 board feet of timber as measured by international "1/4" log rule in any successive twelve months. Landowners who are cutting less than 50,000 board feet of timber for their own use or for sale shall be exempt from this section.
- 2. All commercial timber harvesting shall comply with the most current Timber Harvesting Guidelines for New York and Best Management Practices, as promulgated by the New York State Department of Environmental Conservation (DEC) and available from the Town's Building Inspector.
- 3. All commercial timber harvesting shall take place between the hours of 6 AM and 8 PM on Monday through Saturday and shall not take place on any Sunday. No commercial timber harvesting operations or removal of products shall take place between the hours of 8:00 p.m. and 6:00 a.m.
- 4. Prior to issuance of a logging permit, the applicant shall provide to the Zoning Enforcement Officer a map clearly identifying the area to be logged. This map shall identify the areas to be logged, access points, the name of the road to which it is accessing, locations of logging roads and all loading areas, and all stream crossings. The applicant shall also submit a logging permit application, provided by the Zoning Enforcement Officer, which shall describe the methods to be used to maintain water quality of streams and wetlands, prevent erosion on landings, logging trails, skid trails, and steep slopes, maintain the aesthetic character of the roadside, and comply with New York State Fire Laws as per the DEC Timber Harvesting Guidelines. Plans prepared by a consulting forester, a DEC forester, or one to meet the requirements of the New York State 480-a program will be acceptable to meet the informational needs requirements of this sub-section.

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5. The Zoning Enforcement Officer may seek advice from the Columbia County Soil and Water Conservation District in relation to logging road layout and stream disturbances.
6. The Zoning Enforcement Officer shall have the authority to order the suspension of logging operations if, in his opinion, conditions created by spring thaw, adverse weather or any other cause make soil erosion probable.
7. The Town Highway Superintendent shall have the authority to:
  - a. Order the suspension of logging operations if it is determined that conditions created by the spring thaw, adverse weather or other cause may likely damage a public road.
  - b. Restrict the weight of logging trucks in accordance with the capabilities or condition of roads, bridges and culverts.
  - c. Require the repair of roads, bridges and culverts damaged as a result of a logging operation.
8. The term of this permit shall be for one term consisting of twelve consecutive months. However, since the operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, a one-year extension may be granted by the Zoning Enforcement Officer. Any additional extensions shall require application to the Planning Board.
9. Any logging operation in existence at the time of the enactment of this chapter may continue without interruption, provided that application for a logging permit is made within thirty (30) days of enactment of this ordinance.

### C. Off-Street Parking, Loading, and Access

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered as follows:

1. Off-Street Automobile Parking Spaces: The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings or structures, or added by alteration of building or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures. Since uses vary widely in their need for off-street parking, the parking requirements shall be based on the specific operational characteristics of the proposed use at the time of site plan and/or special use permitting by the Planning Board. The Planning Board, in its sole discretion, shall determine the parking requirements for any proposed use. When making that decision, the Planning Board shall consider:
  - a. Parking spaces should be sufficient to satisfy 85% of the anticipated peak demand or maximum capacity of an establishment. In most instances, requiring spaces beyond the 85% peak demand is likely to result in parking lots that are larger than necessary.
  - b. The size of the structure and the site.

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- c. The environmental, scenic or historic sensitivity of the site. In order to protect these resources, the Planning Board may allow a reduction in the size of the parking lot.
  - d. The Planning Board may refer to generally accepted traffic engineering and planning manuals. However, such standards should be used as a guide only.
2. Parking Lot Guidelines: In addition to the general considerations for determining parking lot requirements, the Planning Board shall use the following guidelines for determining the amount of requisite parking:

a. Office, Business, and Commercial Uses:

For retail business or service, bank, or post office, one space for each 100 square feet of customer floor area.

For office, including professional, personal service, public utility, one space for each 200 sq. ft. of gross office floor area or 1 space for every employee.

For restaurant, bar, or nightclub, one space for each 50 sq. ft. of customer floor area. Parking spaces should be sufficient to satisfy 85% of the anticipated peak demand or maximum capacity of the establishment.

For funeral home, one space for each five seats of chapel or chapels capacity.

For any commercial use, one space for each company vehicle in addition to other required spaces.

For bed and breakfast, hotel, inn, lodge and motel, one space for each bedroom, plus one space for each four employees.

Spaces in municipal parking lots, designed to serve non-governmental uses where provided, may be credited toward the parking requirements for these non-residential uses, provided that:

- (a) these spaces are within 400 feet of the uses to be served;
- (b) the parking needs of existing facilities (within 400 feet and computed on the same basis as for new facilities) are satisfied first and only excess capacity is used for this purposes; and
- (c) a special permit for such use is obtained from the Planning Board.

b. Industrial Uses:

One space for each 400 square feet of floor area devoted to manufacture, including printing, publishing, wholesale, business and laundry or dry cleaning plants.

One space for each 2, 000 sq. ft. of floor area devoted to storage.

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One space for each 3, 000 sq. ft. of area devoted to outside storage including equipment rental or sales yards.

For any industrial use, one space for each company vehicle in addition to other required spaces.

### c. Public and Semi-Public Uses:

For places of public assembly (including churches, theaters, concert halls) one space for each three seats of seating capacity. Parking spaces should be sufficient to satisfy 85% of the anticipated peak demand or maximum capacity of the establishment.

For elementary school or day nursery, two spaces for each classroom or the above auditorium requirement whichever is greater.

For high school or college, five spaces for each class-room or the above auditorium requirement whichever is greater.

For museum, art gallery, institution, or philanthropic use, one space for each 800 sq. ft. of gross floor area.

For hospital, sanitarium, nursing or convalescent home, one space for each two beds plus one space for every two employees.

For club, one space for each 200 sq. ft. of gross floor area or one space for four seats of seating capacity whichever is greater. Parking spaces should be sufficient to satisfy 85% of the anticipated peak demand or maximum capacity of the establishment.

### d. Recreational Uses:

For golf course, bowling alley, four spaces for each tee, or alley.

For skating rinks, one parking space for each 250 sq. ft. of area available for skating.

### e. Residential Uses:

For one or two family dwelling - 3 spaces per dwelling unit. For multi-family dwellings - 2 spaces per dwelling unit plus 1 guest parking space for every 2 units. A driveway within a front yard for a single-family or two-family residence may count toward meeting the requisite number of parking spaces.

Customary home occupation or professional office in a dwelling unit, one space for each 150 sq. ft. devoted to such customary home occupation or professional office plus one space for each non-resident employee, plus the required spaces per dwelling unit.

Boarding house, one space for each bedroom.

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- f. For uses not listed herein, the Planning Board shall determine the parking requirements based on the general considerations Section V (C). In such instances, the applicant shall provide adequate information by which the proposal can be reviewed including, but not limited to type of use, number of employees, building size, hours of operation, and parking spaces for visitors.
3. Calculation of required spaces: In the case of a combination of uses, the total requirements of off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. When-ever a major fraction of a space is required, a full space shall be provided.
  4. Dimensions for Off-Street Automobile Parking Space: Such space provided shall be at least nine feet wide and 19 feet long and every space shall have direct and usable drive-way access to a street or alley with minimum maneuver area between spaces as follows:
    - a. Parallel Curb Parking: Twelve-foot aisle width for one-directional flow and 24 foot aisle width for two-directional flow.
    - b. 30° Parking: 12-foot width for one-directional flow and 19 foot aisle width for two-directional flow.
    - c. 45° Parking: 12-foot aisle width for one-directional flow and 19-foot aisle width for two directional flow.
    - d. 60° Parking: 16-foot aisle width for one-directional flow and 20-foot aisle width for two-directional flow.
    - e. Perpendicular Parking: 24-foot aisle width for one-direction and two direction flow.
  5. Location of Required Spaces: In any residential district, no open or enclosed parking area shall encroach on any required front yard. For commercial uses, parking lots shall be on the side or in the rear of the building. If front parking is the only feasible location for parking due to lot configuration, such parking shall be landscaped or screened. Open parking areas may encroach on a required side or rear yard to within three feet of a property line. In business districts or industrial districts, such spaces shall be provided on the same lot, or not more than 400 feet from that lot. Any parking lot for any use in any district shall be setback 100 feet from any wetland and water body.

No entrance and exit drives connecting the parking area and the street shall be permitted within twenty-five feet of the intersection of two public rights-of-way.
  6. Set-aside for Future Parking in Phased Projects. For projects consisting of more than one phase, or for those anticipating significant growth, the Planning Board may require that an applicant set aside additional land to meet potential future parking needs. Such land may remain in its natural state or be landscaped, but may not be used in a manner that would prevent it from being used for parking in the future.

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7. Cross-Access and Shared Parking. In cases where two or more commercial developments are adjacent, the Planning Board may require cross-access easements between adjacent parking lots to provide for interconnected parking lots and to facilitate traffic and control access on the main road. Shared parking facilities are encouraged.
8. Required Off-Street Truck Loading Areas: For funeral homes, one berth for each chapel.  
  
For bed and breakfast, hotel, inn, lodge, and motel, one berth for floor area in excess of 10,000 sq. ft.  
  
For office, business, and commercial uses, one berth for 10, 000 sq. ft. to 25, 000 sq. ft. of floor area and one additional berth for each additional 25, 000 sq. ft. of floor area, unless it can be proven that truck deliveries shall not exceed one vehicle per day.  
  
For manufacturing and permitted industrial uses, one berth for the first 10, 000 sq. ft. of floor area and one additional berth for each additional 40, 000 sq. ft. of floor area.  
  
For other permitted non-residential uses, one berth for 10, 000 sq. ft. to 25, 000 sq. ft. of floor area, and one additional berth for each additional 25, 000 sq. ft. of floor area, unless it can be proven that truck deliveries shall not exceed one vehicle per day.
9. Dimensions for Off-Street Loading Berths: Each required loading berth (open or enclosed) shall have the following minimum dimensions: 35 feet long, 12 feet wide, and 14 feet high, except that berths for funeral homes may be 20 feet long, 10 feet wide and 8 feet high.
10. Location of Required Berths: All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any required front or side yard, access way or off-street parking area, except that in Business Districts off-street parking areas where they exist may be used for loading or unloading, provided that such spaces shall not be so used for more than three hours during the daily period that the establishment is open for business.
11. Construction of Parking Areas: Required parking areas for more than 5 cars accessory to commercial, industrial or multi-family uses shall be paved with either an impermeable surface such as asphalt or concrete, or a permeable surface such as crushed gravel. The Planning Board may require individual spaces to be visibly marked with paint or other durable material. Parking areas to be used at night shall be lighted.
12. Landscaping: At least fifteen percent of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened by a six-foot high solid masonry wall, or compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen from the adjoining property. All parking areas and landscaping shall be properly maintained thereafter in a sightly and well kept condition.
13. Lighting in parking lots. Lighting in parking lots shall adhere to standards in Section V (C). Lighting shall be arranged so that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic by way of

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glare. All lights shall be shaded or so directed so as not to cause glare on adjoining residential properties and shall be so directed so as not to cause a traffic hazard due to glare or color.

14. Handicapped Parking. Adequate parking for handicapped persons shall be provided in accordance with applicable laws and designed in accordance with all State and Federal ADA regulations (ICC/ANSI A117.1).

15. Parking Lot Design.

- a. No more than two curb cuts shall be created for access into a parking lot.
- b. Landscaping shall be integrated into parking areas to visually break up large expanses of paving and to provide shade. All off-street parking areas shall have a minimum landscape area equal to 15% of the paved parking area. Landscaping shall be placed at parking entryways, and at parking end islands, and shall help define vehicular access and pedestrian movement. One deciduous tree per six parking spaces is required. For parking lots greater than thirty cars, planting islands nine feet wide by 18 feet deep, constructed with sub-surface drainage and compaction resistant soil will be required to be placed in the interior of the parking area.
- c. Curbing may be required to assure proper drainage, delineate the parking area and driveway access.
- d. Stacking lanes may be required to avoid stacking of vehicles into the public right-of-way.
- e. The Planning Board may also require bicycle parking spaces at the rate of one per 20 parking spaces.
- f. Parking lots are encouraged to be designed with pervious pavement. Low impact stormwater methods such as bioswales and rain gardens shall be required to control runoff.

### D. Signs

The following signs are exempt from the requirements of this ordinance and shall require no permit or approval by the Planning Board:

1. Exempt Signs in all Districts. The following signs are exempt from the requirements of this Ordinance:
  - a. Sale or rental signs (maximum 6 square feet per side)
  - b. Signs denoting the architect, engineer or contractor where construction or repair is in progress (maximum 6 square feet per side)
  - c. Professional and trade name plates (maximum 6 square feet per side)



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- d. Signs which mark property boundaries, trespassing signs, or warning of hazards (maximum 1 ½ square feet per side)
  - e. Signs giving the name of residents or a dwelling and its address (maximum 4 square feet per side)
  - f. Temporary signs such as for garage sales, non-recurring events, fund drives, or events undertaken by a political, religious, charitable or educational organization placed for no more than 60 days (maximum 20 square feet per side)
  - g. A bulletin board or similar sign connected with a church, museum, library, school, public structures, one per premise (maximum 24 square feet per side) provided they are located on the premises
  - h. Sign identifying the name of a farm, and on-premise signs used in conjunction with sale of farm products (maximum 24 square feet per side)
  - i. Interior signs
  - j. Flags and flags depicting the 'open' or 'closed' status of a business.
  - k. Memorial signs, historical markers or tablets, names of buildings, and dates of erection when cut into any necessary surface or when constructed of bronze, stainless steel, or similar material, not exceeding 6 sq. ft. in area per side.
  - l. Traffic or other municipal signs, legal notices, and such temporary, emergency, or non-advertising signs as may be authorized by the Town Board.
2. Signs in Agriculture, R-2, RhoR1, and CarsRd Districts: No sign or other device for advertising purposes of any kind may be erected or established in any Agriculture or Residential District except issued pursuant to this Ordinance as follows:
- a. One freestanding sign, and one building mounted sign are allowed per each permitted non-residential use. The Planning Board may require that a freestanding sign be placed within a landscaped base.
  - b. Freestanding signs may have an aggregate total face area of not more than 24 sq. ft., with no more than two sides, and shall not exceed 12 feet in height. Signs shall be no nearer than 10 feet to any property line or road, whichever requires the greater set back.
  - c. Building mounted signs may not project beyond the principal building of such use to which they are attached more than 12 inches.
  - d. Dwellings for five or more families may display signs identifying the premises, having an aggregate total face of not more than 12 sq. ft. , and not projecting beyond the principal building on the lot more than 12 inches.
3. Signs in Hamlet B/R Districts:

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- a. One freestanding sign, and one building mounted sign are allowed per each permitted non-residential use.
  - b. The Planning Board may require that a freestanding sign be placed within a landscaped base. The face area of a freestanding sign shall not exceed 24 square feet.
  - c. A principal building with more than one tenant is permitted a multi-business director sign that is no larger than 24 square feet as the freestanding sign for the premises. Each individual business in the multi-business building will be allowed one sign to mark their individual entrance that is no larger than four square feet.
  - d. For building mounted signs, one sign shall be allowed with the total surface display area not exceeding one square foot per lineal foot of principal frontage of the lot, but not to exceed 50 sq. ft. in area
  - e. The top of ground mounted signs shall not extend more than 8 feet above the ground level.
  - f. Where a corner lot faces two principal streets, only one such frontage shall be considered the "principal frontage for sign placement." In the case of a corner lot such square foot sign area may be increased by an additional 0.5 sq. ft. lineal foot of frontage of the lot on the secondary street but not to exceed 25 sq ft. Such signs in general business districts shall not project more than 12 inches beyond the principal building on the lot.
  - g. A new business, or a business in a new location, awaiting installation of a permanent sign, may use a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever occurs first. Such portable sign must meet all the requirements of this Ordinance.
4. In Industrial District (I-1): One freestanding sign having an aggregate total face area of not more than 36 sq. ft. may be displayed, provided that such signs shall be located no nearer than 10 feet to any property line and provided the top of such signs shall not extend more than 15 feet above ground level. Necessary traffic directional signs shall be permitted.
  5. Representational Signs: No representational sign shall be permitted in any district.
  6. Advertising Signs: All off-premise signs advertising a product are prohibited. All billboards are prohibited. Hereafter, *notwithstanding* any other provisions of this ordinance, signs not pertaining to the use, sale, rent, or lease of property on the same lot, and signs not representing construction or subdivision activity as allowed by this ordinance, are not permitted in any district, except for the following:
    - a. Signs for the purpose of directing persons to a business or establishment may be erected in any district, providing such signs shall not exceed 4 sq. ft. in area per establishment. Such sign shall conform with applicable regulations of the district in

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which they are located, shall be grouped on community poles and shall be approved by the Town Planning Board.

7. Projecting Signs: No sign may project into any public right-of-way.
8. Subdivision Signs: Any person offering lots for sale in a subdivision may erect non-illuminated, directional signs within the limits of the subdivision, or adjoining property in the same ownership, having an aggregate total face area of not more than 50 square feet. The permit for such signs shall be issued for a period of one year, each following a determination by the Building Inspector that the signs have been repainted or are in good condition in each case.
9. Roof Signs: No sign shall be placed on the roof of any building or above the roof line of any building. However, signs placed on a porch roof or other subordinate roof of a building shall be allowed provided the sign does not project above the highest roof line of the building.
10. Neon-type lighted signs and portable signs mounted on wheels are not allowed. Non-flashing, neon signs are allowed only in windows, provided they are inside the building.
11. Illuminated Signs: Illumination of signs shall not be of intermittent or varying intensity or produce direct glare beyond the limit, of the side property line. Red, green, and amber lights of such shape and hue that may be confused with official traffic lights and signals shall be prohibited. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. No revolving or neon signs shall be allowed. No illuminated sign shall be placed or directed to cause beams of light to be cast on any public highway, sidewalk, or adjacent premises or to cause glare or reflection that will be a traffic hazard or nuisance. The Planning Board may require an illuminated sign to be turned off two hours after the close of business.
12. Banners: No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. These devices, as well as year-round use of strings of lights, shall not be used for, or in conjunction with, advertising when not part of a sign.
13. Window Signs : No signs erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 25% of the area of said window.
14. Posters: Temporary, non-permanent posters, covering such things as political events, sporting events, shows, and elections, shall not be displayed until 4 weeks prior to the event and must be removed within 5 days after the event. No such sign shall be attached to a tree or utility pole.
15. All applications for permits for erection or alteration of signs accessory to non residential uses in residential districts, multi-family residences, business uses, industrial uses, advertising signs on a community pole and subdivision signs shall be referred to the Planning Board by the Building Inspector/Zoning Enforcement Officer before a permit is issued.

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### 16. Procedures and Sign Permits.

- a. No sign shall be erected without a permit from the Planning Board, except those listed in sub-section (D)1 above.
- b. An applicant may seek sign permit approval in conjunction with a special use or site plan application and no separate sign application shall be required. If no site plan or special use permit approval is required, signs shall be permitted and approved by the Planning Board prior to issuance of building permits.
- c. Upon approval of an application for a sign permit, the Zoning Enforcement Officer shall issue a sign permit.
- d. Information to be submitted to the Planning Board shall include a scale drawing of the sign, dimensions, content, materials, and method of illumination, method of structural support, colors, location on the land, and name of sign owner responsible for maintenance of the sign. The Planning Board will accept a hand-drawn illustration of the sign to convey the above information.

17. All signs must be kept clean, neatly painted and free from all hazards, such as but not limited to, faulty wiring, loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety. Any sign not in use shall be removed within six months after cessation of business.

18. Violations. In the event of violation of any of the foregoing provisions the building inspector shall give written or personal notice, specifying the violation to the owner of the sign and the owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within 30 days from the date of said notice. In the event such sign shall not be so conformed within 30 days, the building inspector shall thereupon revoke the permit, and such sign shall be removed by the owner of the sign (and/or) the owner of the land.

19. If the building inspector shall find that any sign regulated by this Ordinance is unsafe or insecure, or is a menace to the public, he shall give written notice to the named owner of the land upon which the sign is erected, who shall remove or repair the said sign within 30 days from the date of said notice. If the said sign is not removed or repaired, the building inspector shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The building inspector may cause any sign which is a source of immediate peril to persons or property to be removed summarily and with-out notice.

### E. Lighting

1. No use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located.
2. All exterior lighting, including security lighting, signs or other uses shall be directed away from adjoining streets and properties.

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3. No direct glare shall be permitted and all lighting fixtures shall be fully shielded so that the angle of illumination is directed downwards rather than out with the exception of incandescent lamps equal to or less than 1650 watts, or glass filed tubes filled such as neon or argon.
4. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a 4:1 ratio.
5. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.
6. The maximum height of the luminaire shall not exceed 18 feet.
7. The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.
8. The Planning Board may require all exterior lights to be extinguished 30 minutes after the close of business, or after 11:00 PM unless the use is open 24 hours per day. Emergency lighting and pedestrian security lighting may be allowed to remain on after the close of business.
9. The unshielded outdoor illumination of any landscaping, signing, or other accessory purpose is prohibited, except with incandescent fixtures of 150 watts or less, or low-pressure sodium fixtures.
10. Any light source may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show arenas, provided that all of the following conditions are met:
  - a. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, in order to minimize up light, spill light, and glare; and
  - b. All events shall be scheduled in order to complete all activity before or as near to 10:30 PM as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 PM except to conclude a scheduled event that was in progress before 11:00 PM and circumstances prevented concluding before 11:00 PM.

### F. Landscaping

1. Landscaping shall be required for all new commercial uses in all districts and shall include at least the following measures:
  - a. Planting areas shall consist of permeable surface areas only.
  - b. Trees, when required, shall be planted 15 feet to 40 feet on center and at least 30 inches from the edge of any paved surface.

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- c. Required plants shall be maintained in a healthy condition at all times. Any plant that dies shall be replaced with another living plant that is comparable to the existing plant specified in the approved landscape plan within 90 days.
- d. Trees shall measure a minimum of 1-1/2 inch caliper when measured 6 inches above grade. Shrubs shall reach a mature height within five growing seasons.
- e. Landscaped berms, when required by the Planning Board, shall have a slope not greater than the slope created in 3 horizontal feet with a 1-foot vertical rise. The surface of the berm that is not planted with trees and shrubs shall be covered with grass, perennial ground cover, vines, and woody and herbaceous materials.
- f. All off-street loading spaces, refuse and outdoor storage areas, mechanical equipment and the bases of antennas and satellite dishes located within the street yard shall be screened from public streets. The screening shall be of a height sufficient to obscure the area or equipment requiring screening. The screening may be provided by plants, a solid screen fence or wall, or a combination.
- g. Proposed developments that require a site plan or special use permit shall provide landscaping along or within any street providing access to the use.
- h. Plants, shrubs, and trees used in landscaping shall be native to the Northeastern United States to the maximum extent practical.

### G. Manufactured Home Parks

- 1. Establishment of a Manufactured Home Park. The Town Board may, after Planning Board review, and public notice and hearing, approve establishment of a Manufactured Home Park pursuant to this sub-section.
- 2. The following process shall be followed to review and permit a Manufactured Home Park (MHP):
  - a. Informal Meeting with Town Board. Prior to submission of an application, the Applicant shall schedule one or more preliminary meetings with the Town Board to discuss its proposal to determine if the Town Board is willing to commence the MHP review and decision process. The Town Board, in its sole discretion, may decide at any time not to discuss the proposal with the Applicant, nor to accept, process, and review any proposal or application.
  - b. Town Board Petition. The applicant shall petition the Town Board for approval to approve a MHP. Five copies of this petition, along with any fee as may be established by the Town Board shall be submitted to the Town Board and shall include the following information:
    - 1. A site plan that contains the following information:

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- a. A boundary survey of the land to be designated as a Manufactured Home Park at a scale no smaller than 1" = 50 feet, and prepared by a New York State Licensed Land Surveyor;
- b. Existing topography with 2' contours to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features;
- c. Existing land uses within five hundred (500) feet of the area to be rezoned;
- d. Names of all property owners located within five hundred (500) feet of the boundary of the property to be rezoned, as listed on the Town Assessor's records;
- e. An Ag Data Statement with all adjacent agricultural land uses identified;
- f. Limits of wetlands, watercourses and floodplains;
- g. Identification of any known natural and/or cultural resources (e.g., stone walls, foundations, archeological sites, significant natural features including, but not limited to, streams, wetlands, steep slopes, floodplains, critical habitats, heritage trees, etc) on the site.
- h. Location and size of all proposed buildings and structures, including signs, and locations of proposed home site pads.
- i. General proposed water supply facilities, documentation on availability of water supplies (such as well data from existing wells on or near the site) and proposed sewage disposal facilities, including test pit data and suitability for on-site disposal, if required.
- j. Description of stormwater drainage improvements.
- k. General locations of utilities to serve the area;
- l. Identification of anticipated traffic to be generated by the MHP;
- m. Proposed parking plans, and public and private streets proposed by the applicant;
- n. Existing and proposed pedestrian facilities;
- o. Public and private open spaces, both improved and natural, and the square footage or acreage thereof;
- p. General landscaping plans, including existing vegetation to be preserved and general location of landscape buffers, if any.
- q. Proposed project phasing of components, including phasing of public improvements and provisions to address construction traffic;

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2. The applicant shall certify that he/she understands and accepts that the Town Board, in its sole discretion, may reject the application at any time during the review process for no reason and that he/she willingly and voluntarily makes the application and incurs any expenses thereof with full knowledge of this Town Board prerogative.
- c. SEQRA. If the Town Board agrees to proceed with the MHP review process, the Town Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. The MHP application shall not be deemed complete until such time as the Town Board issues a negative SEQRA determination or a Draft Environmental Impact Statement is accepted as complete for purposes of commencing public review.
  - d. Planning Board Opinion. If the Town Board agrees to proceed with the MHP review process, the Town Board shall refer the MHP petition and all accompanying application information to the Planning Board for written report and recommendation. The Planning Board may request such additional documentation and information from the Applicant as it deems necessary to prepare its report and recommendation to the Town Board. The report and recommendation of the Planning Board shall include a recommendation as to whether the MHP application should be granted, denied or granted with conditions. The Planning Board shall make its report within 62 days of the issuance of a negative declaration pursuant to Part 617 of the NYS ECL by the Town Board, or within 62 days following completion and acceptance of the DEIS by the Town Board, whichever is later. This timeframe may be extended upon request and mutual consent among the Planning Board, Town Board and applicant.
  - e. Public Hearing
    1. If the Town Board agrees to proceed with the MHP review process, the Town Board shall conduct a public hearing on any application for a MHP. The Town Board shall give public notice of the hearing in a newspaper of general circulation in the town at least ten (10) days prior to the date of the hearing.
    2. In addition, the Town Board shall provide notice of such hearing by mail to all property owners within five hundred (500) feet of the parcel for which a Zone change is requested. Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Town Board or its agent. The applicant shall provide a copy of the list of property owners within five hundred (500) feet including names of all the property owners, street address per the Assessor's map and Assessor's map(s) and parcel number(s) for each property. Such list shall be provided at the time of application submission.
  - f. Referrals



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1. At least ten days before any public hearing, the Town board shall refer the application thereof to the Columbia County Planning Board as required by Section 239-m of the General Municipal Law.
2. The Town Board shall refer the application thereof to the Town of Ancram Conservation Advisory Council for an advisory opinion on any environmental issues related to any application being considered for MHP approval. Any CAC advisory opinion must be submitted to the Town Board prior to any SEQRA declaration by the Town Board.

### g. Approval

1. The Town Board, in its sole discretion, may reject any request for a MHP at any time during the petition review process. The Town Board, within 62 days of the close of the public hearing and upon completion of the SEQRA findings, shall make its decision to approve, disapprove, or approve with conditions, the MHP. The Town Board may attach any conditions required to ensure that the MHP is consistent with the Comprehensive Plan and the intent of the zoning ordinance. If the Town Board disapproves the MHP zoning change, the Town Board shall make a written statement that sets forth the reasons for the Board's decision not to approve the application. Upon disapproval of the MHP zoning change, the Town Board shall, within five (5) business days, file the statement with the Town Clerk and mail a copy thereof to the applicant by certified mail, along with a letter stating the Town Board's reasons for disapproval.

If the Town Board determines to approve or approve with conditions the MHP request, the Town Board shall, in writing:

- a. State the criteria used for decision making set forth in sub-section 7 of this sub-section and state its finding as to what extent the proposed MHP meets these criteria and to what extent it benefits the Town of Ancram.
  - b. Establish such other conditions and requirements which the Applicant must adhere to in the development of the MHP.
- h. Site Plan and Special Use Review and Approval by the Planning Board. The approval of the petition as a MHP by the Town Board does not create any vested rights in the applicant or property owner. The applicant shall be required upon approval of the MHP zoning to make a complete application to the Planning Board for site plan approval pursuant to Section XIII. The Planning Board may utilize all information submitted to the Town Board by the applicant in preparation for site plan applications. The Planning Board may, at its own discretion, require such additional information as needed for conducting the site plan review.
  - i. Expiration of MHP Approval. The applicant shall submit an application for site plan, within 1 year of the date of approval by the Town Board. If this application is not made within one (1) year of the date the MHP zoning is granted, the MHP shall become null and void. Prior to said one year (1) period, the applicant may request from the Town Board an extension of time for the submission of a plan and reasons

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for such extension. The Town Board, in its discretion, may approve or deny the extension.

All components of the MHP shall be completed no later than five (5) years after final approval of the MHP, provided that the Town Board may grant extensions of time where the developer demonstrates that it is making a good faith effort to complete the development and there are no outstanding violations of this zoning ordinance with respect to the MHP. Any failure to meet these deadlines shall result in the expiration of the MHP which shall become null and void.

If the MHP becomes null and void, the Town Board shall notify the owners, and place notice of such change in the official newspaper of the Town.

- j. Changes. Any significant changes to building location, sizes, type, configuration, site plan, or changes which the Planning Board deems may have the potential to have a significant impact or represents a significant deviation from the plans upon which the MHP is based, shall be referred back to the Town Board for its review and consideration. The Town Board shall determine whether any changes require amendments to the MHP plan.
3. A Manufactured Home Park may be established only in the Ag district.
  4. Impact to Surrounding Properties: The Manufactured Home Park shall not be detrimental to present and potential surrounding uses.
  5. Existing and proposed streets within the Manufactured Home Park shall be suitable and adequate to carry anticipated traffic within the proposed development and in the vicinity of the proposed MHP.
  6. Existing and proposed utility services shall be adequate for the proposed development and such utility services shall be placed underground. Each individual manufactured home unit shall be served by central water supply facilities and wastewater treatment facilities as approved by the New York State Department of Health Department.
    - a. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all manufactured home lots and buildings within the manufactured home park.
    - b. Each manufactured home lot shall be connected to an on-site sewer plant, which shall connect to the manufactured home situated on the lot to receive the waste from shower, tub, flush toilets, lavatory and kitchen sink in the home. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors and the creation of breeding places for insects and secure from tampering or opening.
    - c. Plumbing connections to each manufactured home shall comply with all regulations of the New York State Plumbing Code;
    - d. Weatherproof electrical service connections and outlets shall be of a type approved by the New York State Board of Fire Underwriters;

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- e. At least one (1) public telephone for emergency purposes or access to the office telephone shall be required.

7. Manufactured Home Park standards.

a. Site Development.

- 1. Site Size. Manufactured Home Parks shall be located on a minimum of ten (10) acres and a maximum of twenty (20) acres;
- 2. Grading. The site shall be properly graded to ensure proper drainage so that no portion of the site is subject to flooding or erosion;
- 3. The site shall have a minimum of fifty (50) feet of frontage on the highway providing primary access to the site.
- 4. No manufactured home, manufactured home accessory building, Manufactured Home Park office or service building shall be located within fifty (50) feet from any property line encompassing the site unless otherwise determined by the Planning Board that a lesser distance would be sufficient due to topography, existing on-site screening or other circumstance to ensure adequate screening and buffering of adjacent properties.
- 5. The land lying wholly within the perimeter boundaries of any proposed Manufactured Home Park shall be held in single ownership and shall consist of separately dimensioned, individual lots, collectively held in single ownership and used entirely for rental purposes only.

b. Density/Lot Standards.

- 1. Lot Density/Lot Setbacks. Each Manufactured Home Park shall be designed to accommodate separately identified manufactured home lots as follows:

**Minimum Lot Area**

Single wide unit.....	7260 square feet (sf)
Double wide unit.....	9700 sf
Maximum # Units/Gross Acre.....	4 on Columbia County and NYS Highways
Maximum# Units/Gross Acre.....	2 on Town of Ancram roads
Minimum Setback from Public Highway Right-of-Way Line.....	100 feet (ft)
Minimum Setback from Non-Dedicated Street Centerline.....	75 ft
Minimum Unit Separation.....	50 ft
Minimum Manufactured Home Lot Width.....	70 ft

- c. Required Manufactured Home Park Caretaker. Each Manufactured Home Park Licensee shall have a duly authorized attendant or caretaker on-site at all times who shall keep the Manufactured Home Park, its facilities and its equipment clean, orderly, and in a sanitary condition at all times.

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- d. Any single-wide unit proposed for expansion shall have a minimum lot area equal to that of a double-wide unit as specified in this Zoning Ordinance.
8. Open Space/Landscape Plantings. All areas of the site except wetland buffers, stream corridors, steep slopes, or other natural undisturbed areas not occupied by buildings, units, parking areas, driveways or walkways shall be maintained as lawn area with landscape plantings of trees and shrubs, or as natural areas as follows:
  - a. All margins along the front, side and rear property lines of the Manufactured Home Park site shall be planted with evergreen or deciduous trees in a mass planting or hedgerow, for the purpose of visual screening and noise abatement. Such plantings shall be provided to the extent needed in order to provide for the screening of objectionable views, adequate shade, and suitable settings for the manufactured home and other facilities as approved by the Town of Ancram;
  - b. The design of individual sites shall take into consideration the natural growth presently on the site and the nature and condition of the terrain as well as the relationship of the site itself with respect to adjoining lands. Screening and/or landscape plantings for such individual sites shall be provided as deemed necessary by the Town of Ancram Planning Board.
9. Required Storage Space. Storage space for the use of manufactured home park residents shall be provided within a fully enclosed building in an amount equal to at least eighty (80) cubic feet for each manufactured home lot in the Park.
10. Required Recreation Area. A recreation area shall be incorporated into the design of the Manufactured Home Park to be a minimum of five hundred (500) square feet per manufactured home unit with appropriate facilities to satisfy the needs of the Park residents.
11. Recreation Areas. The Town of Ancram Planning Board shall also have the authority to require certain recreation or community service facilities at the location of any proposed Manufactured Home Park. These include, but are not limited to, laundry facilities, public telephone, recreational facilities, parks, open spaces, playgrounds, meeting room and rest rooms. The Planning Board may find that due to size, topography or location of the Manufactured Home Park, land for parks, open spaces, playground or other recreational purposes cannot be properly located on the property. In that case, prior to approval and filing of the proposed plan, the Planning Board shall require that a payment in an amount to be determined by the Planning Board shall be made per manufactured home lot within the proposed Park by the applicant to the Town of Ancram and added to Town recreation funds pursuant to Section 277 of the New York State Town Law. Such amount shall be paid to the Town of Ancram at the time that final approval of the plan is made and no such plan shall be finally approved nor filed until such payment has been made.
12. Snow Removal. The Owner of the Manufactured Home Park shall be responsible for snow removal from the Manufactured Home Park to the public highway. The owner shall be required to accomplish snow removal promptly so as to ensure the safety of the residents and access for emergency vehicles.

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13. Site Lighting. Street lighting shall be provided at all entrances and exits to the Manufactured Home Park and on all internal streets, intersections, walkways and common areas. Such lighting shall provide an illumination of .6 foot candles to those areas and shall use full cut off or shielded light fixtures to reduce glare.
14. Fire Protection. The owner/operator of a Manufactured Home Park shall provide suitable and operable fire extinguishers and other fire alarm and protection devices as may be prescribed by the fire district where the Manufactured Home Park is located. There shall be clear numbering of manufactured homes within the Manufactured Home Park with a layout map provided to the fire and disaster coordinator and to ambulance and police agencies. The local fire department and ambulance service shall review and approve access plans for the Manufactured Home Park to ensure adequate safety and emergency response.

### H. Ridgeline Protection [Not adopted Feb 21, 2013 pending revisions]

1. Consistent with its Comprehensive Plan, the Town of Ancram seeks to maintain the rural, scenic character of the Town by preserving important scenic views. The purpose of this section is to protect the Town's scenic, rural character by minimizing the overall disturbance and visual impacts to ridgelines that have been designated for protection based upon their topographical prominence and scenic importance. These protective measures especially seek to ensure that any development not produce a 'notched out' area in which trees and native vegetation have been removed to the extent that the structure is silhouetted against the skyline or fails to substantially blend with the surrounding environment. These protections do not prohibit principal or accessory structures from being built on parcels containing designated ridgelines.
2. The following standards shall be met for all new residential and commercial structures, except for non-commercial wind power facilities and telecommunication towers, located on ridgelines identified as important and shown on the Town of Ancram Ridgeline Identification and Protection Map:
  - a. The top of the structure's roof shall be at least 35 feet below the protected ridgeline. Colors of such structures shall blend with the environment so as to minimize visibility of the structure as viewed from afar. In order to attain placement of the top of the structure at least 35 feet below the ridgeline, the structure may need to be setback from such ridgeline. In such case, the Planning Board shall not require any structure to be set back more than 500 feet laterally from the ridgeline.
  - b. It is not the intent of the Town of Ancram to render any lot unbuildable due to these ridgeline protection standards. If the size of a parcel or its topography does render a lot unbuildable due to these ridgeline protection standards, the Planning Board may waive the 500 foot setback and shall then establish mitigation measures to ensure that all features of the structure blend into the ridgeline to the maximum extent practical.
  - c. Each building shall follow lighting standards that determine maximum allowable lumens, and shall control the angle of lights so that all light is directed downward so that glare and light pollution do not extend beyond property boundaries.

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- d. When cutting trees during construction, view corridors shall be used, rather than clear cutting.
  - e. Road and driveways shall be constructed to minimize erosion.
3. For wind turbines and telecommunication towers, all requirements pursuant to Local Law # 5 of 2011 and Local Law # 1 of 2011 shall be met and negative impacts to the visual character on important ridgelines shall be mitigated to the maximum extent feasible.
- I. Supplemental Commercial Design Standards
1. General. These standards are in addition to all requirements of the New York State Uniform Fire Prevention and Building Code and to all design standards of Section XIII (D) (2) (O) (Site Plan). It is not the intent of this sub-section to discourage contemporary architectural expression but rather to preserve the integrity and authenticity of the zoning district and to ensure the compatibility of new structures within the existing district zoning. The standards established in this sub-section are for the purpose of promoting quality development that is attractive, convenient and compatible with surrounding. These standards are intended to be general in nature and not to restrict creativity, variety or innovation. During project development and review, attention should be given to the compatibility of adjoining developments when reviewing project proposals.
  2. Applicability. These standards apply to all commercial development required to have site plan approval pursuant to Section XIII.
  3. Context and Compatibility. These standards and guidelines establish an expectation that new development is similar in context and compatible with existing development. Context and compatibility with respected neighborhood buildings can be judged by the following major points of comparison:
    - a. Roof shapes, slopes and cornices are consistent with the prevalent types in the area.
    - b. Rhythm of building spacing along the street and overall scale are not interrupted.
    - c. Proportions for facades and window openings are in harmony with the traditional types within the district.
    - d. Materials, textures, and colors are similar, with natural and traditional building materials preferred.
    - e. Site details (porches, entrances, signs, landscaping, lighting, screened parking and mechanical systems) complement traditional examples in the area.
    - f. Design standards for agricultural businesses and other non-residential uses in the Ag zoning district are established to ensure that the character of the buildings used protects the rural character of the area. These should emphasize 'farm like' buildings, including gambrel roofs, wood siding, and a traditional appearance.
  4. Building Placement.

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- a. Buildings shall be designed so that entrance doors and windows, rather than blank walls, garages, side walls or storage areas, face the street. Blank walls for commercial applications are discouraged but may be allowed at the discretion of the Planning Board under certain circumstances such as when the structure is along an alley or when facing another blank wall.
- b. The front façade of the building shall be parallel to the main street unless traditional orientation of buildings on that street differs for the majority of buildings.

### 5. Building Scale.

- a. The scale and mass of buildings shall be reviewed by the Planning Board during Site Plan Review and determined to be compatible with that of adjacent and nearby buildings as viewed from the all exposed (public) vantage points.
- b. In order to minimize the apparent scale of buildings greater than 40' in width, facades facing the main street should be broken by periodic setbacks, façade breaks, and rooflines should include offsets and changes in pitch. Other design features such as porches or cupolas, window bays, separate entrances and entry treatments, or the use of sections that may project or be recessed may also be used.

### 6. Building Façades

- a. Exterior materials of new construction shall be compatible with those traditionally used in the Hamlet and may include wood or wood-simulated (clapboard, board and batten or shingles, vinyl, red common brick, natural stone, and man-made or processed masonry materials if they simulate brick or stone and have the texture and architectural features sufficiently similar to that of the natural material to be compatible). Primary façade materials such as stucco, sprayed-on textured surface finishes, modular metal panels, and concrete blocks are not permitted.
- b. The front facade of the principal building on any lot shall face onto a public street.
- c. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
- d. There shall be no blank walls.
- e. New buildings should relate to the surrounding context to form a unified sense of landscape in each district. Repetition of design in multiple building projects should be avoided.
- f. Formula-based architectural styles. All businesses, including commercial franchise or formula-based businesses shall meet all design standards of this Zoning Ordinance. Formula-based architectural styles including, but not limited to uniform color schemes, facades, or signage shall be allowed provided it is of a style consistent with the design standards of this sub-section. In order to protect the public health, safety and welfare of Ancram, this provision is intended to preserve the Town's unique neighborhood and community character and to contribute to the establishment of a diverse economy and revitalized hamlets as established as critical goals in the Town of Ancram Comprehensive Plan

### 7. Roof Types and Materials

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- a. All roofs shall be pitched with a minimum pitch of 5" vertical rise for each 12" horizontal run and have a roof overhang of traditional proportions on all structures. Mansard roofs are not acceptable.
- b. Peaked or slope roof dormers and cupolas are encouraged.
- c. Roofing materials of slate, metal, asphalt or fiberglass shingles or cedar shakes or composites that have the same appearance as these materials are acceptable.
- d. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements that define the front entrance to all residences are encouraged.
- e. Multiple Buildings within a development shall have a variety of different roof overhang profiles, proportioned to replicate a traditional downtown street-front rhythm.

### 8. Windows

- a. The spacing, pattern and detailing of windows and window openings shall be reviewed by the Planning Board during Site Plan Review and determined to be compatible with adjacent buildings, including historic buildings, where possible.
- b. The relationship of the width of windows to the height of windows in a building shall be visually compatible with adjacent buildings.

9. When more than one building is proposed per parcel, monotony and similarity shall be minimized through use of changes in façade planes, use of porches, varying roof orientation, roof styles and articulation, building orientation, and trim detailing.

### J. Special Use Permit and Specific Standards for Uses Allowed by Special Use Permit

**SPECIAL USE SECTION FROM PACKAGE #3 GOES HERE THEN FOLLOWED BY THE INDIVIDUAL STANDARDS OF J (10). SEE SEPARATE FILE 'INDIVIDUAL STANDARDS J(10)'**

### K. Multi-Family Dwellings

1. There shall be a minimum dimension of 800 square feet per unit.
2. All structures containing multiple family units shall have a minimum roof pitch of 6 over 12.
3. All front yards attached to multiple family structures shall have a clearly defined front yard using landscaping, fencing, hedging, or brick or stone wall. Front yards of attached townhouses may be unified into one common yard treated as a single front yard for the entire building.



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4. All multiple family units shall have the following dimensions:
  - a. The maximum impervious surface area coverage, excluding paved areas for recreational facilities, such as a basketball or tennis court or a pool, shall be fifty percent (50%).
  - b. Maximum building size and density: The maximum number of dwellings shall be no more than the residential density established for that district. The Planning Board shall ensure that any proposed density will meet all New York State Board of Health requirements for waste water treatment systems and water supplies. When multiple structures are included within a multi-family development, there shall be no more than four dwelling units per individual structure provided that density is allowed pursuant to Table 1 and 2.
  - c. Open space between buildings on the same lot: minimum 30 feet
  - d. Rear yard garage or parking shall be provided.
  - e. All front, side and rear yards shall be as required by the dimensions table.
5. All multiple family developments shall:
  - a. Consist of structure of an architectural style that emulates single-family residences in building design, entrance, and other architectural details.
  - b. Buildings should vary in appearance but share a common design style.
6. Paved off-street parking areas shall be provided as follows:
  - a. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
  - c. Parking spaces shall be required as per Section V (C).
  - d. Parking and traffic circulation should include appropriate signs and striping to direct traffic on and off-site.
  - e. Sidewalks shall be provided, as appropriate, to connect the residential units with parking areas, public streets, recreation areas, and other apartment building(s) and other existing sidewalks if present.
  - f. Parking areas and drives shall be located no closer than 25 feet to a residential building in order to provide an adequate buffer between vehicular areas and residential uses, and to accommodate sidewalks from parking areas to the building. The distance between parking areas and drives may be reduced or eliminated where the Planning Board determines that resident mobility needs demand closer placement of parking areas to the building served.
7. Buffer areas shall be used to maintain natural areas between multi-family structures. Buffer strips shall consist of trees, hedges, dense plantings, earth berms, and other changes in grade.

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8. Landscaping, lighting, and building elevation plans for each structure shall be submitted to the Planning Board for review. Landscaping and screening shall conform to the following minimum standards:
  - a. Use of existing vegetation to the greatest extent possible.
  - b. Along road frontage, a ten (10) foot wide, landscaped buffer shall be provided and designed so as not to obstruct sight distance at road access points.
  - c. Units shall be sited for maximum preservation of mature trees (trees of twelve (12) inches or more in diameter at breast height).
  - d. Clear cutting of the entire parcel is prohibited.
  - e. Lighting provided on the site to ensure safe movement of persons and vehicles and for security purposes shall conform to the following standards:
    1. All lighting shall be designed and arranged so as to prevent glare and reflection on adjacent properties.
    2. The maximum height of pole-mounted lights should not exceed eighteen (18) feet.
    3. The source of the lights shall be shielded or located such that it shall not be visible outside the boundaries of the parcel being developed.
  - f. The Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, TV cable, electricity, gas, and wiring for streetlights.
  - g. Solid waste and recycling receptacles of adequate capacity shall be provided for the maximum number of residents. Receptacles shall be screened from view by fencing or landscaping and regularly emptied to prevent odor and unsanitary conditions. The receptacle shall be designed to prevent loose litter.
  - h. Snow storage areas shall be indicated on the site plan and shall not interfere with required parking or traffic circulation.
9. One sign per entrance that identifies the development is permitted and should be compatible with the general environment of the project site. Signs shall conform to Section V(D).
10. Private roads (those not maintained by the Town of Ancram) within a multi-family development shall not exceed an average grade of eight percent (8%). No section shall exceed a grade of ten percent (10%) unless otherwise allowed by town standards. The local fire department and ambulance service shall be consulted to ensure adequate accessibility for emergency vehicles and services.

### L. Industrial District Performance Standards

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1. General standards: The following general standards are hereby adopted for the control of uses in any I-1 Industrial District.
  - a. No use shall be permitted, established, maintained, or conducted in an I-1 District which shall cause excessive smoke, fumes, gas, odor, dust, or any other atmospheric pollutant beyond the boundaries of the parcel.
    - i. Smoke is excessive when the shade or appearance of such smoke is darker than No. 2 on the Ringelman Smoke Chart, published by the U. S. Bureau of Mines.
    - ii. Unacceptable noise is that which is perceptible beyond the boundaries of the lot used for an industrial use.
  - b. There shall be no pollution by discharge of any waste material whatsoever into any watercourse, open ditch or land surface.
  - c. Proper and adequate water supply, sewerage and waste disposal, other utility services and accessibility to and from public streets must be provided.
  - d. There shall be no discharge of any waste material whatsoever into any sanitary disposal system or sewerage system, except only in accordance with Department of Health or the public body controlling such sewerage system. Any chemical or industrial waste which places undue loads, as determined by the Town, shall not be discharged into any municipal system and must be treated by the industrial use.
  - e. All storage or stocking of any waste materials shall be in a completely enclosed building.
  - f. There shall be no glare or vibration perceptible beyond the lot lines where such use is conducted.
  - g. There shall be no hazard to persons or property by reason of fire, explosion, radiation, or other cause.
  - h. There shall be no other nuisance harmful to persons or property.
2. Specific standards: The following specific standards shall be met by all uses in an I-1 Industrial district.
  - a. Storage Facilities: Materials, supplies, or semi-finished products shall be stored on the rear one-half of the property and shall be screened from any existing or proposed street.
  - b. Loading Docks: No loading docks shall be on any street frontage. Provisions for handling of all freight shall be on those sides of any building which do not face on any street or proposed street.
  - c. Landscaping: All areas of the plot not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped attractively with lawn, trees, shrubs or

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other plant material. Such landscaping shall take into consideration the natural growth presently on the premises and the nature and condition of the terrain as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises.

- d. Fences and Walls: Property that is adjacent to a residential or business district shall be provided along such property lines with a wall, fence, compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen not less than six feet high at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six-foot solid masonry wall, chain link fence covered with an evergreen vine, or compact ever-green hedge. Where a front yard adjoins a street, the wall, fence, or hedge shall be located no closer to the street than the depth of the required yard and such yard shall be landscaped and maintained.
  - e. Special consideration must be given to the traffic generated by each proposed use in an Industrial District and no undue traffic volume shall be permitted on residential streets.
3. The Planning Board upon review of the proposed development may prescribe such additional conditions as are in its opinion necessary to secure the objectives of this Ordinance.
  4. Principal vehicle access to and from the site shall be from a primary driveway. All loading shall be from the rear or side of the building and shall be completely screened from view at the street. These loading standards apply to new structures only, and existing buildings with loading docks facing the street may continue to be used, restored, or enlarged without being subject to the side or rear loading requirement of this subsection. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an "I-1" district

M. Protection of Springs and Seeps. It is the intent of the Town of Ancram to protect springs and seeps of high hydrogeological and ecological significance. Springs and seeps shall be identified and included on all applications for site plan, special use permit or subdivision permits. If a spring or seep is identified, the applicant shall provide information to the Planning Board about such identified spring or seep that further defines its characteristics and its role in the hydrology and ecology of the area. The Planning Board may establish measures to protect springs and seeps that it determines to be of high hydrogeological and ecological significance including, but not limited to setbacks precluding construction, dredging, filling or other disturbance of the spring or seep; erosion control; and sediment control. In determining the hydrogeological and ecological significance of a spring or seep, the Planning Board may, but shall not be limited to inquiring as to the size, hydrology, seasonal or permanent nature, vegetation in or dependent on it, whether such spring or seep is used as a water supply for an agricultural operation, whether it affects other properties, or other pertinent information.