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County Saratoga

Village of Stillwater

April

Local Law No. 3 of the year 2007

A Local Law entitled "Village of Stillwater Zoning Law."

Be it enacted by the Village Board of Trustees of the Village of Stillwater, County of Saratoga as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

ACKNOWLEDGEMENTS

The Village of Stillwater would like to recognize and thank the many people and organizations whose assistance has made the completion of the Zoning Law a reality.

Village Officials

Honorable Ernest W. Martin - Mayor
John Murphy - Deputy Mayor/Trustee
Raymond Walker - Trustee
John Basile- Trustee
Kenneth Baker - Trustee

Zoning Commission

Raymond Walker - Trustee
Margo Partak - Village Clerk/ Treasurer
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Consultants

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ZONING LAW

ARTICLE I: General Provisions **1**
Title. 1
Authority. 1
Purpose. 1
Legislative Intent. 1
Severability. 1
Effective Date. 1
ARTICLE II: Establishment of Zoning Districts **2**
Zoning District Titles. 2
Official Zoning Map. 2
Residential – 1 District (R-1). 2
Residential – 2 District (R-2). 2
Business District (B). 3
R-1 Overlay District. 3
Interpretation of District Boundaries. 4
District Uses and Bulk Requirements. 4
Conformity Required. 5
Exceptions. 5
ARTICLE III: Supplemental Regulations **7**
Accessory Uses and Structures. 7
Adult Uses. 7
Bed and Breakfasts. 9
Home Occupations. 9
Landscaping and Screening. 11
Nonconforming Lots, Structures and Uses. 13
Off-Street Parking. 14
Signs. 16
Vehicle Service Stations and Gasoline Stations. 19
ARTICLE IV: Performance Standards **21**
Applicability of Performance Standards. 21
Determination of Nuisance Elements. 21
Fire and Explosion Hazards. 21
Lighting and Glare. 22
Odor and Air Pollutants. 22
Vibration. 22
ARTICLE V: Site Plan Review **23**

Intent and Authorization. 23
Applicability. 23
Developments Not Requiring Site Plan Approval. 23
Review Elements and Criteria 23
Conceptual Site Plan. 24
Site Plan Requirements. 24
Submittal of Incomplete Site Plans. 26
Site Plan Approval Process. 26
Amendments to Site Plans. 26
Performance Guaranty. 27

ARTICLE VI: Special Use Permits 28

Purpose and Applicability. 28
Procedure and Application Process 28
Approval Process. 29

ARTICLE VII: Administration and Enforcement 31

Planning Board 31
Code Enforcement Officer. 31
Building Permits. 32
Violations and Penalties for Offenses. 32
Injunctive Relief 34
Misrepresentation 34
State Environmental Quality Review Act Compliance 34
Fees. 35

ARTICLE VIII: Board of Appeals 36

Powers and Duties 36
Application and Public Hearing Procedure 38

ARTICLE IX: Amendments 40

Method of Amendment. 40
Public Hearing and Notice. 40
County Referral 41
Protest. 41
Filing. 41

ARTICLE X: Definitions 42

Interpretation. 42
Definitions. 42

ARTICLE XI: Use and Area Schedules 51

Schedule of Uses and Off-Street Parking. 51
Schedule of Area, Yard and Bulk Requirements. 52

ARTICLE I: General Provisions

Title.

A. This Zoning Law shall be known as the "Village of Stillwater Zoning Law." The Village of Stillwater is hereinafter referred to as the "Village."

Authority.

A. This Zoning Law is enacted pursuant to the Village Law of the State of New York to protect and promote public health, safety, economy, aesthetics and the general welfare of the community.

Purpose.

A. The zoning regulations and districts as herein set forth have been made in accordance with the Village Comprehensive Plan for the purpose of promoting health, safety and the general welfare of the community. They have been made with reasonable consideration, among other things, as to the character of the district and its unique suitability for particular purposes. The regulations are intended to preserve the environment, support compatible new development, and conserve the value of buildings, while encouraging the most appropriate use of land throughout the Village.

Legislative Intent.

A. In interpreting and applying this Zoning Law, the requirements contained herein are declared to be the minimum standards applicable to land development as regulated herein. Further, this Zoning Law shall not be deemed to affect, in any manner whatsoever, any easements, covenants, or other agreements between parties, provided, however, that where this Zoning Law imposes a greater restriction upon the use of buildings or land, or upon the erection, construction, establishment, moving, alteration, or enlargement of buildings than are imposed by other ordinances, local laws, rules, licenses, certificates, or other authorizations, or by easements, covenants, or agreements, the provisions of this Zoning Law shall prevail.

Severability.

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

Effective Date.

A. This Local Law shall become effective twenty (20) days after it is filed as provided in section twenty-seven of the Municipal Home Rule Law.

ARTICLE II: Establishment of Zoning Districts

Zoning District Titles.

A. For the purposes of this Law, the Village of Stillwater is hereby divided into the following Zoning Districts:

Title	Symbol
Residential – 1 District	(R1)
Residential – 2 District	(R2)
Business District	(B)
Residential – 1 Overlay District	(O)

Official Zoning Map.

A. The boundaries of the land use districts are hereby established on a map entitled "Zoning Map of the Village of Stillwater," adopted by the Village Board of Trustees as part of this Law. The zoning map may be amended in the same manner as any other part of this Zoning Law. Such changes shall be noted by the Village Clerk on the official Zoning Map promptly after the amendment has been approved by the Village Board of Trustees.

Residential – 1 District (R-1).

A. District Intent. Areas designated under this district are characterized by traditional single-family residential development. As referenced in the Comprehensive Plan, the purpose of this district is to ensure that the general character of these neighborhoods is protected where possible. The intent of establishing this district is to encourage new structures to blend with the residential character of the neighborhood.

B. All uses permitted and all uses requiring a special use permit are listed in the Schedule of Uses and Off-Street Parking for the Residential-1 District located in Article XI of this Zoning Law.

C. All area requirements for the Residential-1 District are so indicated in the Schedule of Area, Yard, and Bulk Requirements located in Article XI of this Zoning Law.

Residential – 2 District (R-2).

A. District Intent: The purpose of this district is to provide for and encourage a mixture of housing types and opportunities. As referenced in the Comprehensive Plan, the district shall maintain and protect residential and neighborhood qualities while recognizing the changing housing needs of the Village residents, including preserving the traditional Village streetscape and enhancing pedestrian linkages to the surrounding neighborhoods. The character of these neighborhoods, which generally include smaller lot sizes, moderately sized homes, and interconnected street patterns shall be protected from pressures to convert residential structures into inappropriately sized nonresidential uses.

B. All uses permitted and all uses requiring a special use permit are listed in the Schedule of Uses and Off-Street Parking for the Residential-2 District located in Article XI of this Zoning Law.

C. All area requirements for the Residential-2 District are so indicated in the Schedule of Area, Yard, and Bulk Requirements located in Article XI of this Zoning Law.

Business District (B).

A. District Intent. The purpose of the Business District, as referenced in the Comprehensive Plan, is to reinforce the historic land use patterns and promote the traditional role of the Village's downtown and its extended business areas found along Hudson Ave. The district is intended to maximize economic development potential by encouraging infill, reuse and expansion of related businesses. In addition, the area shall concentrate commercial, residential, governmental and social activity through a mixture of land uses. The area shall promote pedestrian activity in order to enhance the use of the downtown area as the center of community activity and to attract visitors. The district encourages and provides for a vertical mix of uses within structures, appropriate in type and scale to maintain the character of the Village. Careful consideration will be given to architectural design, building form, and signage to ensure new development retains the Village's historic qualities and enhances its identity.

B. All uses permitted and all uses requiring a special use permit are listed in the Schedule of Uses and Off-Street Parking for the Business District located in Article XI of this Zoning Law.

C. All area requirements for the Business District are so indicated in the Schedule of Area, Yard, and Bulk Requirements located in Article XI of this Zoning Law.

R-1 Overlay District.

A. District Intent. The purpose of the R-1 Overlay District is to maximize economic development potential by encouraging infill, reuse and expansion of related businesses while accommodating traditional single-family residential development. As referenced in the Comprehensive Plan, the purpose of this district is to ensure that the general character of the Village is protected. The district encourages development consistent with the Business (B) District, while allowing single-family uses to be constructed consistent with the bulk requirements of the Residential-1 (R-1) District. Careful consideration will be given to architectural design, building form, and signage to ensure new development retains the Village's historic qualities and enhances its identity.

B. All uses permitted and all uses requiring a special use permit are listed in the Schedule of Uses and Off-Street Parking for the Business District located in Article XI of this Zoning Law.

C. All area requirements for the Business District are so indicated in the Schedule of Area, Yard, and Bulk Requirements located in Article XI of this Zoning Law with the exception of the following:

   (1) Residential single-family homes shall be constructed in accordance with all area requirements of the Residential-1 District as so indicated in the Schedule of Area, Yard, and Bulk Requirements located in Article XI of this Zoning Law

Interpretation of District Boundaries.

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

(1) Boundaries indicated, as approximately following the centerlines of streets or highways shall be construed to follow such centerlines.

(2) Boundaries indicated, as approximately following lot lines shall be construed to follow such lot lines.

(3) Boundaries indicated as following shorelines of streams, lake, or any other body of water shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

(4) Boundaries indicated as parallel to or extensions of features indicated in Subsection (A) through (C) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

(5) Where a land use district boundary line divides a lot in a single ownership, the district requirements of the less restricted portion of such lot may extend up to a maximum of 30 feet into the more restricted portion of the lot.

(6) Where any uncertainty exists, the Village of Stillwater Zoning Board of Appeals, upon written application or upon request by the Village Board of Trustees, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the intent of the district as set forth in this Zoning Law.

District Uses and Bulk Requirements.

A. Schedule of Uses and Off-Street Parking. In any district established by this Zoning Law, no premise shall be used and no building shall be erected, constructed, enlarged, altered, arranged, or designed to be used, in whole or in part, except for a use as set forth in the Article XI, Schedule of Uses and Off-Street Parking. Only those uses specifically listed shall be permitted. Additionally, off-street parking facilities shall be provided in accordance with requirements set forth in the Schedule of Uses and Off-Street Parking, except where additional parking may be required as a condition for the issuance of a conditional permit or site plan approval and except as otherwise determined by the Planning Board. Further, the following shall apply:

(1) Uses indicated in the Schedule of Uses and Off-Street Parking as "P" shall be defined as "Permitted Use" and require Site Plan Approval in accordance with Article V of this Zoning Law.

(2) Uses indicated in the Schedule of Uses and Off-Street Parking as "SP" shall be defined as "Special Use Permit" and require a Special Use Permit in accordance with Article VI of this Zoning Law.

B. Schedule of Area, Yard, and Bulk Requirements. In any district established by this Zoning Law, no premises shall be used, and no principal or accessory building or structure shall be erected, constructed, enlarged, altered, or arranged on a lot except in accordance with the requirements set forth in Article XI, Schedule of Area, Yard, and Bulk Requirements. Further, the following shall apply:

(1) No yard or other open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

(2) No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot, comply with all requirements prescribed by this Zoning Law for the district in which said lot is located. No permit shall be issued for the erection of a building on any lot thus created unless such building and lot comply with all the provisions of this Zoning Law.

Conformity Required.

A. Uses. Following the effective date of this Zoning Law any use not identified in the Schedule of Uses and Off-street Parking, of this Zoning Law, shall be deemed prohibited. No building or lot shall be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this Zoning Law for the district in which such building or lot is located. Where permitted uses are identified by generic words or descriptions, the Zoning Board of Appeals shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Zoning Board of Appeals shall consider the intent of the underlying district and to what extent the proposed use is similar to the class of uses indicated in the Schedule of Uses and Off-street Parking.

B. Buildings. After the effective date of this Zoning Law no building shall be erected, moved, altered, rebuilt, enlarged, designed, or arranged to be used for any purpose or in any manner except in conformity with the regulations, requirements and/or restrictions specified in this Zoning Law for the district in which such building is located.

C. Lots. After the effective date of this Zoning Law no lot shall be built upon unless it is a buildable lot as defined herein.

Exceptions.

A. The height limitations of this Zoning Law shall not apply to church spires, belfries, cupolas, sirens and loudspeakers for emergency purposes not used for human occupancy. Nothing in this Zoning Law shall prevent the erection of an ornamental parapet wall or cornice that extends not more than five (5) feet above the maximum permitted height of the building.

B. Windowsills, cornices, eaves, and other architectural features provided shall not project more than three (3) feet into any required setback.

C. Stairs and/or landings that may be roofed-over but unenclosed in the nature of an entryway or portico not more than eight (8) feet wide and extending not more than six (6) feet out from the front wall of the building, shall be permitted to encroach on a required front yard setback.

D. Interior structural alterations or routine maintenance and improvements that do not expand the exterior dimensions of the structure (e.g. roofing, widow replacement, siding and roofing replacement, etc).

E. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.

ARTICLE III: Supplemental Regulations

Accessory Uses and Structures.

A. Uses customarily incidental to principal uses listed in the Schedule of Uses Off-Street Parking shall be allowed on the same terms as the principal uses, provided they are allowed in the Schedule of Uses and Off-Street Parking or other provisions of this Zoning Law.

B. In the case of any detached garage, tennis court, swimming pool, or any non-agricultural accessory structure attached to the principal structure, all the minimum setback requirements of this Zoning Law applicable to the principal structure shall be met. Other detached accessory structures or uses may encroach into required setback areas provided that they:

   (1) Are not used for human inhabitation

   (2) Have a footprint no larger than two-hundred (200) square feet;

   (3) Do not exceed ten (10) feet in height;

   (4) Do not occupy more than ten percent (10%) of a required rear setback area;

   (5) Are set back at least ten (10) feet from side or rear lot lines;

   (6) Do not prevent emergency fire fighting access or shade a residential structure on an adjacent lot; and

   (7) Are not located closer to the street than the setback required for a principal structure, except for fences, gates, mailboxes, newspaper receptacles, signs, sand storage bins, and similar roadside structures with less than one-hundred (100) square feet of footprint, as well as ornamental structures such as entry pillars and statues.

Adult Uses.

A. Purpose. In the execution of this provision, it is recognized that there are some adult uses which, due to their very nature, have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods and other sensitive land uses. The objectionable characteristics of these uses are further heightened by their concentration in any one area thereby having deleterious effects on adjacent areas. It has been acknowledged by communities across the nation that state and local governments have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable secondary effects arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods and important natural and human resources of the Village, to deter the spread of blight and to protect minors from objectionable characteristics of these adult uses.

B. Adult uses, as defined in this Zoning Law, are to be restricted in the following manner, in addition to any other requirements of this Zoning Law:

(1) Adult uses shall not be located within a five-hundred (500) foot radius of any residential use. For measurement purposes, the distance between an adult use and any residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest structural wall of such adult use to the boundary line of such residential district.

(2) Adult uses shall not be located within a one-thousand-five-hundred (1,500) foot radius of another adult use. For measurement purposes, the distance between adult uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest structural wall of any adult use to the closest structural wall of any other adult use.

(3) Adult uses shall not be located within a one-thousand (1,000) foot radius of any school, child-care center, educational institution, religious facility, park or playground, historic or scenic resource and civic or cultural facility. For measurement purposes, the distance between an adult use and other such named uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest structural wall of such adult use to the closest property boundary of such school, child-care center, educational institution, religious facility, park or playground, historic or scenic resource and civic or cultural facility.

(4) Not more than one adult use shall be located in the same building or upon the same lot or parcel of land.

(5) No loudspeakers or sound equipment shall be used for adult uses that can be discerned by the public from public or semipublic areas.

(6) Any signage associated with an adult use shall be subject to the standards and guidelines contained in Article III, Subsection "Signs" of this Zoning Law.

C. Display prohibited. All adult uses and entertainment establishments shall be conducted in an enclosed building. It shall be a violation to display or exhibit (in the open air, through a window, or by means of a sign, depiction or decoration), or to allow to be displayed or exhibited, any specified anatomical area or specified sexual activity.

D. Waivers. The restrictions enumerated above may be waived by the Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met:

(1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Zoning Law will be observed.

(2) That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential.

E. Violations. Any person, firm, corporation or entity that shall violate any portion of this Zoning Law shall be guilty of a violation and, upon conviction thereof, shall be fined in an amount not to exceed $500 for each violation. The continuation of a violation of the provisions of this Zoning Law shall constitute, for each day the violation is continued, a separate and distinct offense hereunder. Any person, firm, corporation or entity violating any of the provisions of this Zoning Law shall become

liable to the Village for any expense or loss or damage occasioned the Village by reason of such violation. The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceedings to prevent a violation of this Zoning Law, or to restrain or enjoin the use or occupancy of a building, premises or part thereof in violation of this Zoning Law.

Bed and Breakfasts.

A. A bed and breakfast may have no more than seven (7) bedrooms for guests and may accommodate no more than fourteen (14) transient lodgers at any one time.

B. The only meal to be provided shall be breakfast.

C. Guest rooms shall primarily be accessed through interior entryways. Secondary exterior entryways shall be limited such that the individual guest rooms are not apparent from off the premises.

D. No food preparation or cooking for guests shall be conducted within any bedroom made available for guests, with the exception of coffee makers and similar small beverage-warming appliances.

E. The applicant/operator must be the owner and must reside full-time in the residence that is to be the bed and breakfast facility unless an accessory structure is to be converted to a bed and breakfast, in which case the owner must reside in the principal residence on the same parcel as the accessory structure. If the principal residence and an accessory structure are to have bed and breakfast rooms, the total bedrooms allowed is still limited to seven (7) and the total transient lodgers is still limited to fourteen (14).

F. Small-scale receptions or similar gatherings may be held incidentally to the primary bed and breakfast inn use, subject to the following:

   (1) The location and characteristics of the site (e.g. size of parcel, level of traffic, number of parking spaces, proximity to adjoining residences, and number of restrooms).

   (2) The gatherings and all participants shall be restricted to the vicinity of the bed and breakfast inn; and

   (3) The gatherings shall not involve the use of amplified sound or lighting that is highly visible from off-site.

G. The applicant shall comply with all applicable health codes, building codes and other applicable laws. Upon request the operator shall provide documentation that all required permits, including but not limited to, the County Health Department, State, County, and Local highway permits, etc. have been obtained. Prior to the issuance of a certificate of occupancy, the applicant must show that all applicable permits have been received.

Home Occupations.

A. Home occupations shall be conducted in a manner which does not give the outward appearance of a nonresidential use or business being conducted on the premises; does not infringe on the right of

neighboring land owners to the quiet enjoyment of their land; and does not alter the character of the district in which the lot is located.

B. Type 1 Home Occupation Use. All home occupations that comply with the following requirements are considered minimal impact home occupations and shall be considered Type 1 Home Occupations and are allowed as accessory uses to a residential dwelling pursuant to the following:

(1) No employees working on the premises other than family members residing thereon;

(2) No additional parking required;

(3) No outside storage of equipment, vehicles other than a personal vehicle which may display a home occupation advertisement decal, other supplies or materials used in the business other than an automobile for personal transportation;

(4) No regular traffic to the site for other than mail services, occasional deliveries, and client/customer visits. Such mail services, deliveries, or client/customer visits shall occur no more than ten (10) times per week; and

(5) No physical change to the exterior of a principal or accessory structure is required to accommodate the Home Occupation.

C. Type 2 Home Occupation Use. All home occupations that comply with the following requirements are considered a Type 2 Home Occupation and are allowed as accessory uses to a residential dwelling but only pursuant to a Special Use Permit. The special permit expires when the occupation changes or the property is sold. Permitted home occupations operated in any dwelling unit may be operated only if they comply with the following conditions:

(1) The dwelling unit must be owner-occupied and a resident of the dwelling unit must carry out the home occupation.

(2) The home occupation shall employ no more than three (3) persons who are not a resident in the dwelling unit.

(3) The home occupation shall be conducted wholly within an area not to exceed the equivalent of thirty percent (30%) of the total living floor area of the dwelling unit. In no case shall the home occupation cause the scale of use on the lot to exceed the maximum permitted. More than one home occupation may be conducted on a lot provided that the total floor area of the dwelling unit devoted to all of the home occupations does not exceed the maximum floor area as provided herein.

(4) An existing accessory structure may be used for a home occupation, provided that there are no exterior modifications resulting in a change in the residential character of the property and that the use will not change the residential character of the area.

(5) There shall be no exterior display, exterior storage of materials, or other exterior evidence of any home occupation except for signs and off-street parking.

(6) In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. nor later than 8:00 p.m.

(7) Delivery and pick-up of material or commodities to and from the premises by a commercial vehicle shall not exceed ten (10) trips per week and the parking of delivery vehicles shall not impede or restrict the movement of traffic on adjacent streets.

(8) The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.

(9) The Planning Board shall determine the number of off-street parking space(s) for the home occupation use on a case-by-case basis and may require landscaping, buffering, and other such considerations to protect the residential character of the neighborhood.

(10) One wall sign or ground sign shall be permitted to advertise the home occupation provided that the signage does not exceed five (5) square feet in total area. Wall signs shall have a maximum height of ten (10) feet; ground signs shall have a maximum height of four (4) feet and provide a minimum setback from property line of ten (10) feet.

(11) Such uses may be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.

D. Home Occupations must be considered on their merits and are subject to requirements set forth in this section and to procedures for special use permits as outlined in Article VI of this Zoning Law.

Landscaping and Screening.

A. Purpose.

(1) To provide visual screening of parking areas and along property boundaries so as to preserve the existing visual qualities of adjacent properties, and to generally improve aesthetics;

(2) To reduce surface runoff and minimize soil erosion through the filtering and soil retention capabilities of landscaped areas and green space; and

(3) To provide natural screens that reduce glare, noise and air pollution.

B. General Requirements.

(1) All buildings and construction projects (with the exception of single-family dwellings, individual buildings used for two-family dwelling purposes, and residential accessory structures) are subject to the provisions contained herein.

(2) All landscaping will attempt to utilize, insofar as possible, the natural contours, soil, trees and plant life existing on the site.

(3) All landscaping, screening, and green space will be maintained in good order and in a manner, which promotes the safety, health, and welfare of the community.

(4) Landscaping meant to screen will be effective immediately upon planting and will retain its usefulness as a screen year-round. Consequently, trees and shrubs meant to serve as a screen will be coniferous, and will be of such a height, width and density as to immediately act as an effective screen.

(5) The Planning Board during its review process may dictate the types of vegetation to be planted, the size of the trees and plantings, and the location.

C. Specific Requirements.

(1) At least twenty-five percent (25%) of the property shall be retained as green space to minimize erosion and stormwater runoff and to maintain or improve the aesthetics of such development.

(2) Where required by the Planning Board, all landscaping, trees, and planting materials adjacent to parking areas, loading areas or driveways shall be protected by barriers, curbs, or other means from damage by vehicles and to control stormwater runoff.

(3) All dumpsters, with the exception of temporary construction dumpsters, shall be screened from public streets, rights-of-way, and areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens or solid fencing sufficient to hide or obscure the dumpster from public view. Such specifications shall be determined and approved by the Planning Board.

(4) Parking areas will be landscaped and shall comply with the following minimum standards:

(a) A landscaped area shall be provided along the perimeter of any parking area of ten (10) or more parking spaces, except that portion of the parking area which provides access. This requirement may be waived at the discretion of the Planning Board to achieve a superior design.

(b) No more than twelve (12) parking spaces should be allowed in a continuous row uninterrupted by landscaping. This requirement may be waived at the discretion of the Planning Board to achieve a superior design.

D. Maintenance.

(1) All fences, trees, plantings, shrubbery, or other screening required by direction of the Village Trustees, the Planning Board, the Zoning Board of Appeals, or the Zoning Ordinance shall be maintained at all times at least to the same quality required of said items at the time they were initially installed.

(2) The Code Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply within fifteen (15) days with the written direction of the Code Enforcement Officer shall be guilty of a violation of this Zoning Law and shall be subject to its penalties.

E. Penalties. If after thirty (30) days notice, such fences, trees, planting, shrubbery, or other screening is not erected, replaced, repaired or maintained by or on behalf of such owner, the Village Trustees may authorize the Department of Public Works to perform the necessary work and provide for the assessment of all costs and expenses so incurred by the Village in connection with any action taken

against the land on which such screening facilities are located. The costs and expenses so incurred shall be certified to the Village Treasurer and shall become a municipal lien against the property.

Nonconforming Lots, Structures and Uses.

A. Any lot, structure and or use in existence at the time of the effective date of this Zoning Law, except as otherwise provided in this Article, which does not comply with the requirements of this Zoning Law shall be deemed to be legally nonconforming, provided:

   (1) The nonconformity results solely from the adoption of this Zoning Law (including any preceding zoning law or subsequent amendments); and

   (2) The nonconformity has not been increased by an act or event subsequent to the effective date of this Zoning Law.

B. Applications filed prior to adoption of this Zoning Law. Any nonconforming structure or use for which a building permit or land development application was filed prior to the effective date of this law, may be reviewed, approved, constructed and used in accordance with the applicable laws, regulations and procedures existing at the time said application was filed.

C. Nonconforming lots. Any lot in existence at the time of the effective date of this Zoning Law, except as otherwise provided in this Article, which does not comply with the requirements of this Zoning Law shall be deemed to be a nonconforming lot. A nonconforming lot may be built upon for any purpose permitted in the zoning district in which it is located, without a variance, despite its failure to comply with the area, shape, or frontage requirements of this Zoning Law, provided:

   (1) There is no reduction in the lot's size, or any other increase in the degree of its nonconformity for any reason, other than the adoption of a more stringent zoning law; or

   (2) Acquisition after the effective date of this Zoning Law by the owner of the adjoining land which, when added to the original nonconforming lot, forms one or more lots complying with the area, shape, and frontage requirements of this Zoning Law. In such case no portion of the lot(s) so formed shall thereafter qualify as an eligible nonconforming lot under this Section, unless and until again made nonconforming by the adoption of a more stringent zoning law; or

   (3) Acquisition after the effective date of this Zoning Law by the owner of the adjoining land which when added to the original nonconforming lot, reduces its nonconformity, but does not form a lot complying with the area, shape, and frontage requirements of this Zoning Law. In such case, a new eligible nonconforming lot shall be formed which reflects the addition of the adjoining lot.

D. Nonconforming structures. Any building or structure in existence at the time of the effective date of this Zoning Law, except as otherwise provided in this Article, which does not comply with the requirements of this Zoning Law shall be deemed to be a nonconforming structure. A nonconforming structure may continue to be used for any purpose permitted in the zoning district in which it is located, without a variance, despite its failure to comply with the area, yard or bulk requirements of

this Zoning Law provided a nonconforming structure shall not be extended or altered to increase its nonconformity.

E. Nonconforming uses. Any use in existence at the time of the effective date of this Zoning Law, except as otherwise provided in this Article, which does not comply with the requirements of this Zoning Law shall be deemed to be a nonconforming use. A nonconforming use may be permitted in the zoning district in which it is located, without a variance, despite its failure to comply with the requirements of this Zoning Law provided a nonconforming use shall not be extended. The extension of a lawful use to any portion of a nonconforming structure which existed prior to the enactment of this Zoning Law shall not be deemed the extension of such nonconforming use. Further, no nonconforming use shall be extended to displace a conforming use.

F. Alterations, Extensions and Restoration. Any non-conforming structure or use shall not be altered, extended or enlarged except in accordance with the following provisions:

(1) Any non-conforming building, structure or use of land shall not be structurally altered during its life to an extent exceeding in aggregate cost of the replacement value of the building unless said building, structure or use of land is changed to a conforming use.

(2) Any non-conforming use, building, or structure may be enlarged up to, but not more than, twenty-five percent (25%) of its floor area, as it existed at the time of passage of this Zoning Law. Such enlargement must conform to all other regulations of the district in which it is located. Such enlargement is subject to Site Plan Review.

(3) Any building damaged by fire or other causes may be repaired or rebuilt for the same, but not a different, non-conforming use within twelve (12) months of the date of the damage, with an extension in time allowable where proven necessary to the Planning Board. Buildings which are not conforming as to setback requirements and which are destroyed shall be rebuilt to meet the setback requirements for the district in which it is located if the lot's dimensions permit. If, due to the lot's dimensions, the setback requirements cannot be met, the new building may be rebuilt in the same place as the building damaged by fire or other causes.

G. Discontinuance.

(1) Whenever a non-conforming use has been discontinued for a period of twelve (12) months, such use will be declared abandoned. Such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Zoning Law.

(2) Once changed in use, no structure or land shall be permitted to revert to a nonconforming use.

Off-Street Parking.

A. Off-street parking spaces shall be required for all structures and uses constructed or rebuilt after the effective date of this Zoning Law, except that parking spaces shall not be required for structures in existence on the effective date hereof that are rebuilt or repaired as a result of damage or destruction by causes beyond the control of the owner or lessee. This exception shall not permit the rebuilding or repair of a building having a greater number of stories or square feet of ground space than the

building damaged or destroyed unless provision is made for off-street parking as provided in this Zoning Law.

B. Off-street parking space shall be provided for all dwellings. No portion of the right-of-way of an existing or proposed street or highway shall be used for parking space(s) for a residential use. A parking space may be fully enclosed (as a garage), covered (as a carport) or open.

C. Off-street parking space shall be provided for other uses as follows:

(1) Each off-street parking space shall measure not less than twenty (20) feet in length with a minimum width of nine (9) feet.

(2) The number, size and dimensions of parking spaces suitable for use by the physically handicapped shall comply with the requirements set forth in the New York State Uniform Fire Prevention and Building Code.

D. Except as otherwise provided, off-street parking areas, as required for any use within the Business District shall be located no closer than ten (10) feet from any side or rear property line, except as may be approved by the Planning Board to achieve a superior design.

E. If the Planning Board finds that compliance with the off-street parking requirements herein would have an adverse impact upon the physical environment or visual character of the area, and if the Board also finds that all of the parking required in the Schedule of Uses and Off-Street Parking will not be necessary for the anticipated use of the site, the Planning Board may reduce the amount of parking required to be constructed, provided that sufficient usable land is set aside to satisfy the parking requirements in the future should the need for such additional parking arise. The Planning Board shall, as a condition of any approval granted, retain the right to require the owner of the property to construct such additional parking whenever it finds that such parking is needed.

F. If a proposed use is not listed in Schedule of Uses and Off-Street Parking of this Zoning Law, the Planning Board shall use its discretion to determine the amount of parking to be required.

G. For any buildings having more than one (1) use, parking space shall be required for each use.

H. Nothing contained in this Zoning Law shall be interpreted to prevent the provision of joint parking lots for one (1) or more uses located on separate lots or on common lots. Parking spaces located in a joint parking lot may be used to satisfy the off-street parking requirements of this Zoning Law, provided said spaces are located within six-hundred (600) feet walking distance of the lot containing the land use they are intended to serve, as measured along the public right-of-way, and further provided that said spaces shall be subject to appropriate deed restrictions (or other legal instrument), as approved by the Planning Board Attorney, binding the owner of the parking spaces and his/her heirs and assigns to provide and maintain the required number of spaces for the land use that they are intended to serve either throughout the existence of such land use, or until such spaces are provided elsewhere. In no instance shall parking spaces in a joint parking lot that are devoted to meeting the parking requirements of one (1) land use be used to meet the parking requirements of another land use.

Signs.

A. Required Permits and Procedures. All signs hereafter constructed, erected, painted or otherwise established, moved, altered or changed within the limits of the Village of Stillwater are accessory uses and shall comply with the following regulations:

(1) Signs proposed in connection with a Special Use Permit or Site Plan shall be part of such process and the Planning Board shall have jurisdiction over the approval of such signs as part of that process. The issuance of a Special Use Permit or of a Site Plan approval shall include approval for the signage.

(2) All other signs proposed that are not part of a Special Use Permit or Site Plan approval shall be under the jurisdiction of the Code Enforcement Officer. Such permit shall only be issued following submission, review and approval of an application in accordance with the requirements set forth below, and payment of the required fee in accord with the schedule established by the Board of Trustees.

(a) Application for a sign permit shall be made on a form designed for that purpose and provided by the Code Enforcement Officer:

[1] A scale drawing of the sign which shows content and proposed location of the sign.

[2] A drawing, with appropriate notes, describing the construction of the sign and, where appropriate, the method of attachment to the building.

[3] A description or sample of the predominant material of which the proposed sign will be made.

[4] A description of the proposed method, if any, of sign illumination.

(b) The Code Enforcement Officer shall review all sign applications and approve, disapprove, or approve with modifications the permit within thirty (30) days of receipt of the application.

(3) A permit shall not be issued for any type of new sign if any other sign(s) exist on the premises which have been determined to be nonconforming in accord with the procedures set forth below.

(4) A permit shall not be required for the repainting or refurbishing of an existing sign.

B. Signs Allowable Without a Sign Permit. The following signs may be erected and maintained without a Sign Permit, provided that they are less than five (5) square feet in sign area and are non-illuminated (except as indicated below):

(1) Signs advertising the sale or rental of the premises upon which the sign is located. Such signs must be non-illuminated and limited to two per property. They shall be set back a minimum of ten (10) feet from any property line.

(2) Signs denoting the architect, engineer, or contractor where construction, repair, or renovation is in progress, limited to one per property.

(3) Signs that mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing, or off-road vehicles, or warn of hazards.

(4) Any sign erected by the federal, state, county, or town government or any department or agency thereof. Such signs are not limited in size.

(5) Political campaign signs. Such signs shall limited to five (5) square feet.

(6) Signs giving the name of the residents of a dwelling and/or its address. Such signs may be attached or detached from the principal structure and illuminated by external white light only. Such signs shall be limited to one per dwelling.

(7) Temporary signs, including banners or pennants, relating to garage, lawn, or other individual, non-recurring sales, or for a church bazaar, fund drive, parade, fair, fireman's field day, or other event or undertaking conducted by a political, civic, religious, charitable, or educational organization. Such signs may be erected no more than ninety (90) days prior to the event and shall be removed by the sponsor within fifteen (15) days after the close of the event. Such temporary signs are not limited in size.

(8) A sign placed temporarily to advertise the sale of produce grown or harvested by the property owner where the subject sign is located, limited to one per principal location of the subject of the sign. Such temporary signs shall be removed immediately after the termination of the activity being advertised.

(9) Temporary signs, customarily of paper or cardboard, placed in the windows of grocery stores and supermarkets to advertise weekly specials. Such temporary signs are not limited in size or number.

(10) Signs that provide the name, and/or owner, of a farm that is located on said farm and that does not advertise any other enterprise or business.

C. Signs Allowable by Sign Permit. The following signs may be erected and maintained only upon the issuance of a Sign Permit by the Code Enforcement Officer. The Code Enforcement Officer shall issue a Sign Permit upon a proper application showing compliance with all the applicable provisions of this Section.

(1) A freestanding or attached and projecting advertising sign, being perpendicular or approximately perpendicular to the line of a public highway from which it is intended to be seen. No such sign shall exceed twenty-four (24) square feet in sign area. There shall be not more than one such sign for any commercial enterprise or for any group of enterprises located on a parcel of land under single ownership.

(2) An advertising sign located on and parallel to a wall of a building housing the enterprise advertised. No such sign shall exceed forty (40) square feet in sign area. There shall be no more than one such sign for any commercial enterprise.

(3) A sign, including a bulletin board, customarily used by places of worship, libraries, museums, social clubs, and societies, provided that there shall be no more than one such sign per

establishment or organization, and that no such sign shall exceed twenty (20) square feet in sign area.

(4) A multi–family dwelling unit complex may display identification signs mounted flat on each building which do not have an area greater than five (5) square feet.

(5) A dwelling unit in which a home occupation is permitted, may display one (1) sign noting such occupation. One wall sign or ground sign shall be permitted to advertise the home occupation provided that the signage does not exceed five (5) square feet in total area. Wall signs shall have a maximum height of ten (10) feet; ground signs shall have a maximum height of four (4) feet and provide a minimum setback from property line of ten (10) feet.

(6) Permanent window signs placed in or on any ground floor window or door area. Such signs shall not exceed twenty-five (25%) percent window coverage on any glazed window or door area.

D. General Sign Regulations. The following regulations apply to signs throughout the Village:

(1) Except for clocks and customary time and temperature devices, no sign shall contain intermittent, moving or flashing illumination. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity, except in the case of digital street clocks and temperature indicators. No luminous sign shall exceed fifteen (15) square feet of sign area.

(2) No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause beams of light to be cast upon any public highway, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall contain any mirror or mirror-like surface, nor any day-glow or other fluorescent paint or pigment.

(3) No sign relating to a permanent commercial enterprise, with the exception of traditional barber poles, shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. No sign or part thereof may rotate or move back and forth, except that a sign may be suspended and swing, though not rotate, in the wind.

(4) No permanent sign shall extend more than fifteen (15) feet above the natural ground elevation or be located upon or higher than the roof of the associated establishment whichever is greater.

(5) Where feasible and practical no sign shall be painted or placed upon or supported by any tree, rock, or other natural object other than the ground.

(6) No motor vehicle, trailer, or wagon upon which is painted or placed any sign shall be parked or stationed in a way primarily intended to display the sign.

(7) All signs shall be constructed of durable materials and maintained at all times in good repair.

(8) No advertising sign shall be maintained with respect to an enterprise which, for a period of one year, conducts no business or with respect to a product or service which is no longer offered by the enterprise maintaining the sign.

(9) No sign shall be erected in such a manner as to obstruct free and clear vision for drivers; interfere with, mislead or confuse traffic; or be located where, by reason of its position, shape or color such sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device by making use of the words STOP, LOOK, DANGER or any other word, phrase, symbol or character, or red, green or amber illumination or reflection.

E. Unsafe, Abandoned, and Unlawful Signs. Upon a finding by the Code Enforcement Officer that any sign regulated herein is unsafe or insecure, or is a menace to the public, or has been erected in violation of the provisions of this Zoning Law, or advertises, identifies, or pertains to an activity no longer in existence, except as provided hereinafter, then the Code Enforcement Officer shall mail to the owner of said sign, if known, at the sign owner's last known mailing address and to the owner of the parcel of land upon which such sign is situated, at the parcel owner's last known mailing address, an order that the violation be cured within thirty (30) days after the date of the order. If after such date the violation is not cured, the Code Enforcement Officer may enter upon the land and remove and discard the sign, without liability to the Village or its agents. This provision shall not apply to seasonal activities during the regular period in which they are closed.

F. Non-Complying Signs. A sign in existence as of the effective date of this Zoning Law which does not comply with the sign regulations hereof shall be brought into compliance or removed by its owner at the owner's cost and expense not later than the date upon which such sign has been fully depreciated for income tax purposes based upon when such sign was first erected or last substantially reconstructed, which shall in no case be later than ten (10) years after the effective date of this Zoning Law. Any sign owner claiming the right to maintain a non-complying sign after one year from the effective date of this Zoning Law, shall file with the Code Enforcement Officer appropriate proof of the sign's useful life for income tax purposes on or before such date. Failure to so file shall be deemed a waiver of such sign owner's right to maintain the sign beyond such date.

Vehicle Service Stations and Gasoline Stations.

A. Pumps, fuel and oil storage, except air pumps, shall be located at least twenty (20) feet from any street right-of-way and twenty (20) feet from any property boundaries.

B. All major repair work, automobile parts and dismantled vehicles are to be stored within a building, and no major repair work is to be performed outside a building. Gasoline or oil sales, changing of tires and other similar automobile servicing shall not be considered to be major repair work.

C. Maximum width of each access driveway shall be thirty (30) feet.

D. A suitable curbed landscaped area shall be maintained at least three (3) feet in depth along all street frontage not used as driveway, and no vehicles shall be permitted to park within this green space.

E. No automotive use area shall be used for auto wrecking or for the storage of wrecked, partially dismantled or junked vehicles or equipment or motor vehicles which do not qualify for New York State vehicle registration except as allowed above in Section B.

F. Premises shall not be used for the display of automobiles, trailers, mobile homes, boats or other vehicles for the purposes of sale, unless specifically permitted by Planning Board site plan approval.

G. Inoperative motor vehicle kept on the premises of a motor vehicle service station shall be screened from public view, including adjacent properties. Said screening shall consist of a solid row of evergreens or solid fencing sufficient to hide or obscure the inoperative motor vehicles from public view. Such specifications shall be determined and approved by the Planning Board.

H. No motor vehicles shall be serviced on or over a public property including sidewalks.

I. No portable or temporary tire racks may be used outside of any building. Permanent, enclosed tire racks may be constructed in accordance with plans which shall be approved by the Planning Board prior to construction. Such storage racks shall not be used for advertising or for merchandise display.

J. Entrance and exit driveways shall be located not nearer than ten (10) feet to any adjacent property line and shall be so laid out as to avoid the necessity of any vehicle entering the property having to back out across any public right-of-way or portion thereof.

K. All service or repair of motor vehicles and all storage of gasoline or flammable oils shall be performed or located in accordance with the regulations contained in the State Uniform Fire Prevention and Building Code.

VILLAGE OF STILLWATER

TRUSTEES:

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James R Peluso
CLERK-TREASURER
Margo L Partak
SUPT OF PUBLIC WORKS
Robert J Gerasia

SPECIAL USE PERMIT CHECKLIST

I. PROJECT

Project Name: _____

Property Address: _____

Property Owners: _____

Zoning District: _____

Tax Map No.: Section: _____ Block: _____ Lot: _____ Log No.: _____

Section: _____ Block: _____ Lot: _____ Log No.: _____

Special Use Requested: _____

_____

II. APPLICANT

Name: _____

Address: _____

Phone 1: _____ Phone 2: _____ Email: _____

Engineer: _____ Phone: _____ Email: _____

Attorney: _____ Phone: _____ Email: _____

III. CHECKLIST

	Date of Action
Special Use Permit Application fee paid	_____
Special Use Permit Application accepted as complete	_____
SEQRA classification □ Type I □ Type II □ Unlisted (no further SEQRA review for Type II actions)	_____
SEQRA Type I and Unlisted actions – EAF submitted	_____
SEQRA lead agency declaration made	_____
SEQRA notification to involved agencies	_____
Application referred to County Planning Bd. (GML §239-m)	_____
Motion to hold public hearing on SEQRA	_____
Motion to hold public hearing on Special Use Permit	_____
Notice of hearing published in paper	_____
Notice of hearing mailed to applicant	_____
County Planning Bd. response received (due 30 days)	_____
Public hearing held	_____
Resolution addressing County Planning Bd. review	_____
SEQRA determination resolution □ Positive □ Negative □ Conditional Negative	_____
Notice of SEQRA determination	_____
Action taken by Village Board on application □ approved □ approved with modification □ disapproved	_____
Report filed with County Planning Bd.	_____
Records filed with Village Clerk	_____
Decision mailed to applicant	_____
Special Use Permit issued	_____
Building Permit Application filed	_____
Building Permit Fee paid	_____
Certificate of Occupancy issued	_____

ARTICLE IV: Performance Standards

Applicability of Performance Standards.

A. All use of land(s) or building(s) in Stillwater shall comply with the performance standards as described in this Article where the regulations are not superseded as a matter of law by State, Federal or other more stringent local standards; and except to the extent any Federal or State required approval of any of the regulations is not in effect.

B. Dust, fumes, glare, noise, odors, refuse matter, smoke, vapor, electromagnetic or equivalent interference, vibration, or noxious substances or conditions shall be effectively confined to the premises where located, or minimized so as not be injurious or detrimental to the adjacent land uses, neighborhood, or general public.

C. No use shall be established or operated in a manner so as to create hazards, vibration, glare, air, water, ground pollution, or other nuisance elements in excess of the limits established under this Article.

D. The Village of Stillwater shall promote a land use pattern that protects air quality, surface and groundwater resources while working to eliminate or minimize all sources of pollution.

Determination of Nuisance Elements.

A. The Planning Board or the Code Enforcement Officer may require independent expert evaluation to determine the compliance of a proposed use with the performance standards at the expense of the applicant before issuing a permit.

B. The determination of the existence of any nuisance elements shall be made at the following:

   (1) The property lines of the use creating such elements for noise, vibration, glare, dust, and safety hazards.

   (2) Anywhere in the Village for elements involving air, water, and ground pollution.

C. The Code Enforcement Officer shall investigate any written or alleged violation of performance standards. If reasonable evidence of a violation exists, the Code Enforcement Officer may then issue a notice of violation.

Fire and Explosion Hazards.

A. All activities involving the manufacturing, production, storage, transfer, or disposal of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. In addition, on-site fire suppression equipment and devices standard to the industry shall be installed.

B. Burning of waste materials, with the exception of waste wood, in open fires is prohibited.

Lighting and Glare.

A. No direct or sky-reflected glare, whether from installed lighting or from high-temperature processes (such as combustion or welding), shall be permitted. Illumination in excess of 0.5 foot-candles at the property line shall be prohibited.

B. All outdoor lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians, and land uses in proximity to the light source and shall comply with the following:

(1) Non-cutoff and semi-cutoff light(s) are prohibited.

(2) Full-cutoff light fixtures shall have a maximum combined height of pole and base of no more than thirty-five (35) feet in height.

(3) Wall pack lights shall be full-cutoff light fixtures.

(4) Focused light fixtures may be used to illuminate a sign, structure, or similar element.

(5) Globe lights shall have a maximum combined height of pole and base of no more than fifteen (15) feet in height.

C. All outdoor light fixtures provided in connection with permitted construction work or the abatement of an emergency shall be exempt.

Odor and Air Pollutants.

A. No continuous, frequent, or repetitive odors may be emitted which are easily detectable and offensive at the property line and which cause annoyance to a person of reasonable sensitivity. An odor which is emitted no more than fifteen (15) minutes in any one (1) day nor more than two (2) days out of the calendar month shall not be deemed to be continuous, frequent, or repetitive under this subsection.

B. No emission of fly ash, dust, fumes, vapors, toxic gases or other forms of air pollution shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling. No emissions in compliance with the New York State Air Pollution Control Board shall be deemed to constitute a harmful extent.

Vibration.

A. No ground transmitted vibration shall be permitted which is detectable without an instrument at the property line and which may cause annoyance to a person of reasonable sensitivity.

B. Vibrations within the safe limits established by the United States Bureau of Mines shall be permitted.

ARTICLE V: Site Plan Review

Intent and Authorization.

A. The intent of the Site Plan Review process is to ensure the orderly and safe arrangement, layout, and design of a new land use activities.

B. In accordance with Village Law §7-725–a, the Village of Stillwater Board of Trustees, or the Planning Board as may designated by the Board of Trustees, is hereby authorized to review and approve, approve with modifications, or disapprove plans for new land use activities within the Village hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this Local Law.

Applicability.

A. Site Plan Review approval by the Planning Board shall be required in all Districts in association with the development, erection or enlargement of all buildings for any purpose other than one- and two-family residences and associated customary accessory uses thereto.

B. Site Plan Review approval by the Planning Board shall be required in all Districts for all uses of land where no building is proposed and where a building permit is required.

C. No permit for construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Board.

D. Site Plan Review shall also be required for the resumption of any use discontinued or not used for more than two (2) years, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five (25) percent or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use.

E. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence until a final site plan is approved and is in effect with the issuance of valid building permit, except as provided in this Zoning Law.

Developments Not Requiring Site Plan Approval.

A. Constructing, moving, relocating or structurally altering a single-family dwelling or two-family dwelling, including any customarily incidental accessory structure.

Review Elements and Criteria.

A. In acting on any site plan application, the Planning Board, in addition to all other applicable laws, is directed to take into consideration the following:

(1) Traffic access and roads.

(2) Pedestrian safety and access.

(3) Circulation and parking.

(4) Screening and landscaping.

(5) Environmental quality.

(6) Fire protection.

(7) Drainage.

(8) Refuse and sewage disposal.

(9) Water supply.

(10) Location and dimension of buildings, lights and signs.

(11) Impact of the proposed use on adjacent land uses.

(12) Snow clearance and removal.

(13) Design elements review.

(14) Impact of the proposed use on both on-site and off-site infrastructure.

Conceptual Site Plan.

A. An applicant may request a meeting with the Planning Board for the purpose of reviewing and discussing a proposed preliminary site plan to determine the feasibility of the project, which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

B. Conceptual site plan submissions shall present a flexible design concept that may be readily changed by the Planning Board and shall contain adequate information as required for site plan review to assist the Planning Board in determining the feasibility of the project. The Planning Board shall indicate its general acceptance of the proposed layout of buildings, roads, driveways, parking areas, other facilities, and of the general character of the proposed development.

C. Conceptual site plan submissions are likely to contain less detailed information than a final site plan submission, with the result that review of these two submissions may yield different results. All review of conceptual site plans is tentative and subject to reconsideration upon submission and review of additional detail provided in a final site plan.

Site Plan Requirements.

A. The requirements for a final site plan review and approval shall include, but not be limited, to the following:

(1) Submission of a site plan application form with payment of the required fee as established by the Board of Trustees.

(2) A site plan at the scale of one-inch equals twenty (20) feet, one-inch equals thirty (30) feet, or one-inch equals forty (40) feet and shall be submitted in paper form in quantities as specified by the Planning Board.

(3) The application shall be accompanied by the information listed below as determined necessary by the Planning Board. The Planning Board may require any or all of the following items, as determined appropriate for the nature and scale of the proposed project. A licensed professional engineer, architect or land surveyor shall prepare the site plan, unless waived by the Planning Board:

(a) Title of drawing, date, north arrow, scale, name and address of Applicant, and person responsible for the preparation of such drawing.

(b) Boundaries of the property plotted to scale.

(c) Existing watercourses, wetlands, FEMA flood plains, landscaping and vegetative cover.

(d) Grading and drainage plan showing existing and proposed contours with intervals of five (5) feet or less.

(e) Location, use and height of all existing and proposed buildings.

(f) All existing and proposed means of vehicular ingress and egress to and from the site from and onto public streets.

(g) Design and construction materials of all parking and truck loading areas.

(h) Provision for pedestrian access.

(i) Location of outdoor storage, if any.

(j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

(k) Description of the method of sewage disposal and location, design and construction materials of such facilities.

(l) Location of fire and other emergency zones, including the location of fire hydrants.

(m) Location, size, design and construction materials of all proposed signage.

(n) The proposed location, direction, power and hours of operation of proposed outdoor lighting.

(o) Designation of the amount of building area proposed for each use.

(p) Landscaping plan and planting schedule.

(q) Location and proposed development of all buffers areas, including indication of existing vegetative cover.

(r) Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any required County, State or Federal permits.

(4) Any additional engineering reports, supporting documentation or other information as may be required by the Planning Board to complete its review.

Submittal of Incomplete Site Plans.

A. Submittal of site plans that do not contain the required information as set forth in this Zoning Law or information that may be otherwise required are not subject to review deadlines and failure to provide a decision by said guidelines does not constitute approval or conveyance of a vested right for said development. The Planning Board shall notify the applicant of the incomplete status of the application.

Site Plan Approval Process.

A. Except those applications for which the Planning Board has waived site plan review, the Planning Board shall issue a notice of completed application to the Applicant upon determining the site plan to be complete.

B. Within sixty-two (62) days of a complete application, the Planning Board may schedule a public hearing if it determines such action would be in the public interest. The authorized board shall mail notice of said hearing to the applicant at least ten (10) days before such hearing, and shall provide public notice of the hearing in the official newspaper at least five (5) days prior to the date set for the public hearing.

C. The Planning Board shall make a determination for final site plan approval within sixty-two (62) days of the close of the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.

D. The decision of the Board shall be filed in the office of the Village Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

Amendments to Site Plans.

A. Any amendment of a final site plan previously approved by the Planning Board shall be subject to the same approval procedure as provided by this Zoning Law.

B. The Planning Board may waive any of the procedural steps to the extent it deems appropriate for an application for an amended final site plan, provided that the applicant shall formally submit an application to amend and receives formal approval therefore, and that the application to amend must be submitted within two years of the date of the approval proposed to be amended.

Performance Guaranty.

A. The Planning Board may require public improvements, landscaping and other aspects of any development proposal be secured by a performance guaranty in the form of the posting with the Village Comptroller of cash and the execution by the applicant of an escrow agreement thereof. However, the Planning Board shall not be required to accept an offer of cash escrow from an applicant in lieu of performance by the applicant if performance is reasonably possibly within the appropriate time frames for completion thereof.

VILLAGE OF STILLWATER

TRUSTEES:

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James R Peluso
CLERK-TREASURER
Margo L Partak
SUPT OF PUBLIC WORKS
Robert J Gerasia

SITE PLAN REVIEW CHECKLIST

I. PROJECT

Project Name: _____

Property Address: _____

Property Owners: _____

Zoning District: _____

Tax Map No.: Section: _____ Block: _____ Lot: _____ Log No.: _____

Section: _____ Block: _____ Lot: _____ Log No.: _____

Special Use Requested: _____

_____

II. APPLICANT

Name: _____

Address: _____

Phone 1: _____ Phone 2: _____ Email: _____

Engineer: _____ Phone: _____ Email: _____

Attorney: _____ Phone: _____ Email: _____

III. SITE REVIEW CHECKLIST

	Date of Action
Building Permit application accepted as complete	_____
SEQRA classification □ Type I □ Type II □ Unlisted (no further SEQRA review for Type II actions)	_____
SEQRA Type I and Unlisted actions – EAF submitted	_____
SEQRA lead agency declaration made	_____
SEQRA notification of involved agencies	_____
Application referred to County Planning Bd. (GML §239-m)	_____
Motion to hold public hearing on SEQRA	_____
Motion to hold public hearing on Site Plan (unless waived)	_____
Notice of hearing published in paper	_____
Notice of hearing mailed to applicant	_____
County Planning Bd. response received (due 30 days)	_____
Public hearing held	_____
Resolution addressing County Planning Bd. review	_____
SEQRA determination resolution □ Positive □ Negative □ Conditional Negative	_____
Notice of SEQRA determination	_____
Action taken by Village Board on application □ approved □ approved with modification □ disapproved	_____
Report filed with County Planning Bd.	_____
Records filed with Village Clerk	_____
Decision mailed to applicant	_____
Building Permit Fee paid	_____
Building Permit issued	_____
Certificate of Occupancy issued	_____

ARTICLE VI: Special Use Permits

Purpose and Applicability.

A. The intent of this Article is to set forth the procedure and standards for the review and approval of special uses as defined in Article XI. Special Use Permits apply to uses, which may or may not be compatible with other uses in the district in which they are proposed. The purpose of the Special Use Permit is to ensure the compatibility of such uses by applying appropriate standards.

B. Special Use Permit Approval by the Planning Board, in accordance with this Article, is required for the following uses and activities:

(1) All uses and uses accessory thereto which require special use permit approval as set forth in the Schedule of Uses and Off-Street Parking of this Zoning Law.

(2) All uses that require special use permit approval as set forth in Article XI of this Zoning Law.

(3) The expansion, enlargement, or extension of a structure containing a non-conforming use pursuant to Article III, Subsection "Nonconforming Lots, Structure and Uses" of this Zoning Law.

(4) The expansion, enlargement, or extension of a non-conforming structure pursuant to Article III, Subsection "Nonconforming Lots, Structure and Uses" of this Zoning Law.

C. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Use Permit.

D. These conditions must be met in connection with the issuance of any other permit such as a Building Permit or a Certificate of Occupancy.

Procedure and Application Process.

A. All applications made to the Planning Board shall be in writing, on forms prescribed by the Planning Board and shall contain those items specified in Article V, as determined necessary by the Planning Board.

B. Special Use Permit Performance Standards. In granting any special use permit, the Planning Board shall take into consideration the public health, safety, and general welfare of the Village, and the comfort and convenience of the public in general, and the immediate neighborhood in particular. The Board may require modifications to an application, including submission of alternative design and layout proposals, and may attach reasonable conditions and safeguards on its approval to eliminate or minimize potential impacts on surrounding properties and the community in general. Before making a decision on whether to approve, approve with modifications, or disapprove a special use permit, the Planning Board shall take into the following general objectives:

(1) Adjacent Land Uses. The proposed use should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. The proposed use shall not have a negative effect on adjacent land uses.

(2) Location and Size of Use. The nature, scale, and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.

(3) Vehicular Access and Circulation. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, alignment, grade, pavement-surfaces, channelization structures, visibility, and traffic controls shall be considered.

(4) Pedestrian Circulation. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.

(5) Parking. Location, arrangement, appearance, and sufficiency of off-street parking and loading shall be considered.

(6) Layout. The location, arrangement, size, design, and general site compatibility of buildings, lighting, and signage shall be considered.

(7) Drainage Facilities/Erosion Control. Adequacy of stormwater management plans and drainage facilities shall be considered.

(8) Water and Sewer. Adequacy of water supply and sewage disposal facilities and their compliance with New York State Department of Health requirements shall be required.

(9) Vegetation. The type and arrangement of trees, shrubs, and other landscaping components shall be considered. Existing vegetation shall be retained to the extent possible.

(10) Emergency Access. Adequate provision for fire, police, and other types of emergency vehicles shall be made.

(11) Flooding. Special attention shall be given to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, or erosion.

(12) Aesthetics. The impacts of visual intrusion and noise on adjacent areas and areas within viewing distance shall be considered.

C. Non-complying uses deemed prohibited. Any use, which is unable to meet the performance standards required in this Zoning Law, as determined by the Planning Board, shall be deemed a prohibited use and a special use permit shall be denied by said Board.

Approval Process.

A. Applications. All applications for special use permit approval shall be in writing and on forms and in such quantity as may be prescribed by the Planning Board.

B. Procedures. Within sixty-two (62) days of a complete application, the Planning Board shall schedule a public hearing and provide public notice of the hearing in the official newspaper at least five (5)

days prior to the date set for the public hearing. The Planning Board may require that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the application, including the prominent placement of one (1) or more signs on the premises that is the subject of the application notifying interested persons that an application for a special use permit is under consideration by the Board. All notices shall include the name of the project, the location of the project site, and the date, place, time and subject of the public hearing at which the application will be reviewed. Such notice shall not be required for adjourned dates.

C. Decision. The Planning Board shall make a determination for approval within sixty-two (62) days of the close of the public hearing. In rendering its decision the Board shall approve, disapprove, or approve with modifications and conditions, the special use permit application. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Board shall be filed in the office of the Village Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

D. Findings. In rendering its decision concerning any special use permit application, the Planning Board shall consider the nature of the proposed activity, the performance standards of this Zoning Law, and the applicable design standards of this Zoning Law, including the nature, arrangement, and appearance of all proposed structures, improvements, and uses of the lot, including their potential impact on adjacent properties and land uses. The Planning Board shall issue its findings in writing to support its decision on the application.

E. Expiration. A special use permit shall be determined to authorize only the particular special use or uses applied for and shall expire if:

(1) Construction has not been commenced within one (1) year, and has not been completed within two (2) years of the date special use permit approval is granted. If no construction is involved, approval shall expire if the use or uses have not been commenced within one (1) year of the date special use permit approval is granted.

(2) The special use or uses shall have ceased for more than twelve (12) consecutive months for any reason.

(3) The special use permit has expired.

F. Extensions. Extensions may be granted at the discretion of the Planning Board.

ARTICLE VII: Administration and Enforcement

Planning Board.

A. Powers and Duties. In addition to those other powers and duties assigned to it by law, the Planning Board is hereby empowered to perform the following functions:

(1) Review Special Use Permits Applications for those uses specifically listed as requiring such a Special Use Permit in accord with the provisions of this Zoning Law.

(2) Review site plans for those uses requiring Site Plan Review in accord with this Zoning Law.

(3) Review and submit advisory opinions concerning applications for variances and amendments to the zoning regulations.

(4) Reports on Referred Matters. The Board of Trustees may by resolution provide for the reference of any matter or class of matters, to the Planning Board before final action is taken thereon by the Board of Trustees or other office or officer of said Village having final authority over said matter. The Board of Trustees may further stipulate that final action thereon shall not be taken until the Planning Board has submitted its report thereon, or has had a reasonable time, to be fixed by the Board of Trustees in said resolution, to submit the report.

(5) The Planning Board may recommend to the Board of Trustees regulations relating to any subject matter over which the Planning Board has jurisdiction under this Zoning Law or any other statute, or under any Local Law of the Village. Adoption of any such recommendations by the Board of Trustees shall be by Local Law.

(6) The Planning Board has oversight over the preparation, upkeep, and administration of the Village of Stillwater Comprehensive Plan. In addition, the Planning Board shall have the full power and authority to make investigations of maps, reports, and recommendations in connection therewith relating to the planning and development of the Village as it seems desirable, providing the total expenditures of said board shall not exceed the appropriation provided thereof.

B. Planning Board Bylaws, Rules, and Regulations. The Planning Board shall have the power to make, adopt, and promulgate such written rules of procedure, bylaws, and forms, as it may deem necessary for the proper execution of its duties and to secure the intent of this Law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provision of this Law, or any other Law of the Village of Stillwater.

Code Enforcement Officer.

A. This Zoning Law shall be enforced by the Building Inspector and by such other officers, agents and employees of the Village of Stillwater as the Board of Trustees may from time to time designate as the Code Enforcement Officer. Land use applications may then be forwarded to the Board of

Trustees, the Planning Board or the Zoning Board of Appeals depending on the appropriate jurisdiction over such applications pursuant to this Zoning Law. Compliance with this Zoning Law and all permits, approvals, and decisions that are rendered under the Law shall be enforced by the Building Inspector

B. The Code Enforcement Officer or his duly authorized assistant(s) shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of their duties, provided that:

(1) The Building Inspector shall notify the owner and tenant before conducting any inspection.

(2) The Building Inspector or his duly authorized assistants shall display identification, signed by the Village Clerk, upon commencing an inspection.

(3) Inspections shall be commenced in the presence of the owner or his representative or the tenant.

Building Permits.

A. All persons desiring a building permit shall apply in duplicate on an appropriate form stating the proposed work, use and occupancy. The application for a permit shall be accompanied by two copies of all plans, drawn to scale, showing the actual dimensions of the plot to be built upon and the locations of the building and any accessory buildings to be erected on the plot and the location of any proposed alterations, relocation, demolition or other structural change, and any other pertinent information as may be necessary to determine and provide for the enforcement of this Zoning Law.

B. If approval of plans is required by the Planning Board, Board of Appeals, County Health Department or other agency for any of the proposed work, the applicant shall obtain such approval in writing and submit it along with the application for a building permit.

C. The Code Enforcement Officer upon determining that the proposed work, use and occupancy are in compliance with this Zoning Law, and other applicable laws and regulations, shall approve the application and issue a building permit in connection therewith.

D. Should the Code Enforcement Officer determine that the proposed work, use and/or occupancy are not in compliance with this and other applicable ordinance, codes or restrictions, he shall disapprove the application and return one copy of said application and plans marked as disapproved and with a statement of reasons for such disapproval, within ten (10) days.

Violations and Penalties for Offenses.

A. Compliance Orders. Whenever, in the opinion of the Code Enforcement Officer and after proper investigation, there appears to exist a violation of any provision of this Zoning Law, or of any rule or regulation pursuant thereto, said officer shall serve a written notice of violation upon the appropriate person responsible for such alleged violation. Such notice of violation shall include the following:

(1) The nature and details of the violation;

(2) The recommended action, which, if taken, will remedy the situation and effect compliance with the provisions of this Zoning Law or with rules and regulations pursuant thereto;

(3) The compliance date by which the violation must be remedied or removed; and

(4) Notification of the right to a hearing before the Code Enforcement Officer in accordance with this Zoning Law.

B. The specified date of compliance may be extended if, in the opinion of the Code Enforcement Officer, there is reasonable evidence of intent to comply and if unusual conditions prevent compliance by said specified date.

C. Certificate of compliance. Upon re-inspection following the date of compliance as specified in the notice of violation, if the violation has been remedied or removed and there is no longer a violation of this Zoning Law, or any rules and regulations pursuant thereto, then the Code Enforcement Officer shall issue a certificate of compliance.

D. Complaints of violations. Whenever a violation of this Zoning Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and report thereon to the Board of Appeals.

E. Emergency action.

(1) If a violation exists, in the opinion of the Code Enforcement Officer, which requires immediate remedial action to remove a direct hazard or imminent danger to persons or property, said officer may take action on his own initiative to abate the hazard or danger. Any costs so incurred shall be paid for by the person responsible for such violation.

(2) The Code Enforcement Officer shall keep on file an affidavit stating accurately the items of expense incurred and the date of execution of the action taken, and shall be authorized to institute suit, if necessary, against the responsible party, or to place a lien on his property, for the purpose of recovering such costs.

F. Hearings.

(1) Request for hearings. Any person served with a notice of violation in accordance with this Zoning Law and who denies the alleged violation or is otherwise aggrieved by the required action necessary for compliance may, within ten (10) days after service of such notice, file a written request for a hearing with the Code Enforcement Officer stating the reasons for his request.

(2) Time of hearing. The Code Enforcement Officer shall, within ten (10) days after receipt of a request for a hearing acknowledge said request in writing and set a time and place for the hearing not later than fifteen (15) days after the receipt of said request. A hearing may be postponed beyond fifteen (15) days by the Code Enforcement Officer for just cause, and upon service of a notice for such postponement.

G. Testimony and findings.

(1) The person requesting the hearing shall be required to give evidence why he should not be required to remedy the violation or show cause why he is unable to comply with the remedial action set forth in the notice of violation.

(2) After consideration of all testimony given at the time of hearing the Code Enforcement Officer shall sustain, amend or withdraw the notice of violation as originally served. If the notice is sustained or amended he shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original or amended notice.

H. Legal action for noncompliance. Upon reinspection following the date of compliance as specified in the notice of violation or as extended in accordance with this Zoning Law, if the violation has not been remedied or removed as specified and there is still in existence a violation of this Zoning Law in the opinion of the Code Enforcement Officer, then said Officer shall immediately notify the Village Attorney who shall thereupon institute appropriate legal action to restrain, prevent, remedy or remove such violation and to compel compliance with this Zoning Law.

I. Civil Penalties. In addition to those penalties proscribed by State law, any person who shall violate, cause to be violated, or assist in the violation of any of the provisions of this Zoning Law shall be subject to conviction for an offense, and shall be subject to a civil penalty of not more than $200 for each day or part thereof during which such violation continues, or by imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment, for each and every violation. The issuance of a notice of violation shall signify the existence of a single violation and every week the violation exists beyond the date of compliance, or extension thereof, shall constitute a separate additional violation.

Injunctive Relief.

A. In case of any violation or threatened violation of any of the provisions of this Zoning Law, or conditions imposed in any project permit or certificate of compliance, the Village may, by resolution of the Board of Trustees, institute an action for injunctive relief to prevent, restrain, correct or abate such violation. As apart of such action, the Village may request the Court for an order that requires the violator to reimburse the Village for the costs, including the attorney fees, incurred with respect to the action for injunctive relief.

Misrepresentation.

A. Any permit or other approval granted under this Zoning Law shall be void if it is based upon or is granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known.

State Environmental Quality Review Act Compliance.

A. All actions taken with respect to this Zoning Law, including amendments to this Zoning Law, shall comply with the New York State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of

the New York Codes, Rules and Regulations. Applicants shall be responsible for providing such data as may be required to determine the significance of any environmental impacts associated with such actions.

Fees.

A. The Board of Trustees, by resolution, shall establish and amend from time to time, a schedule of fees for the applications and permits required or by this Zoning Law. The current schedule shall be on file with the Code Enforcement Officer and with the Village Clerk. Such fees shall be payable to the Village of Stillwater at the time of application or, as appropriate, at the time of issuance of a permit. In certain instances where the reviewing Board deems the application, or any aspect thereof, requires a consultant to assist the reviewing Board, said Board may require as part of the fee, a deposit in an amount sufficient to reimburse the Village for reasonably estimated costs of a consultant to be retained by the reviewing Board in order to assist the Board in reviewing the application. Said amount shall be based on the specific fee schedule of the particular consultant to consultants retained as well as the scope of services to be provided by such consultant(s). The Village shall hold such deposit in escrow for the sole purpose of paying the costs and fees of the consultant(s) retained for review of the application. The consultant retained shall provide the Village with detailed invoices showing the services rendered for the time-period billed and the Village shall provided the applicant with an opportunity to review said invoices prior to payment. Additional deposits may be required as the review process continues. Any deposit amounts that remain at the end of the process shall be returned to the applicant.

ARTICLE VIII: Board of Appeals.

Powers and Duties.

A. The Board of Appeals shall have all the powers and duties prescribed by law and by this Zoning Law, which are more completely prescribed as follows:

(1) The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, bylaws and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this Law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provision of, this Law or any other Law of the Village of Stillwater.

(2) The Board of Appeals is governed by, and shall act in strict accordance with, the procedures specified by Village Law §7-712, this Law, and its own duly adopted rules, bylaws, and forms. Upon proper request made in the form and manner prescribed by the Board of Appeals and accompanied by a fee in accordance with a schedule adopted by the Village Board of Trustees, the Board of Appeals shall perform the following functions:

(a) Hear and decide any question properly brought before it involving the interpretation of any provision of this Law.

(b) Hear and decide appeals from any decision, determination, act, or failure to act of the Code Enforcement Officer, and all matters properly referred to it by the enforcement officer.

(3) In exercising the above-mentioned powers, and duties, the Zoning Board of Appeals may, in conformity with Village Law, reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as ought to be made in the case referred to it. To that end, the Board of Appeals shall have all the powers of the Code Enforcement Officer from whom the appeal is made. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or to decide in favor of the applicant any matter upon which such board is required to pass.

B. Interpretations. The Zoning Board of Appeals shall upon proper request interpret any decision or interpretation of the Code Enforcement Officer regarding the regulations and requirements of this Zoning Law. Following the denial of a Building Permit application or Certificate of Occupancy in which an individual or corporation disputes the Code Enforcement Officer's reading or interpretation of any provisions of this Law, the individual or corporation can appeal said decision or interpretation in writing to the Board of Appeals. The Board of Appeals is required to hold a public hearing prior to acting on any appeal involving an interpretation.

C. Use Variances. The Zoning Board of Appeals, on appeal from a decision or determination of Code Enforcement Officer, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed by this Zoning Law.

(1) No use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove "unnecessary hardship" the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

(a) The applicant cannot realize a reasonable return, provided that lack of return is demonstrated by competent financial evidence.

(b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

(c) That the requested use variance, if granted, will not alter the essential character of the neighborhood.

(d) That the alleged hardship has not been self-created.

(2) The Board of Appeals in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Area Variances. The Zoning Board of Appeals shall have the power, upon an appeal from a determination of the Code Enforcement Officer or the Planning Board that the applicant's proposal cannot be approved by reason of its failure to meet the dimensional or area regulations of this Zoning Law, to grant area variances from the area or dimensional requirement of this Zoning Law.

(1) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community of such grant. In making such a determination, the Board of Appeals shall apply the following criteria:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

(c) Whether the requested area variance is substantial.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(e) Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(2) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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

Application and Public Hearing Procedure.

A. Applications for any action by the Board of Appeals shall be submitted in the form required by the Board and filed in the municipal office. Before a variance application can be approved, the site plan, if otherwise required by the this Zoning Law, shall be submitted to the Planning Board for a preliminary review, report and recommendation.

B. The Zoning Board of Appeals shall fix a time and place for a public hearing thereon and shall provide for the giving of notice at least ten (10) days prior to the date thereof, as follows:

(1) By publishing a notice in the official newspaper.

(2) By requiring the applicant to give notice of the substance of every appeal for a variance together with notice of the hearing thereof by causing notices to be mailed at least ten (10) days before the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area (whether or not involved in such appeal or application) and all other owners within three-hundred (300) feet and within the Village limits, or such additional distance or such additional owners outside the Village as the Board of Appeals may deem advisable, from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll. Such notice shall be by certified mail, return receipt requested, and the applicant shall furnish proof of compliance with notification procedure; provided, however, that the Board may accept substantial compliance with these provisions in cases of difficulty in serving such owners.

(3) If the land involved in an application is within five-hundred (500) feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the Municipal Clerk of such other municipality.

(4) If the land involved in an application is within five-hundred (500) feet of the boundary of any other municipality; of the boundary of any county or state park or other recreation area; from the right-of-way of any county or state parkway, thruway, expressway or other controlled access highway; from the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or from the boundary of any county- or state-owned land on which a public building or institution is situated, then notice of the public hearing and a description of the applicant's proposal shall be mailed to the Saratoga County Planning Department.

C. No action shall be taken on applications referred to the Saratoga County Planning Department until the Department's recommendation has been received or thirty (30) days have elapsed after the Department received the full statement on the applicant's proposal.

D. A record shall be established of all variances granted pursuant to action of the Board of Appeals under this Zoning Law. Each case shall be identified by a sequential numbering system and alphabetically by applicant's name. Said files shall be available for public inspection.

E. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Board of Appeals shall keep records of its examinations and official actions, all of which shall be filed in the Clerk's office and shall be a public record.

F. Building permits authorized by the Board of Appeal's approval of any variance(s) shall be obtained within twenty-four (24) months of the filing of the approval of the variance(s) with the office of the Village Clerk, or such variance(s) shall thereafter expire, unless the two-year period of limitation is extended by the Board of Appeals where good cause is shown and the circumstances relied upon by the Board of Appeals to justify the original approval of such variance(s) have not changed materially in the interim in a manner that would create negative impacts in the neighborhood if the extension were approved.

G. The fees for applications to the Board of Appeals shall be established from time to time by resolution of the Board of Trustees.

ARTICLE IX: Amendments

Method of Amendment.

A. Village Board of Trustees Power to Amend. The Village Board of Trustees may, on its own initiative, or upon receipt of an application by a landowner, or upon recommendation from the Planning Board, other commissions/boards, or Village departments, amend, modify, supplement, or repeal the regulations, restrictions, boundaries, and provisions of this Zoning Law. Such action shall take place after a public notice and hearing as required by the Village Law.

B. Petitions. Petitions to amend this Zoning Law shall be in writing and shall contain a description of the property affected, together with such other information as the Board of Trustees shall require. Such petitions shall include the names and addresses of all owners of real property within five-hundred (500) feet of the property affected or any other contiguous property of a petitioner in the same ownership. All petitions for amendment of this Zoning Law, excepting those submitted by the Planning Board or on motion of the Board of Trustees, shall be accompanied by a fee in accordance with the Standard Schedule of Fees of the Village of Stillwater.

C. Advisory report by Planning Board.

(1) Any such proposed change in the text or zoning district boundary shall be submitted to the Planning Board which shall submit its advisory report in writing to the Board of Trustees prior to the public hearing.

(2) The Planning Board in its written report shall recommend favorably the adoption of any proposed change only if it meets the following conditions:

(a) The revision is not contrary to the general purposes and intent of this Zoning Law; and

(b) The revision is accordant with the Comprehensive Plan.

(3) The Planning Board's advisory report shall be submitted to the Board of Trustees within forty-five (45) days after receiving notice from the Village Clerk of the proposed change.

Public Hearing and Notice.

A. Prior to a Board of Trustees decision being rendered on a proposed zoning map or zoning text amendment, the Board of Trustees is required to conduct a public hearing.

(1) A notice of the proposed amendment and the time and place of the public hearing shall be published in a newspaper of general circulation in the Village, not less than ten (10) days prior to the date of public hearing.

(2) Written notice of the public hearing shall be forwarded to the appropriate official if a zoning map amendment application involves property located within five-hundred (500) feet of the following:

(a) The property of a housing authority erecting or owning a housing project authorized under the Public Housing Law. Officials to be notified include the Executive Director of the Housing Authority and the Chief Executive Officer of the municipality proving financial assistance thereto.

(b) The boundary of a City, Village or Town. Officials to be notified include the City, Village or Town Clerk.

(c) The boundary of a County. Officials to be notified include the County Clerk or Board of Legislature or other persons performing like duties.

(d) The boundary of a State park or parkway. Officials to be notified include, the Commissioner having jurisdiction over such State park or parkway.

County Referral.

A. Any proposed amendments shall be referred to the Saratoga County Department of Planning pursuant to the procedures of § 239-m of the General Municipal Law.

Protest.

A. In the case of a protest against any amendment, such amendment shall not become effective except in accordance with the provisions of § 7-708 of the Village Law.

Filing.

A. Every amendment to this Local Law shall be filed with the Secretary of the State of New York in accordance with Village Law §7–706. A copy of the Zoning Law, amendment(s) and any map incorporated shall filed with the Village Clerk as required by law.

ARTICLE X: Definitions

Interpretation.

A. For the purpose of this Law words and terms used herein shall be interpreted as follows:

(1) Words used in the present tense include the future tense.

(2) The singular number includes the plural.

(3) The word "person" includes a corporation, partnership, as well as an individual.

(4) The word "building" includes the word "structure".

(5) The word "lot" includes the words "plot" or "parcel".

(6) The term "shall" is always mandatory.

(7) The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

(8) Any word or term not defined herein shall be used with a meaning of standard usage.

Definitions.

A. When used in this Zoning Law as well as throughout the text, the following words shall have these meanings.

B. Where definitions are divided into classifications or categories of activities or uses, each classification or category shall be considered a different activity or use requiring separate application of the provisions of this Zoning Law.

C. As used in this Zoning Law, the following terms shall have the meanings indicated:

ADULT CARE FACILITY: A long-term facility or a distinct part of a facility licensed or approved as a nursing home or infirmary unit of a home for the aged. Facility may provide on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance.

ADULT USE: A use of a building or land for a business having a significant portion of its stock-in-trade any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or recorded matter which is distinguished or relation to specified sexual activities or specified anatomical areas. Such uses shall also include any of the following entertainments, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or service; topless hair care or massages: service or entertainment where the servers or entertainers wear pasties or G-strings or both; adult arcade; adult bookstore or adult video stores; adult cabarets; adult motels; adult motion picture theaters; adult theaters; nude model studios and sexual encounter centers.

APPLICANT: Any person, corporation or other entity applying for a building permit, certificate of occupancy, Special Use Permit, site plan, sign permit, variance, or zoning amendment.

ART GALLERY: A building, structure, room, etc. for preserving and exhibiting artistic, historical or scientific objects for public view or sale.

ASSEMBLY HALL: Any structure or area where large numbers of individuals collect to participate in or to observe programs.

AUTOMOBILE WRECKING YARD: An establishment licensed by the Department of Motor Vehicles that cuts up, compresses, or otherwise disposes of motor vehicles.

BED AND BREAKFAST: An owner-occupied dwelling used for renting accommodations to transient, fee-paying guests and providing not more than one meal (breakfast) daily to lodging guest only. May also be referred to as a B&B.

BUILDING COVERAGE: The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

BUILDING HEIGHT: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

BUILDING: A structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or any tangible movable property.

CAR WASH: Any building or premises used for washing motor vehicles.

CARPORT: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

CHILD-CARE CENTER: An establishment providing for the care, supervision, and protection of children.

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

CODE ENFORCEMENT OFFICER: The individual who is appointed by the Village Board of Trustees and authorized by law for purposes of administering and enforcing the provisions of this Chapter. The Code Enforcement Officer may also be the Building Inspector.

COMMUNITY, GOVERNMENTAL, MUNICIPAL BUILDING: A building or structure owned and operated by a governmental agency to provide a governmental or social service to the public.

CONVENIENCE STORE: A retail establishment of up to 5,000 square feet selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

DRIVEWAY: A private roadway providing access to a street or highway.

DWELLING UNIT: A building or entirely self-contained portion thereof containing complete housekeeping and living facilities for only one family.

DWELLING, APARTMENT: A building of not more than two stories designed as a residence containing three or more dwelling units; a building not to exceed 10 family units.

DWELLING, MULTIFAMILY: A building containing three or more dwelling units or apartments, including units that are located one over another; a building not to exceed 10 family units.

DWELLING, ONE-FAMILY: A detached building designed for or occupied exclusively by one family, erected on a permanent foundation, with/without basement and equipped for year-round occupancy.

DWELLING, TOWNHOUSE: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistance walls.

DWELLING, TWO-FAMILY: A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING: A structure or portion thereof that is used exclusively for human habitation.

ESSENTIAL SERVICE: Services provided by public and private utilities, including underground surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, along with normal accessory activities.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FINANCIAL INSTITUTION: A business establishment where money, or other items for safekeeping, are kept for saving or commercial purposes or is invested, supplied for loans, or exchanged.

FLAG LOT: A lot so shaped and designed that the main portion of the lot is set back from the public street or road on which it fronts, is situated behind one or more lots and is connected to such frontage road or street only means of a relatively narrow strip of land. Required yards for a flag lot shall not include the distance of the narrow strip of land to the street frontage.

FRONTAGE: A lot which is adjacent to and a portion of its lot line meets on the right-of-way line of a public street or road.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation; it may include ancillary services for cremation.

GARAGE, PRIVATE: An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. Garage space is not classified as living area even when part of a dwelling. Detached garages for residences are accessory structures under this Zoning Law.

GREENHOUSE, NURSERY or GARDEN SHOP: A place where trees, shrubs, vines, and/or flower and vegetable plants are propagated or grown for a period of at least six months and/or where flowers and vegetables of an annual variety are germinated and/or offered for sale on the premises.

HOME OCCUPATION: An activity carried out for gain by a resident and conducted as an accessory use in the resident's dwelling unit or on the site of the residence.

JUNK VEHICLE: Any rusted, wrecked, damaged, dismantled or partially dismantled, inoperative, abandoned, or unregistered motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition.

JUNKYARD: An area of land with or without buildings used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials, such as waste paper, rags or scrap metal, or used building materials, house furnishings, machinery or parts thereof, with or without dismantling, processing, salvage, sale, or use or disposition of same.

LAND DISTURBANCE: The disturbance of land, including but not limited to grading, cutting of vegetation, the excavation or removal of soils or minerals, associated with the present or future development of the parcel.

LAUNDRY & DRY CLEANING: An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

LIGHT INDUSTRY: Includes limited manufacturing, assembly, wholesaling, warehousing, research and development, and related commercial/service that meet the performance standards, bulk controls, and other requirements contained in this Zoning Law.

LOT AREA: An area of land, the size of which is determined by the limits of the lot lines bounding said area, excluding any street rights-of-way, and is usually expressed in terms of square feet or acres.

LOT COVERAGE: The percentage of the plot or lot area covered by the building area and all impervious coverage. Parking areas and driveways, regardless of how surfaced , shall be considered impervious.

LOT WIDTH: The shortest distance between side lot lines measured at the front yard setback line or building line, as applicable.

LOT, CORNER: A lot at the junction of, or abutting on, two or more intersecting streets where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

LOT: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon, and is usually expressed in terms of square feet or acres.

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

MEDICAL SERVICES: A building that contains establishments dispensing health services.

MIXED USE: Use of land and/or a building or structure for a variety of complementary and integrated uses such as, but not limited to, residential, office, retail, entertainment, public, and recreation.

MUSEUM: A building, structure, room, etc. for preserving and exhibiting artistic, historical or scientific objects.

NONCONFORMING BUILDING, STRUCTURE: A building, structure, or other improvement that does not satisfy the dimensional requirements of this Zoning Law for the area, yard and bulk in which it is located, but which was not in violation of applicable requirements when constructed and was lawfully erected pursuant to applicable permits and approvals.

NONCONFORMING LOT: Any lot existing prior to and at the time of the adoption or amendment of this Zoning Law, that does not satisfy the dimensional requirements of this Zoning Law.

NONCONFORMING USE: Any use lawfully existing prior to and at the time of the adoption or amendment of this Zoning Law, which use is not permitted or does not conform to the permitted use provisions for the area in which it is located.

NUISANCE: A condition or situation that results in an interference with the enjoyment and use of property.

NURSING HOME: An institution or a part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

OFFICE, PROFESSIONAL: The office of a member of a recognized profession maintained for the conduct of that profession and may be located in a room, wing or portion of a structure used in connection with as a dwelling unit.

OFFICE: Establishments used for the organizational or administrative aspects of a trade, or used in the conduct of a profession or business, and not involving the manufacture, storage, display or direct retail sale of goods. This may include, but is not limited to, offices of sales representatives, architects, engineers, physicians, dentists, attorneys, insurance brokers, real estate brokers, and person with similar occupations. Such use may include ancillary services for office workers, such as a restaurant, coffee shop, and child-care facilities.

OFF-STREET PARKING: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

PARCEL: A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries.

PERFORMANCE STANDARDS: A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

PLANNING BOARD: The Planning Board of the Village of Stillwater, the administrative board of the Village authorized to review and approve special use permits, site plans and other delegated responsibilities set for the in the Village Code.

PLOT PLAN: A map or plan showing the boundaries of a parcel and all structures and important physical features on it, drawn to scale with accurate dimensions.

PLOT: A single-unit parcel of land or a parcel of land that can be identified and referenced to a recoded plat or map.

PORTICO: An open-sided structure attached to a building and sheltering an entrance or serving as a semi-enclosed space.

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

PRINTING, PUBLISHING: Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process, including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade including silk screening, bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

PRIVATE EDUCATIONAL FACILITY: An institution, not owned by a public agency, which offers to its students formal education and is charted by the Board of Regents of the University of the State of New York.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports and leisure-time activities. Such facility may be operated as a business and open to the pubic for a fee, or operated by a private organization and open only to bona fide members and guests, but excluding accessory residential recreational uses.

RELIGIOUS USE: A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

RESTAURANT or BAR: Any premises where food and/or beverages are commercially sold for on-premises consumption to patrons seated at tables or counters and where table services is provided.

RESTAURANT FAST FOOD: A business enterprise primarily engaged in the sale of quickly prepared food and beverages selected by patrons from a limited line of prepared specialized items such as hamburgers, chicken, pizza, tacos, ice cream and hot dogs, for takeout and/or on-premises consumption, where orders are placed at a counter as opposed to table service via a water/waitress.

The term "fast food restaurant" shall not include bakeries, delicatessens, or similar types of retail establishments.

RETAIL BUSINESS: Traditional establishments, such as florists, lumber and hardware stores, pharmacies, convenience stores, stationary stores, bookstores, video-rental stores, clothing stores, department stores, shoe stores, etc., that sell goods or merchandise to the general public for personal or household consumption, but not including an Adult Business Use.

RETAIL GROCERY: Any fixed facility in which food or drink is sold primarily for off-premises preparation and consumption.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, lane, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

ROADSIDE STAND, FARM STANDS: A structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

SCHOOL: An institution under the jurisdiction of a school district or other public agency and legally constituted by the State of New York to offer free formal education to residents of the district.

SEQRA: The State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and its implementing regulations codified in 6 NYCRR Part 617.

SERVICE, BUSINESS: Establishments primarily engaged in providing services rendered to a business establishment or individual on a fee or contract basis including actuarial, advertising, credit reporting, janitorial, office or business equipment rental or leasing, photofinishing, telecommunications, window cleaning, blueprinting, and photocopying, and other such services.

SERVICE, PERSONAL: Establishments primarily engaged in providing services involving the care of a person or personal apparel, such as a beauty parlor, barbershop, tailor or custom cleaning services.

SETBACK: The distance between the building and any lot line.

SHOPPING CENTER: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

SIGN: Any object, device, display, or structure, or part thereof, that is visible to the public from a street, walkway or neighboring property that is displayed outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. A "sign" does not include national or state flags, or the official announcements or signs of government. The following types of signs shall be included:

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

B. ILLUMINATED SIGN: Any sign designed to give forth or reflect any artificial light, such light deriving from any source which is intended to cause such light or reflection.

C. NONCONFORMING SIGN: A sign lawfully erected and maintained prior to the adoption of the current Zoning Law that does not conform with the requirements of the current Zoning Law.

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

E. TEMPORARY SIGN: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

F. WALL SIGN: A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plan parallel to such wall and not extending more than nine (9) inches from the face of such wall.

G. WINDOW SIGN: A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four (4) feet of window, but not including graphics in connection with customary window display of products.

SITE PLAN: A plan, rendering, drawing, or map prepared to the specifications and containing necessary elements, as set forth in Article V of this Zoning Law, which shows the arrangement, layout, and design of the proposed use of land as shown on said plan including, but not limited to building locations, road, parking areas, and other site features that may be reasonably required in order to make an informed determination by the approving authority.

SPECIAL USE: A use that, because of its unique characteristics, requires individual consideration through a review process by the Planning Board as established by Village Law §7-725-b. Such a use may require the meeting of certain conditions and safeguards as well as site plan approval before being permitted.

STREET: A strip of land, including the entire right-of-way, publicly or privately owned, servicing primarily as a means of vehicular, pedestrian and bicycle travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, sidewalks, and streetscape amenities.

THEATER: A building or part of a building used to show motion pictures or for drama, dance, musical, or other live performances.

USE, ACCESSORY: All uses, buildings, or structures that are customarily incidental to and subordinate to a particular principal use and located on the same lot as the principal use. Except for uses accessory to a dwelling unit, any use that is accessory to a special permit use shall also be a special permit use. Any use that is accessory to a permitted use shall also be a permitted use.

USE, PRINCIPAL: The main or primary use of the lot. Except for designated mixed uses and multiple retail uses within a shopping center only one (1) principal use is permitted per lot, all other uses, except special uses and permitted accessory uses, being excluded.

USE: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE, AREA: Written permission to depart from any provision of a zoning ordinance except use.

VARIANCE, USE: Written permission granted for a use that is not permitted in the zone.

VEHICLE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles or vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories retail services.

YARD, FRONT: A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

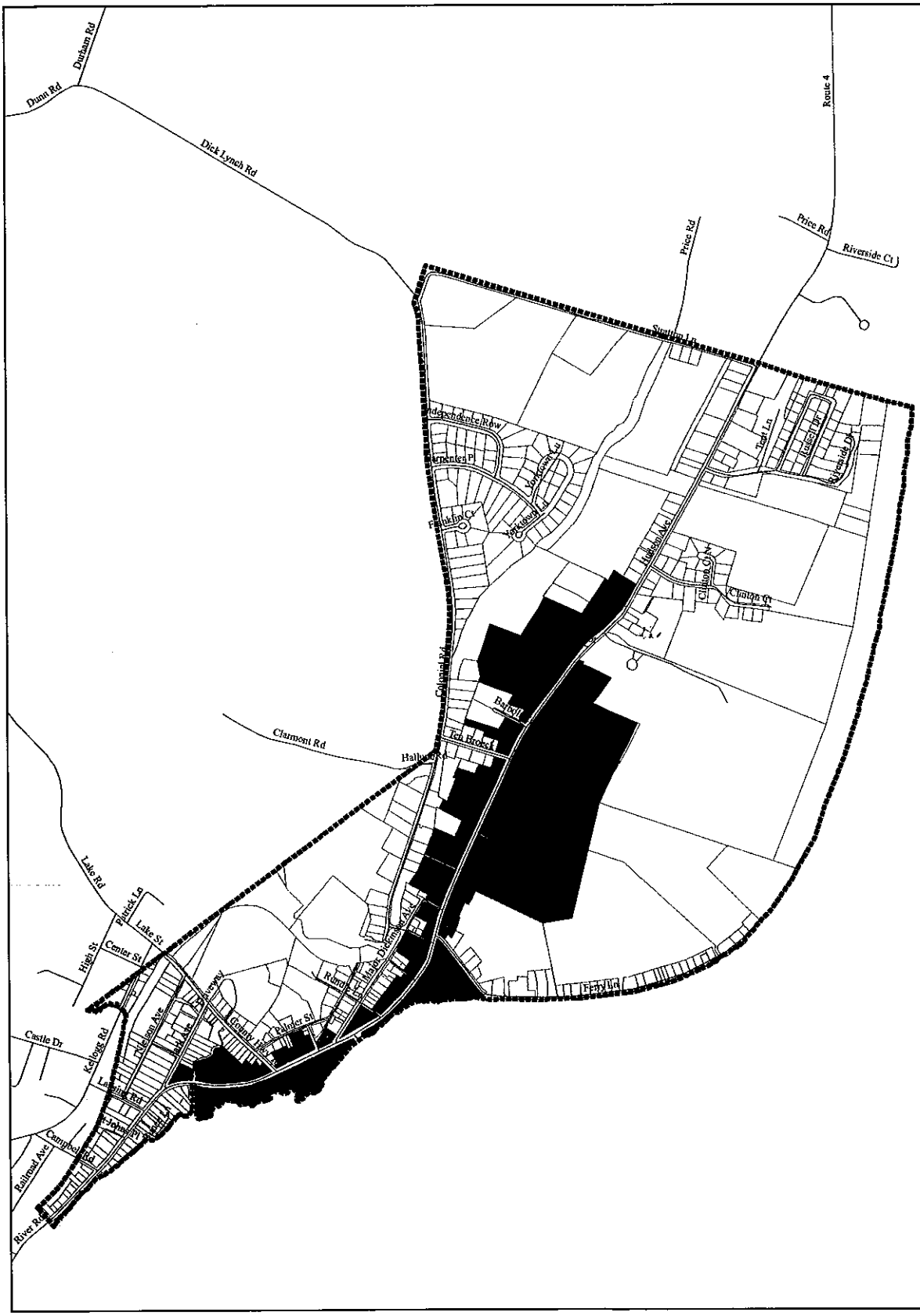
YARD, REQUIRED: The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in this Zoning Law.

YARD, SIDE: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

ARTICLE XI: Use and Area Schedules

Schedule of Uses and Off-Street Parking.

PAGE HOLDER



Legend

- Roads
- Residential (R1) District
- Residential (R2) District
- Business (B) District
- Residential 1 Overlay (O) District
- Village Parcels
- Village boundary

Zoning Map
Village of Stillwater

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Source: Tax Parcels - Saratoga County Office Of Real Property Services, 2005.
Roads - Compilation of NYSDOT data dated 1999, and Census 2000 data.
Produced for Planning Purposes Only.
Last Revision 04-06-07 Project # 26068
J: 26068 Cadd GIS PDF Zoning Map.pdf

0 340 680 1,360 2,040 2,720 Feet

Village of Stillwater
Zoning Law
Article XI: Uses and Area Schedules
Schedule of Uses and Off-Street Parking Requirements

	R-1	R-2	C-1	C-2	Off-Street Parking Regulations
Accessory Use					To be determined by Planning Board
Adult Use			SP	SP	To be determined by Planning Board
Assisted Living, Adult Care Facility		SP			To be determined by Planning Board
Assembly Hall, Theater		SP	SP	SP	1per 5 seats
Bed & Breakfast		SP	SP	SP	1 per guest room
Car Wash			SP	SP	1 per 2 washing bays or stalls
Child-care Center	SP	SP			1 per employee plus 1 per 10 students
Club (Public or Private)		SP			1 per 300 sq.ft.
Community, Governmental, Municipal					1 per 250 sq.ft.
Convenience Store					1 per 350 sq.ft.
Dwelling - Apartment, Multifamily		SP	SP	SP	2 per du
Dwelling - Townhouse		SP			2 per du
Dwelling 1-Family					2 per du
Dwelling 2-Family		SP	SP	SP	2 per du
Essential Services	SP	SP	SP	SP	To be determined by Planning Board
Financial Institution					1 per 300 sq.ft
Funeral Home			SP	SP	1 per 5 person capacity
Greenhouse, Nurseries, Garden Shop			SP	SP	1 per 300 sq.ft
Home Occupation	SP	SP	SP	SP	To be determined by Planning Board
Laundry & Dry Cleaning			SP	SP	1 per 250 sq.ft.
Light Industrial			SP	SP	1 per 600 sq.ft.
Marina			SP	SP	0.6 spaces per berths, moorings, or slips
Medical Services		SP			1 per 300 sq.ft
Mixed Use (office, retail, residential)			SP	SP	To be determined by Planning Board
Museum or Art Gallery		SP			To be determined by Planning Board
Office		SP			1 per 500 sq.ft.
Office - Professional		SP			1 per 500 sq.ft.
Printing, Publishing					1 per 300 sq.ft
Private Educational Facility			SP	SP	1 per 12 seats or students
Recreational Facility			SP	SP	To be determined by Planning Board
Religious Use	SP	SP			1 per 10 seats
Restaurant (Fast Food)			SP	SP	1 per 75 sq.ft
Restaurant / Drinking Establishment					1 per 3 seats
Retail Business - Greater than 5,000 sf			SP	SP	1 per 250 sq.ft
Retail Business - Less than 5,000 sf					1 per 300 sq.ft
Retail Grocery			SP	SP	1 per 300 sq.ft
Roadside Stand, Farm Stands			SP	SP	4 per establishment
Service Business or Personal					1 per 200 sq.ft.
Shopping Center			SP	SP	1 per 250 sq.ft
Vehicle Service Station (Gasoline & Repair)			SP	SP	1 per pump plus 1per 200 sq ft of gross floor area

SP = Special Use Permit			
If Blank use is prohibited			
N.A. = Not Applicable			

du = Dwelling Unit

Village of Stillwater
Zoning Law
Article XI: Uses and Area Requirements
Schedule of Area, Yard and Bulk Requirements

Bulk Requirements	**Residential-1 (R1)**	**Residential-2 (R2)**	**Business (B)**
Minimum Lot Area	20,000 sq.ft.	5,000 sq.ft.	5,000 sq.ft.
Maximum Lot Coverage	40%	60%	75%
Minimum Road Frontage	50 ft.	30 ft.	30 ft.
Mimimum Lot Width	50 ft.	30 ft.	30 ft.
Yard Requirements			
Front Yard	20 ft.	10 ft.	0 ft (minimum) 15 ft. (maximum)
Side Yard - One	15 ft.	5 ft.	5 ft.
Side Yard - Combined	30 ft.	10 ft.	10 ft.
Rear Yard	25 ft.	5 ft.	5 ft.
Height			
Maximum Height	2-story or 35 ft.	2-story or 35 ft.	3-story or 40 feet

Proposed Zoning Districts - Parcel Sizes and Numbers

R1 District	**Total Parcels = 376**	
	Sizes	***No. of Parcels***
	< 4,356 sq.ft	31
	4,356 sq.ft < 25,700 sq.ft	244
	25,700 sq.ft < 8.09 acre	85
	8.09 acre < 69.36 acre	16
R2 District	**Total Parcels = 166**	
R2 South Parcels	***Sizes***	***No. of Parcels***
	436 sq.ft < 4,356 sq.ft	22
	4,356 sq.ft < 33,106 sq.ft	112
	2.23 acre	3
R2 Strip Parcels	***Sizes***	***No. of Parcels***
	4,356 sq.ft < 26,136 sq.ft	28
	1.06 acre	1
B District	**Total Parcels = 124**	
	Sizes	***No. of Parcels***
	871 sq.ft < 4,356 sq.ft	17
	4,356 sq.ft < 17,424 sq.ft	74
	17,424 sq.ft < 1.0 acre	25
	1.0 acre < 3.6 acre	8

Schedule of Area, Yard and Bulk Requirements.

PAGE HOLDER

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2007 of the Village of Stillwater of was duly passed by the Village Board of Trustees on April 17, 2007,
(Name of Legislative Body)
in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____of 20___ of the (County)(City)(Town)(Village) of _____was duly passed by the _____on _____ 20__, and was (approved) (not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____and was deemed duly
(Elective Chief Executive Officer)*
adopted on _____20___, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20 ___ of the (County)(City)(Town)(Village) of _____was duly passed by the _____on _____ 20___ , and was (approved) (not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____, 20 ___, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20___ of the (County)(City)(Town)(Village) of _____was duly passed by the _____on _____ 20___ , and was (approved) (not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20 ___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____20 ___ , became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20 ___ of the County of _____ State of New York, having been submitted to the electors at the General Election of November ____ 20 ___ , pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph , above.

Clerk of the county legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: April 17, 2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

By: _____
James R. Peluso, Esq.
Dreyer Boyajian LLP
Attorneys for the Village of Stillwater

Date: April 17, 2007

DEED RESTRICTIONS

1. No building shall be erected upon said premises except one, one - family dwelling house at a cost of not less than $75,000.00 and one private garage to be used in connection therewith, and no structure shall extend nearer than fifteen (15') feet to any property line shown on said map. Except all road front, set backs shall not be nearer than thirty (30') feet, from the front property line shown on approved and filed maps of Colonial Estates, Section No.3, dated June 1991.

2. All dog houses, sheds, storage buildings, and any other building of any type or piles of wood must be placed on the premises behind an imaginary line which runs parallel with the street fronting the premises and is an extension side to side of the rear edge of the building.

3. The premises shall not be used for the purpose of manufacture, trade, or mercantile establishments, nor for any purpose that might reasonably be deemed a nuisance, except for an office in a private dwelling for the practice of law, medicine or similar professional practice.

4. No old structure shall be moved on said premises.

5. No basement, trailer, garage, signs or any other structure of a temporary nature shall be allowed on said premises.

6. No quonset type structure shall be erected on said premises.

7. On any structure erected on said premises, no imitation brick siding shall be used.

8. No poultry, cows, horses, ducks, geese, swine, or goats shall be kept on said premises.

9. Any unregistered vehicle may be stored on the premises for ninety days only and only one such vehicle may be stored at a time.

10. No owner or occupant of the premises herein conveyed shall cause any commercial vehicle to be parked on the said premises or in the street in front thereof for longer than two hours, unless same is parked in the private garage on said premises.

11. On any lot that shows a wetlands area as indicated on the map of Colonial Estates, section 3, dated June 1991 and filed with Saratoga County- any and all filling, draining, and cutting of tall vegetation and / or trees is **strictly prohibited.**

12. The proposed water supply and sewage disposal system shall be installed and maintained in accordance with the rules and regulations of the Saratoga County Department of Health.