

**ZONING LAW**

**LOCAL LAW #2 OF 1983**

**ADOPTED APRIL 29, 1983**

**AS AMENDED:**

**JANUARY 8, 1990;**

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**JUNE 20, DECEMBER 12, 2005**

**SEPTEMBER 11, 2006**

**FOR THE**

**TOWN OF COBLESKILL**

**COBLESKILL, NY**

**TOWN OF COBLESKILL, NY  
ZONING LAW**

**TABLE OF CONTENTS**

		<b>PAGE</b>
ARTICLE 1	Title and Purpose	1
Section 1.1	Title	1
1.2	Enactment	1
1.3	Purpose	1
1.4	Scope	1
ARTICLE 2	Terminology	1
Section 2.1	Terms	1
2.2	Definitions	1
ARTICLE 3	Establishment of Zoning Districts and Official Zoning Map	2
Section 3.1	Districts Created	2
3.2	Official Zoning Map	2
3.3	Interpretation of District Boundaries	2
ARTICLE 4	Regulations and Standards	3
Section 4.1	Schedule of Zoning District Regulations	3
4.2	Special Land Use Districts	3
4.21	Planned Development District (PDD)	3
4.211	Procedure	3
4.212	Development Guidelines	4
4.22	Flood Protection District (FPD)	5
4.3	Special Conditions and Special Permits	5
4.4	Supplementary Use and Area Regulations	5
4.41	General Provisions	5
	1. Public Properties	5
	2. Public Utilities	5
	3. Principal Buildings per Lot	5
	4. Lot Size	5
	5. Existing Undersized Lots	5
	6. Height Exceptions	6
	7. Transition Requirements for District Boundaries	6
	8. Fire Escapes	6
	9. Yards	6
	10. Temporary Vendors	7
	11. Activity Standards for Noisome and Injurious Substances, Conditions, and Operations	7
4.42	Off-Street Parking	7
4.43	Signs Purpose	8
4.431	General Provisions	8

## TABLE OF CONTENTS – Continued

		<b>PAGE</b>
Section 4.432	District Provisions	9
4.433	Sign Permits and Sign Administration	11
4.44	Shopping Centers and Motor Courts or Motels and Public Garages and Motor Vehicle Service Stations	11
4.441	Shopping Centers	11
4.442	Motor Courts or Motels	11
4.443	Public Garages and Motor Vehicle Service Stations	12
4.45	Drive-In Business (food, theatre, banks)	12
4.46	Excavations and Quarries, Stripping of Topsoil and Sand and Gravel Pits	12
4.461	Excavations	12
4.462	Quarries, Stripping of Topsoil and Sand and Gravel Pits	13
4.47	Salvage Yards	13
4.48	Mobile Homes and Mobile Home Parks	13
4.481	Mobile Homes	13
4.482	Recreational Vehicles	14
4.483	Mobile Home Parks	14
4.5	Supplementary Regulations as an Accessory Use	15
4.51	Private Swimming Pool as an Accessory Use	15
4.52	Storage of Flammable Liquids	15
4.53	Solar Considerations	16
4.54	Home Occupations	16
4.55	Temporary Storage Units	17
ARTICLE 5	Non-conforming Uses, Buildings and Structures	18
Section 5.1	Non-conforming Uses, Buildings and Structures	18
5.2	Temporary Uses and Structures	19
ARTICLE 6	Administration and Enforcement	19
Section 6.1	Interpretation	19
6.2	Enforcement	19
6.3	Zoning Permits and Certificate of Occupancy	20
6.31	Zoning Permits	20
6.32	Certificate of Occupancy	21
6.33	Health Department Requirements	21
6.4	Planning Board	21
6.5	Board of Appeals – Procedure	22
6.51	Board of Appeals – Creation, Powers and Duties	22
6.52	General Procedures	22
6.53	Special Procedures Relative to Appeal for Admin. Review or Variance	24
6.531	Hearing, Notice, Public Notice, Notice to Property Owners and Costs	24
6.54	Special Exceptions	24
6.55	Provisions of Appeal	24
6.56	Scope	25
6.57	Recourse	25
6.6	Remedies	25
6.7	Penalties	25

## TABLE OF CONTENTS – Continued

		<b>PAGE</b>
ARTICLE 7	Amendments	26
Section 7.1	General Provisions	26
7.11	Amendments by Town Board	26
7.12	Advisory Report by Planning Board	26
7.2	Public Notice and Hearing	26
7.21	Public Hearing	26
7.22	Newspaper Notice of Hearing	26
7.23	Written Notice of Change or Amendment	26
7.24	Referral to County Planning Agency	26
7.3	Publication and Posting	27
7.4	Protest	27
7.5	Change of Zoning in Subdivision Approval	27
7.51	Review of Decision of Planning Board	27
7.6	Fee	27
7.7	Lot in Different Districts	28
ARTICLE 8	Miscellaneous Provisions	28
Section 8.1	Application	28
8.11	Compliance with Law	28
8.12	Precedence	28
8.13	Separate Validity	28
8.14	Effective Date	28
APPENDIX A	Definitions	29
APPENDIX B	Site Development Plans	33
APPENDIX C	Summary of Zoning District Requirements	36

## **TITLE AND PURPOSE**

### **ARTICLE 1**

#### **Section 1.1 – Title**

This law shall be known as the Zoning Law of the Town of Cobleskill.

#### **Section 1.2 – Enactment**

Pursuant to the authority and power granted by Chapter 36, Article 2, Section 10 of this consolidated law, to regulate and restrict the height, number of stories and size of buildings, and other structures, the size of yards, courts, and open spaces the density of population and the location and use of buildings, structures, and land for trade, industry, and residence or other purposes, and to establish zones or districts in the Town of Cobleskill, the Town Board does enact.

#### **Section 1.3 – Purposes**

The Zoning Regulations and districts herein set forth and as outlined upon said map are made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Cobleskill.

#### **Section 1.4 – Scope**

No buildings, structures or land shall hereafter be used and no building, structure or part thereof shall be erected, moved or changed in use or land changed in use, unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located except as hereinafter provided.

## **TERMINOLOGY**

### **ARTICLE 2**

#### **Section 2.1 – Terms**

The present tense shall include the “future” the singular number shall include the “plural” and the plural the “singular”. The word “shall” is always mandatory.

#### **Section 2.2 – Definitions**

Terms and words used herein are defined in Appendix “A” of this Zoning Law which is hereby made a part of these regulations.

**ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING LAW**

**ARTICLE 3**

**Section 3.1 – Districts Created**

For the purpose of this Local Law the Town of Cobleskill is hereby divided into the following ten (10) classes of districts:

R-R	Agricultural and Rural Residence District
R-1	Residence District (Low Density)
R-2	Residence District (Medium Density)
B-1	Neighborhood Business District
B-2	Highway Business District
B-3	Highway Interchange District
I	Heavy Industrial District
L-C	Land Conservation District
PDD	Planned Development District
FP-D	Flood Protection District

**Section 3.2 – Official Zoning Map**

The boundaries of these districts are hereby established on a map entitled “Zoning Map of the Town of Cobleskill” which map is on file at the Town Clerk’s office. (See Zoning Map)

**Section 3.3 – Interpretation of District Boundaries**

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

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given such dimension shall be determined by the use of the scale shown on said zoning map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Cobleskill, unless otherwise indicated.

## **REGULATIONS AND STANDARD**

### **ARTICLE 4**

#### **Section 4.1 – Schedule of Zoning District Regulations**

The attached District Regulations Schedule (Appendix C), shall be deemed to be a part of this section and is referred to herein as the “Use Schedule”.

#### **Section 4.2 – Special Land Use Districts**

##### **Section 4.21 – Planned Development District**

A Planned Development District (PDD) shall be treated as an amendment to this Zoning Law. The PDD is designed to accommodate such large-scale uses as will be of benefit to the community but which could not have been anticipated at the time of adoption of this Local Law.

##### **Section 4.211 – Procedure**

1. Preliminary Proposal – Any applicant wishing approval for a Planned Development District shall submit his request to the Town Board in the form of a Preliminary Proposal which shall include:
  - a. A sketch plan showing existing and proposed land use and the approximate location of proposed buildings, existing topographic characteristics, approximate location of existing and proposed streets and easements, and existing land uses immediately adjacent to the proposed PDD.
  - b. A written explanation of the character and purpose of the Planned Development including the type and density of any housing proposed, open space to be provided, the water and sewage disposal system proposed, a general statement of proposed financing, and an indication of the expected timetable for development.
2. Developer’s Conference – Upon receipt of the Preliminary Proposal the Town Board shall forward it to the Planning Board for approval or disapproval. Within 45 days after receipt of the Preliminary Proposal from the Town Board, the Planning Board shall schedule a conference with the applicant to review the proposed Planned Development. If said proposal seems to be in accordance with overall planning objectives for the area, the Planning Board and applicant shall jointly consider the conditions and specifications under which the proposal will be approved. After such conference, if the applicant wishes to proceed with the Planned Development, he shall submit to the Planning Board, a written statement of intent to comply with the conditions and specifications as established. If agreement on conditions cannot be reached, the Planning Board may, at that time, recommend to the Town Board that the proposal not be approved. Such recommendation shall include a detailed explanation of the basis for the Planning Board’s decision.
3. Planning Board Recommendation – Upon receipt of the applicant’s statement of his intention to comply with the established conditions, the Planning Board shall within 30 days forward to the Town Board, it’s recommendation to modify the zoning law and establish the PDD. Such Planning Board report shall include the recommended conditions and covenants which the applicant shall observe in the Planning Development, the applicant’s statement of intent to comply with said conditions and covenants, and a recommendation on the type and amount of performance guarantee which the developer should provide.

4. Conditional Approval – Within 45 days after receipt of the Planning Board’s recommendation to approve or disapprove the proposed PDD, the Town Board shall hold a public hearing on the proposal. Within ten days after such public hearing, the Town Board shall approve conditionally or disapprove the proposed PDD. When conditional approval is granted, the location of the PDD shall be noted on the Zoning Map. Conditional approval shall automatically become final upon acceptance of the Site Development Plan by the Planning Board. In the event the Town Board wishes to act contrary to the recommendation of the Planning Board, such action shall be made by a majority vote.
5. Site Development Plan – Upon receiving conditional approval by the Town Board, the applicant shall prepare a Site Development Plan for submission to the Planning Board. Such submission shall satisfy all the conditions imposed by the Town Board (See Appendix B). Written approval of a Site Development Plan by the Planning Board shall be filed with the Town Board and the Enforcement Officer. This shall constitute authorization for the applicant to proceed with the Planning Development.
6. Changes – Minor changes may be made in an approval Site Development Plan only upon approval of the Planning Board. Major changes such as increased density or reduction of open space are subject to Town Board review and approval.

**Section 4.212 – Development Guidelines**

In reviewing proposal for Planned Development Districts, the Planning Board will be guided generally by the following standards and may impose additional conditions as well:

1. The proposed district should be at least 2 acres in area and the overall density of any residential areas should be no more than 2 dwelling units per gross acre.
2. At least 30 percent of the gross area of the district should be devoted to open space and/or recreation areas.
3. Proposed non-residential uses shall be appropriate in size and suitably located and shall not create any detrimental influences inside or outside the boundaries thereof.
4. Approved utility support systems (water, sewers, electricity) shall be required. Electric distribution and telephone lines shall be put underground.
5. An approved storm drainage system shall be provided which will not be detrimental to the surrounding area.
6. All provisions of the Local Law affecting signs and off-street parking shall be complied with
7. Development in such districts shall be protected by such reasonable and appropriate safety measures, devices, screening, or yards as may be required by the Planning Board, in order to avoid or minimize any adverse effects on the development itself or on the surrounding area.

All Planned Development District proposals shall be consistent with the need to minimize flood damage, that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to eliminate or minimize flood damage, and that adequate drainage is provided so as to reduce exposure to flood hazards.

**Section 4.22 – Flood Protection District**

Refer to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for the Town of Cobleskill to identify land in a Special Flood Hazard Area (SFHA).

The Flood Protection District is all land designated as a SFHA on an effective FIRM and the Town of Cobleskill Flood Damage Prevention Law shall apply to all land in a SFHA.

Contact the Zoning Enforcement Officer (Town Floodplain Administrator) before undertaking any construction (including placement of fill and/or excavation) to determine if land is in a SFHA and any applicable flood regulations.

**Section 4.3 – Special Conditions and Special Permits**

Land use activities listed in the Use Schedule, Appendix C, as being subject to special conditions, including an amendment to this Local Law or requiring a special permit shall not be permitted until such special conditions have been fulfilled or a special permit has been authorized by the Planning Board in accordance with the provisions of this Local Law.

Notwithstanding above land use activities listed in the Use Schedule, Appendix C, as requiring a Special Permit shall not be permitted until a Site Development Plan has been approved by the Planning Board, authorizing proposed land use.

**Section 4.4 – Supplementary Use and Area Regulations**

**Section 4.41 – General Provisions**

1. Public Properties – This Local Law is not intended to restrict the construction or use of public buildings or lands or property supported in part or in whole by taxes on property in the Town of Cobleskill in the exercise of a governmental function.
2. Public Utilities – This Local Law is not intended to restrict the construction or use of underground or overhead public utility distribution facilities or of other public utility structures operating under the laws of the State of New York, except as otherwise provided in this Local Law, and except that any such structures shall conform in character to the environment in which erected, and shall;
  - a. Secure a special permit to construct new facilities in either a residential or a commercial district.
3. Principal Buildings Per Lot – There shall be only one (1) principal building and use per lot in R-1 and R-2 unless a site development plan for that lot is approved by the Planning Board. Such buildings shall conform to all requirements for the applicable Zoning District.

Notwithstanding the above or any other provisions of this law in an R-R Zone, a permit may be issued the owner of agricultural land of ten (10) or more acres to place or park no more than two (2) mobile homes on such lands for his or her own occupancy or his or her employee(s) occupancy as allowed in Section 4.481, Subdivision 3, **infra**.

4. Lot Size – Minimum yard dimensions shall be varied for each district as determined by Appendix C.
5. Existing Undersized Lots – Any lot held in single and separate ownership prior, to the adoption of this Local Law, whose area and/or width and/or depth are less than the specified minimum lot requirements of this Local Law for that district, may be

considered as complying with such minimum lot requirements, and no variance shall be required, provided that:

- a. Such lot does not adjoin other undersized lot or lots held by the same owner, whose aggregate area is equal to or greater than the minimum lot area required for that district.
  - b. Any structure erected or use located on a non-conforming lot shall have front, side and rear yards conforming to the minimums required for the district in which said lot is located, except as may be otherwise approved by the Board of Appeals as elsewhere provided for and according to the variance procedures under this Local Law.
6. Height Exceptions – Nothing herein contained shall be interpreted to limit or restrict the height of church spires, cupolas and domes not intended for human occupancy, public utility structures, monuments, radio towers, windmills, water tanks, elevator bulkheads, chimneys, flag poles, stage towers, scenery lofts, buildings on a farm and structures or similar structures.
7. Transition Requirements for District Boundaries – Where a lot in a business district abuts a lot in a residential district, there shall be provided along such abutting side on said business or industrial district lot, a yard at least equal in width to that required in the abutting residential district. In said yard a strip 12 feet wide immediately adjacent to said resident lot shall not be used for storage of any material or goods, parking, or roadway, and shall be provided with a solid wall, fence, or hedge at least 6 feet but no more than 8 feet in height. Such wall, fence, or hedge shall begin at a point no more than 5 feet from the front and/or side property line and shall extend along the full dimension of the abutting lots and shall be properly maintained.
8. Fire Escapes – Nothing herein contained shall prevent the projection of an open fireproof escape into a rear of side yard for a distance up to eight (8) feet.
9. Yards
- a. Corner Lots – On a corner lot, each side, which abuts a street, shall be deemed a front lot line, and the required yard along each such lot line shall be a required front yard. The owner shall decide which of the remaining yards shall be the required side yard and the required rear yard.
  - b. Double Frontage – For any through lot, fronting on two different streets, both frontages shall comply with the front yard requirements of the district in which it is located.
  - c. Distance Between Principal Buildings – If two or more principal residential buildings are located on the same lot, one building’s exterior walls containing windows shall be separated from the nearest point on any building by a horizontal distance, perpendicular to the wall with windows, equal to at least twice the width of the required side yard for the particular district in which the buildings are located.
  - d. Street Corner Visual Clearance – On a corner lot in which a front yard is required, no fence, hedge, wall or other structure or planting more than three feet in height shall be erected, placed, or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 40 feet distance from the point of intersection, measured along said lines.

10. Temporary Vendors.
  - a. Except as may otherwise be permitted by this law, it shall be unlawful to conduct any temporary outdoor sales from the right-of-way of any roadway, yard or parking lot.
  - b. Temporary shall mean businesses that are transportable and not located on the vendor's own property.
  
11. Activity Standards for Noisome and Injurious Substances, Conditions, and Operations – The following activity standards shall apply in all districts except for normal farm uses such as forestry use tools, crop harvesting, feed lot operations.
  - a. Vibration – No vibration shall be discernible at the lot lines of the source or beyond.
  - b. Smoke – There shall be no emission of dense smoke.
  - c. Odors – No offensive odor shall be noticeable at the lot line or beyond.
  - d. Fly Ash, Dust – There shall be no emission which can cause any damage to health, animals, or vegetables or other forms of property or any excessive soiling.
  - e. Liquid or Solid Wastes – There shall be no discharge into any present or future disposal system, public or private, or streams or into the ground, of any materials of such nature or temperature as to contaminate ground water supply.
  - f. Radioactivity – There shall be no activities, which emit dangerous radioactivity at any point, as covered by Federal Government Standards.
  - g. Noise – No continuous hum, intermittent noise or shrill noise noticeable at lot lines shall exceed seventy (70) dba (busy street).
  - h. Fire and Explosion Hazard – There shall be no process or storage of material in such manner as to create undue hazard by reason of fire or explosion.

**Section 4.42 – Off-Street Parking and Loading**

1. Off-street parking space shall be required for all principal buildings constructed or substantially altered after the effective date hereof. Each off-street space shall consist of at least one hundred and eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.
2. Parking requirements shall be provided on the basis of one (1) space per each dwelling unit and one (1) space for each two hundred (200) square feet of retail, office, sales or display area in any business or commercial use unless otherwise stipulated. For uses not specified or not of the nature or type generally described here, the Planning Board shall recommend the parking requirements in specific cases consistent with the guidelines provided herein.
3. No unlicensed, unregistered or inoperative motor vehicle shall be parked or stored out-of-doors or other than in a fully-enclosed structure in any residential district for a period to

exceed thirty (30) days; except as such may be used for and be a part of a farm or permitted commercial use.

4. No recreational vehicle or living unit, boat, or other utility or service vehicle or equipment shall be stored in any required front yard or within ten (10) feet of any lot line.
5. Off-street parking for gasoline stations and service garages shall be limited to employee and customer cars which are licensed and in running condition and shall not be used for repair or sale of new or used cars or parts therefrom.
6. For any building having more than one use, parking space shall be required for each use. For the purposes of computing parking requirements, floor areas shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas.
7. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 1,500 square feet and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.
8. An off-street space may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any lot in any residential district unless wholly within a completely enclosed area or within a building.

#### **Section 4.43 – Sign Purpose**

These regulations are meant to encourage the use of signs in the Town of Cobleskill and to promote a healthy business climate, while deterring the clutter and confusion associated with commercial roadside districts and to protect the aesthetic environment of the Town. The specific purposes of this section are to:

1. Preserve public health and safety, by controlling the size, location, and character of signs so they will not confuse, distract, mislead, or obstruct vision necessary for traffic safety and reduce hazards in right of ways.
2. Preserve the general welfare by controlling the aesthetics and attractiveness of signs in order to protect the existing character of the Town, to mitigate any negative impacts on and to be compatible with, neighboring properties, and to create a more attractive visual environment in order to maintain community character, protect property values, and encourage economic growth.

#### **Section 4.431 - General Provisions**

Wherever located and whatever their nature, all signs shall conform to the following general requirements:

1. No attached sign shall extend within a street or road property line.
2. In matters of setback from the street or road, required yards and other such respects, freestanding signs larger than eight (8) sf require site development plan approval.
3. Advertising display upon a building or other surface shall be regarded as within the above regulations. **Using formula: 2 x Width of the Storefront x .60**
4. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

5. Special (occasional) event signs (max. 16 sf with exceptions for 32 sf) and political signs are considered temporary signs and are to be placed no more than 30 days prior to the special event or election and shall be removed within 7 days after the event or election. Special (occasional) events are required to be registered with the Town Code Enforcement Officer. Property sale, rental or repair signs shall be removed by the property owner or his agent when the circumstances leading to their erection no longer apply. A realty sign (over 6 sf) and all other temporary signs must be removed within 15 days after the event or when the circumstances leading to their erection no longer applies.
6. A temporary construction contractor sign (max. 32 sf) shall be considered under the building permit or certificate of occupancy process.
7. Within 30 days after cessation of business, all signs pertaining to that business shall be removed.
8. No sign should be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. Current time or temperature signs are allowed providing they meet the other standards in the ordinance.
9. No luminous sign, indirectly illuminated sign or lighting device shall be placed or directed so as to cause beams of light to be cast on any public highway, sidewalk or adjacent premises or to cause glare or reflection that will be a traffic hazard or nuisance.
10. Neon-type lighted signs are not allowed. Neon signs are allowed only in windows, provided they are inside the building. Neon signs may cover not more than 10% of the window area.
11. Signs shall be set back at least 10 feet from any property line and measured 40 feet from the center line of the road.
12. Signs parallel to and attached to a building should not be set out more than 12 inches from the building.
13. No projecting sign should extend into a public way or be less than 8 feet above a pedestrian way. No projecting sign should extend to a height above the maximum building height allowed.
14. Signs shall not be mounted on roofs or extend above the roof line (unless they are mounted on the face parapet wall which extend above the roof line, in which case it can not extend above the top of the parapet).
15. No sign, except for traffic, regulatory, or informational sign, shall use the words “stop”, “caution” or “danger”, or should have red, amber, or green lights resembling a traffic signal, or should resemble “stop” or “yield” signs.
16. All applications for non compliance signs will be subject to a site development plan or reviewed during new site development. The purpose of this provision is to provide local businesses the opportunity to advertise off-premise. Applicants shall demonstrate need and provide detailed site plan information conforming to the applicable zoning district.

#### **Section 4.432 – District Provisions**

1. Agricultural and Rural Residence Districts R-R, Residence Districts R-1, R-2, and Land Conservation Districts L-C.

- a. No signs or billboards shall be permitted in these districts except in connection with permitted uses, customary professional and home occupation use signs; rooming, boarding and tourist home signs; real estate signs only when placed on properties for sale or rent; signs of an appropriate nature identifying any other building or use permitted under this local law; signs necessary for the identification, operation or protection of a public utility installation; and signs incident to a legal process or necessary to the public welfare.
  - b. Permitted signs listed in section 4.432(a) must follow size standards listed in Table 1.
  - c. All off-premise signs and billboards are prohibited.
2. Neighborhood Business B-1, Highway Business B-2, Highway Business B-3 and Industrial I Districts.
- a. Signs permitted in these Districts include all signs permitted in Residence Districts.
  - b. Any group of enterprises located on a parcel of land under single ownership is considered one commercial premise. See Table 1.
  - c. Permitted signs listed in Section 4.432(a) must follow size standards listed in Table 1.
  - d. See Section 4.431 (16)

**Table 1 Size Standards For Signs By District**

The following signs are permitted

	RR	R1	R2	B1	B2	B3	I	LC	PDD
Free Standing Pole									
Height (max sf)	10	10	10	20	22	20	20	10	
Area (max sf)	20	20	20	96	96	96	96	20	
Awning Sign									
Letter size (max inches)	6	6	6	8	8	8	12	10	
Height above sidewalk (min. ft)	8	8	8	8	8	8	8	8	
Projecting Sign									
Above grade clearance sidewalk (min. ft)	8	8	8	8	8	8	8	8	
Above grade clearance driveway (min. ft)	13	13	13	13	13	13	13	13	
Area (each face) (max sf)	10	10	10	24	24	24	24	10	
Wall or Building Sign									
Area (percent of wall area)	NA	NA	NA	See Section 4.431 (3)				NP	
Total Number Signs Allowed per Premise*	1	1	1	1	4	4	4	1	1

- (1) Any group of enterprises located on a parcel of land under single ownership is considered one commercial premise. Each business is allowed one additional sign mounted on building.
- (2) Signs in the district shall relate to specific uses authorized in the PDD.
- (3) Wall signs are allowed and shall have a total area not exceeding 2 x Width of the Storefront x .60 for each lineal foot of building face parallel to street line or 10% of the wall area to which it is attached, whichever is less. Where a lot fronts on more

than one street, the aggregate sign area facing each street frontage shall be calculated separately. Where two or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.

(4) Sign Bonuses:

10% off fee if sign is in a landscaped planter 2 times the area of the sign.

15% off fee if a conforming sign replaces a non-conforming sign.

**Section 4.433 – Sign Permits and Sign Administration**

1. All businesses shall obtain a permit for all signs from the Town Code Enforcement Officer prior to placement. An application fee of (see fee schedule) must accompany each sign permit application. The application must include a scale drawing of the sign showing dimensions, materials, method and style of illumination, support structures and location on the land or building.

No permit is needed for the following signs provided they are equal to or less than the listed size, and not illuminated. All other signs not listed in this section are subject to permit approval according to Sections 4.433 (1), (2) and (3).

Signs for which no permit is necessary prior to placement

- Sale or rental signs (6sf).
- Signs denoting the architect, engineer or contractor where construction or repair is in progress (32sf).
- Professional and trade name plates (6sf).
- Home business signs (10 sf. and a maximum height of 8 ft.)
- Signs which mark property boundaries, give directions for roads, prohibit trespassing, hunting, etc, or warn of hazards (4 sf. and maximum height of 7 ft.).
- Signs giving the name of the residents or a dwelling and/or its address (4 sf)
- Temporary signs such as for garage sales, non-recurring events, political campaign, fund drive, etc or other events undertaken by a political, religious, charitable or educational organization.
- A bulletin board or similar sign connected with a church, museum, library, school, public or semi-public structures (32 sf. with a maximum height of 8 ft above ground level).
- Farm products sign on farm premise (24 sf.).
- Realty sign (under 20 sf.)

2. Approved sign permits will become null and void after 6 months if signs have not been completely installed as permitted.

3. For all signs that are to be erected in connection with a project requiring site plan review approval, sign approvals will be conducted by the Planning Board along with and according to the site plan approval process. If no site plan approval is required for a new building, signs shall be permitted and approved prior to issuance of building permits by the zoning officer.

**Section 4.44 – Shopping Centers and Motor Courts or Motels and Public Garages and Motor Vehicle Service Stations**

**Section 4.441 – Shopping Centers** (Site Development Plan Required Appendix B)

Shopping Centers shall be subject to site plan review as established by Appendix B.

**Section 4.442 – Motor Courts or Motels** (Site Development Plan Required Appendix B)

Motor courts or motels, where allowable under this Local Law shall conform to the following requirements:

1. Each rental structure shall contain at least eight (8) rental units.
2. In Agricultural and Rural Residence Districts R-R no rental structure or part thereof shall be placed closer to any street or road line than one hundred (100) feet; closer to any other property line than fifty (50) feet; or closer to any other Residence District boundary line than two hundred (200) feet.
3. Automobile parking space to accommodate not less than one (1) car for each rental unit plus one additional space for every two (2) persons regularly employed on the premises shall be provided on the premises and in Agricultural and Rural Residence Districts R-R no part of such parking space shall be closer to any public street line than seventy (70) feet.
4. Each rental unit shall be supplied with hot and cold running water and equipped with a flush toilet. All such fixtures shall be properly connected to the Town water and sewer system (or other equivalent method of water supply and sewage disposal properly installed). Sanitary facilities shall be approved by the proper health authorities.

**Section 4.443 – Public Garages and Motor Vehicle Service Stations (Site Development Plan Required Appendix B**

1. No public garage or motor vehicle service station, or private garage for more than five (5) cars shall have a vehicular entrance closer than two hundred (200) feet to an entrance to a church, school, theater, hospital, public park, playground or fire station. Such measurement shall be taken at the shortest distance between such entrances across the street if the entrances are on opposite sides of the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.
2. All motor vehicle services stations shall be so arranged and all gasoline pumps shall be so placed, as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property than fifty (50) feet.
3. Site development plans required for the erection or structural alteration of such public garage or motor vehicle service station shall be submitted to the Planning Board for approval. The Planning Board may require such changes therein relation to yards, driveways, driveway entrances and exits, and the location and height of buildings and enclosures as it may deem best suited to insure safety, to minimize traffic hazards or difficulties, and to safeguard adjacent properties.

**Section 4.45 – Drive-in Business, including Drive-in Outdoor Theaters, Refreshment Stands, Banks and the like where Patrons may enter the Premises and be Served or Entertained in Automobiles. (Site Development Plan Required – Appendix B)**

Site development plans for the erection or structural alteration of such drive-in business establishment shall be submitted to the Planning Board for approval. The Planning Board may require such changes therein in relation to yards, driveways, driveway entrances and exists, and the location and height of buildings and enclosures as it may deem best suited to insure safety, to minimize traffic hazards or difficulties, and to safeguard adjacent properties.

**Section 4.46 – Excavation and Quarries, Stripping of Topsoil and Sand and Gravel Pits**

**Section 4.461 – Excavations**

Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Excavations shall not create objectionable dust or noise, contribute to soil

erosion or create any kind of noxious or injurious substance or condition nor cause public hazard. No topsoil shall be stripped, excavated or removed, for sale or for any use, other than in connection with excavation and grading incidental to construction of the premises from which it is removed unless a layer of not less than six (6) inches of topsoil is left on the premises and this remaining layer is seeded to prevent erosion.

**Section 4.462 – Quarries, Stripping of Topsoil and Sand and/or Gravel Pits**

1. Rock and stone crushing, and mixing of stone or gravel with asphaltic oils or other binders shall be prohibited in all districts except heavy industrial districts. However, the above shall not prevent issuance by Planning Board of a temporary permit, under Article 6, for a mixing plant in connection with a particular construction project for the period of its construction.
2. A quarry for the removal of stone in bulk without crushing and a sand or gravel pit may be authorized by the Planning Board, in any Agricultural and Rural Residence District R-R and Heavy Industrial District –I as a special exception under the conditions as set forth in the Use Schedule as provided:
  - a. No excavation, blasting or stock piling of materials shall be located within fifty (50) feet of any public road or other property line.
  - b. No power-activated sorting machinery or equipment shall be located within fifty (50) feet of any public road or other property line and all such machinery shall be equipped with satisfactory dust elimination devices.
  - c. All excavation slopes in excess of one (1) to one (1) shall be adequately fenced as determined by the Zoning Enforcement Officer.
3. Any area in excess of one (1) acre, which has been stripped of topsoil, must be graded and planted to conform with the recommendation of Local Soil Conservation Service work Unit Conservationist.

**Section 4.47 – Salvage Yards – (Site Development Plan Required – Appendix B)**

**Section 4.48 – Mobile Homes and Mobile Home Parks**

**Section 4.481 – Mobile Homes**

The following shall apply in addition to all other regulations of the Town in respect to mobile homes.

1. No *single wide* mobile home shall be occupied in any district outside an approved mobile home court or an approved farm application as stated in Paragraph 3 of this section.
2. As an exception to 1 above, a permit may be issued for parking and occupying a mobile home on land owned by the occupant or occupants, during the construction of a house thereon for a period not exceeding one hundred eighty (180) days and shall be renewable for an additional period not exceeding one hundred eighty (180) days. However, if material progress with house construction is not made within forty-five (45) days from issuance of permit or construction work ceases for a consecutive period of forty-five (45) days, such permit shall become void.
3. In an R-R zone, a permit may be issued the owner of agricultural land as such term is defined herein of ten (10) acres or more (see Local Law No. 2 of the Year 1991) to place or park no more than two (2) mobile homes on such lands for his own occupancy or his

employee's occupancy, provided the provisions are maintained for the zone. Any permit issued under the subdivision shall be limited to period of time the subject premises are utilized for agricultural purposes.

4. Existing single wide mobile homes meeting the definition shall be allowed to upgrade or be replaced at the same location of existing unit with minor site changes ie. concrete pad, skirting, fencing, etc. Such replacement shall not be more than 20 years older than the date of application for replacement. Units being replaced or upgraded shall be completely removed from the property and disposed of properly. Approvals of the replacement or upgrades shall be by the Planning Board and Zoning Officer.
5. Existing Single wide mobile homes not replaced or left abandoned for a period on one (1) year shall be removed by the owner and not replaced. One (1) year shall be determined by the Zoning Enforcement Officer or the Planning Board or both.

#### **Section 4.482 – Recreational Vehicles**

1. Recreational Vehicles shall only be allowed in approved RV Parks or approved Mobile home parks. As an exception to this see 2 below.
2. One Recreational Vehicle may be stored on the property owners own property for there own personal use. Properties with more than two RVs there for more than two (2) weeks shall b e in violation of the law and shall cease. Permits may be obtained from the Zoning Enforcement Officer for RVs wanting to remain longer at a location but in no instance shall this be longer than six (6) months consecutive. Such permit shall not be reissued for six (6) months following the ending date of the last permit. Permits to be issued for this purpose shall be at the sole discretion of the Zoning Enforcement Officer whom will give various considerations prior to issuing the permit such as zone, location, neighborhood responsibility, visibility and safety.
3. Recreational Vehicles parked on property that is not owned by the RVs registered owner for more than two (2) weeks shall comply with the permit section in Paragraph 2 above.
4. **Fees** for the permit shall be **\$50** for ea period requested.
5. **Penalties:** Violation of this law as determined by the Zoning Enforcement Officer shall be **\$150** per day, per **RV** from the day of the issuance of a violation order to remedy from the Town or Zoning Enforcement Officer. Such violation shall be made out to the property owner on which the violation occurs.

#### **Section 4.483 - Mobile Home Parks (Site Development Plan Required – Appendix B)**

The following shall apply in addition to all other regulations of the Town in respect to mobile home parks:

1. For authorization a mobile home park shall have an area of not less than ten (10) acres, and no mobile home lot or office or service building shall be closer to a street or road or other property line than one hundred (100) feet.
2. In any other district where allowable, no mobile home lot or office or service building shall be closer to any street or road or other property line than fifty (50) feet.
3. In whatever district located, a mobile home park shall conform to the following additional requirements:
  - a. The margins along the side and rear property lines shall be densely planted to trees and shrubs for a depth of not less than twenty-five (25) feet.

- b. Individual mobile home lots shall have an area of not less than 6,000 square feet.
- c. Each mobile home lot shall have attachments for waste disposal and water supply and the waste disposal and water supply facilities shall be properly connected to Town sewer and water system (or other equivalent method of sewage disposal and water supply properly installed and approved by the proper health authorities.
- d. The owner or operator of the mobile home park shall maintain a register of all mobile homes parked therein, showing times of arrival and departure and the names of the occupants, and such registry shall be available for public inspection.

**Section 4.5 – Supplementary Regulations as an Accessory Use**

**Section 4.51 – Private Swimming Pool as an Accessory Use**

- 1. A private swimming pool installed or maintained as an accessory use in a residential district shall meet the following requirements:
  - a. It shall be used only as an accessory use to a dwelling or to a special permit use in a Residence District for the private use of the owner or occupant of such dwelling or building and his or her family, guests, or employees.
  - b.
    - (1) Any inground facility including pool, hot tub, or spa with less than 48 in. side barrier shall be completely enclosed by a security fence not less than four (4) feet in height. All gates or doors opening through such enclosure equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates or doors securely closed at all times when not in use, of a type approved by the Zoning Enforcement Officer. Openings in the barrier shall not allow passage of a 4 in. diameter sphere.
    - (2) An aboveground pool; minimum 48 inches in height, where the pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the inground pool requirements. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4 in. diameter sphere.
    - (3) Any above or inground hot tub and/or spa equipped with a lockable cover does not require security fencing.
  - c. Such pool shall be maintained in a manner sufficient to meet the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.
  - d. Such pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to interfere with the peace, comfort, and repose of the occupant of any adjoining property.

**Section 4.52 – Storage of Flammable Liquids**

The storage of alcohol, gasoline, crude oil or any other highly flammable liquid, in above-ground tanks with unit capacity greater than five hundred fifty (550) gallons shall be prohibited in all districts unless such tanks up to and including ten thousand (10,000) gallon capacity are placed not less than fifty (50)

feet from all property lines and unless all such tanks of more than ten thousand (10,000) gallon capacity are placed not less than one hundred (100) feet from all property lines. All tanks having a capacity greater than five hundred fifty (550) gallons shall be properly dyked with dykes having a capacity not less than one and one-half (1-1/2) times the capacity of the tank or tanks surrounded.

**Section 4.53 – Solar Considerations**

1. Provisions for the accommodation of solar energy systems and equipment, and access to sunlight necessary will be considered so far as conditions may permit.
2. Zoning district requirement shall be adhered to in all solar considerations as per Appendix C.

**Section 4.54 – Home Occupation**

1. The Town of Cobleskill recognizes the need to nurture and encourage home based business and to grow its local economy. Home based businesses represent a strong potential for our economy. These types of businesses also provide alternative incomes for families. Because some home based businesses may require additional services and infrastructure and there may be negative impacts on traffic, signage, noise and other qualities, the Town desires to set specific performance criteria and review criteria for home based businesses. Home Occupations are allowed in all zones listed in the Use Schedule (Appendix C). For review of Home Occupation, a Home Occupation application must be obtained from the Town Clerk's Office then submitted to the Zoning Officer for review. If determined by the Zoning Officer to be a Home Occupation; as described in the written requirements and standards, the officer shall submit the completed application, to the Planning Board Secretary for Planning Board review and approval.
2. Home Occupations are subject to a Home Occupation Permit, Site Development Plan review, and in some instances a Public Hearing may be required.
3. The Home Occupation must be operated by the owner of the property. Proof of ownership may be requested by the showing of a tax bill, survey or deed.
4. No more than five hundred (500) sq. ft. of floor area of the dwelling unit or (30%) of the total floor area of the dwelling unit may be used in connection with a Home Occupation, which ever is lessor. Floor area requirements refer only to heated habitable rooms within the dwelling unit.
5. An EXISTING accessory structure can be used for a Home Occupation provided that there are no exterior modifications and that the use will not change the residential or agricultural character of the area.
6. The total number of Home Occupations conducted within the dwelling is not limited, except that the cumulative impact of all Home Occupations conducted shall not exceed the impact of a single, full time Home Occupation. (example: day care during the day with a bed and breakfast at night.)
7. Home Occupations must meet all requirements of the zoning district in which it is located. In addition, the following standards are required:
  - a. Employees. A home occupation shall be incidental and secondary to the use of a residence or home. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of the neighboring property to enjoy the peaceful occupancy of their dwelling unit, and does not alter

the character of the neighborhood. A home occupation may be conducted within a dwelling unit and/or within accessory structures. The home occupation is to be conducted with no more than two non-resident assistants or employees at any one time. (Day care for children shall be based on a case by case basis)

- b. Signs. Any signs used in conjunction with a home occupation shall meet the requirements of Section 4.43 of the local law, and shall not exceed 5 sq. ft. In addition, the sign shall be an unanimated, non illuminated flat or window sign. The sign shall be permitted on the street front of the lot which the dwelling is located. A sample of the sign and location of the sign is required on the site plan if the sign is not located on or in the window of the dwelling.
- c. Parking. Off street parking shall be provided as required in Section 4.42 of the local law. No more than one vehicle larger than a passenger vehicle may be parked in a location visible from a public road or neighboring properties.
- d. Traffic. Automobile and truck traffic generated shall not be excessive, considering both the character of the road on which the use is located and the volume of traffic that would otherwise be generated by a typical residential use.
- e. Outside Storage. There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation, unless screened from the road and from other properties.
- f. Nuisance. No offensive appearance, noise, vibration, smoke, electrical interference, dust, odors, or heat shall occur. The use of substances which may endanger public health or safety or which pollute the air or water are prohibited.
- g. Fees. After meeting with the Zoning Officer and the determination is made that the proposed use is an allowable Home Occupation, a one time application fee of \$100.00 (payable to the Town of Cobleskill) shall be made at the same time of the submittal of the completed application to the Planning Board Secretary. The site plan fee is waived for this application. Although, if it is determined that the town may incur costs for review of this application, the applicant shall be responsible for those costs incurred for the review of the application.
- h. Validity. Once the application is approved, the owner has one year from the approval date to complete the requirement's agreed upon and obtain a Certificate of Occupancy from the Zoning Enforcement Officer. The Home Occupation permit is non transferable.
- i. Expiration of Approval. If the applicant does not get a Certificate of Occupancy within the one year time as stated above, the approval is rescinded. Extensions may be granted if requested by the applicant in writing stating the exact completion date.
- j. Required Inspections. Before any Certificate of Occupancy is issued by the Zoning Enforcement Officer, all required inspections will take place. A building and zoning permit may be required if alterations are made to the interior, exterior, parking or signage. A Planning Board member may inspect the site for compliance purposes.
- k. Waiver of Information. The Planning Board may waive any requirements at the request of the applicant or as determined by the Planning Board not to be needed for review.

#### **Section 4.55 – Temporary Storage Units**

1. Purpose and intent. The following regulation has been adopted to ensure that placement of temporary storage units, commonly known as PODS (portable on-demand storage), complies with health, safety, and aesthetics objectives of the Town.
2. Definitions. Temporary Storage Unit – Any container, storage unit, shed-like container, or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building. An accessory building or shed complying with all building codes and land use requirements shall not be considered a temporary storage unit.
3. Permit application and fee. Prior to placing a temporary storage unit on a property, a person must submit an application and receive a permit from the Town Code Enforcement Officer. There is no permit fee. Applications are available from the Town Code Enforcement Officer.
4. Duration. Permits will be granted for a period of four (4) months. The permit shall not be extended beyond 60 days. *Exception:* Site Plan showing rental space for PODS or site remodeling.
5. Location.
  - a. The temporary storage unit shall not be located in or impede the use of any shared parking area, loading area, aisle, or driveway.
  - b. The temporary storage unit shall not be located in any public right-of-way.
  - c. The temporary storage unit shall be placed in the least conspicuous location available to minimize disturbance to any adjoining residential properties.
6. Number of units. No more than two at any residential property at one time.
7. Other Conditions. The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.

No temporary storage unit shall be used to store illegal, harmful, hazardous material or human occupancy. Upon reasonable notice to the applicant, the Town of Cobleskill may inspect the contents of any temporary storage unit at any reasonable time to ensure it is not being used to store said materials. At no time shall a temporary storage unit be used for any of these purposes or used for advertising purposes. Any lettering on the temporary storage unit shall be confined to a four (4) sq ft area.

8. Penalties for offenses. Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall, upon conviction, be subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.
9. Civil proceedings. Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation.
10. SEVERABILITY:

If any clause, sentence, paragraph or part of this local law or application thereof to any person or circumstances shall be adjudged by any Court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

## **NON-CONFORMING USES, BUILDINGS AND STRUCTURES**

### **ARTICLE 5**

#### **Section 5.1 – Non-conforming Uses, Buildings and Structures**

1. Continuation of non-conforming use. Any use of land, or a building or structure or part thereof, existing at the time this law or any amendment hereto becomes effective, may be continued, although such building or structure or use does not conform to the provisions of the district in which it is situated.
2. Discontinuance of use. When a non-conforming use has been discontinued for not less than 1 year or destroyed wholly or in part by fire or other cause, it may be reconstructed if construction begins within one year. After this period it shall not be re-established and future use shall be in conformity with the provisions of this law.
3. Change of non-conforming use. No non-conforming use shall be changed to other than a conforming use for the district in which it is situated.
4. Maintenance of a non-conforming use. A non-conforming use is hereby required to be maintained in such condition as will not constitute a danger of the safety, health or general welfare of the public. Alterations and extensions of the non-conforming use may be authorized by the Board of Appeals following a public hearing, provided that such alterations or extensions do not violate any provisions of this law regarding yards, lot area or lot coverage for the district in which it is situated, or to increase any existing violation of such provisions.

**Section 5.2 – Temporary Uses and Structures**

Temporary permits may be issued by the Zoning Enforcement Officer for a period not exceeding one (1) year, for non-conforming uses incident to housing and construction projects, including such structures and uses as storage of building materials and machinery, the processing of building materials, and a real estate office located on the tract being offered, for sale, provided such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit. Such permits may be renewed upon application to the Board of Appeals and proof of hardship shown for an additional period not exceeding one (1) year.

Except as may otherwise be permitted by this law, it shall be unlawful to conduct any temporary outdoor sales from the right-of-way of any roadway, yard or parking lot.

Temporary shall mean businesses that are transportable and not located on the vendors own property.

**ADMINISTRATION AND ENFORCEMENT**

**ARTICLE 6**

**Section 6.1 – Interpretation**

Interpreting and applying the provisions of this law they shall be held to the minimum requirements for the promotion of the public safety, convenience, prosperity and general welfare for the Town of Cobleskill.

**Section 6.2 – Enforcement**

1. Enforcing Officer. The provisions of this Law shall be administered and enforced by the Zoning Enforcement Officer appointed by the Town Board, who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Law. It shall be the responsibility of Zoning Enforcement Officer to ensure that this Zoning Law is enforced and that all new structures comply with Zoning Law.
2. Duties. It shall be the duty of the Zoning Enforcement Officer to keep a record of all applications for permits and a record of all applications for permits and a record of all

permits issued with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall form a part of the records of his office and shall be available for use of the Town Board and other officials. The Zoning Enforcement Officer shall not issue a permit for the construction or substantial change of the outside of any building or change of use of any property or land unless such building or use conforms to all other laws of the Town of Cobleskill.

### **Section 6.3 – Zoning Permits and Certificate of Occupancy**

#### **Section 6.31 – Zoning Permits**

1. Requirement. It shall be unlawful to commence the excavation for or the construction of any building or structure including accessory buildings, or to commence the moving or change of use or demolition of any building or structure, including accessory buildings, until the Zoning Enforcement Officer has issued a permit for such work.
2. Issuance. In applying to the Zoning Enforcement Officer for a zoning permit, the applicant shall submit a dimensioned sketch or plan to scale indicating the shape, size, height, and location in exact relation to all property lines and to street or road lines of all buildings or structures to be erected, changed in use or moved, and of any building or structure already on the lot. This sketch shall be accompanied by a written statement to the effect that the line of the bounding street or road has been accurately located and staked on the ground. The applicant shall also state the existing or intended use of all such buildings and supply other information as may be required by the Zoning Enforcement Officer to insure that the provisions of this law are being observed. If the proposed excavations, or construction, or changes of use or moving as set forth in the application is in conformity with the provisions of this law, and other laws of the Town of Cobleskill then enforced, the Zoning Enforcement Officer shall issue a permit for such excavation, construction, change of use or moving.
3. Refusal. If a zoning permit is refused, the Zoning Enforcement Officer shall state such refusal in writing, with the cause and shall immediately mail notice of such refusal to the applicant at the address indicated on the application.
4. Fees. Zoning permit fees and fees to be charged for building permits of both non-commercial construction and commercial construction shall be reviewed, adjusted and/or established by Resolution of Town Board on an annual basis at their organization meeting, or as otherwise determined by the Town Board.
5. Effect. The issuance of a permit shall in no case be construed as waiving any provision of this law.
6. Term. A zoning permit shall become void six (6) months from the date of issuance unless substantial progress has been made since that date on the project described therein. The zoning permit may be renewed for an additional six (6) months upon application without the payment of an additional fee.
7. Flood Hazards. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:
  - a. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure
  - b. Use construction materials and utility equipment that are resistant to flood damage.

- c. And use construction methods and practices that will minimize flood damage.
8. Temporary Permits. (See Non-Conforming Uses – Section 5.2)

**Section 6.32 – Certificate of Occupancy**

- 1. Requirement. No land or building or other structure or part thereof hereafter erected or changed in use of structure shall be used or occupied until the Zoning Enforcement Officer shall have issued a Certificate of Occupancy stating that such land, building, structure or part thereof, and the proposed occupancy or use thereof are found to be in conformity with the provisions of this Law.
- 2. Issuance. Within five (5) days after notification that a building or structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Enforcement Officer to make a final inspection thereof and issue a Certificate of Occupancy if the land, building, structure, or part thereof is found to conform with the provisions of this Law.
- 3. Refusal. If the Zoning Enforcement Officer after such final inspection refuses to issue a Certificate of Occupancy, he shall state such refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application.

**Section 6.33 – Health Department – Requirements**

No building permit or Certificate of Occupancy issued under the provisions of this Article shall become or remain valid unless the holder thereof has complied with the applicable rules and regulations of the County and/or State of New York.

**Section 6.4 – Planning Board**

- 1. Creation, Duties and Powers
  - a. Creation. A Planning Board for the Town shall be established in accordance with Section 271 of the Town Law.
  - b. Composition. The Planning Board shall consist of seven (7) members.
  - c. Appointment. The Town Board shall appoint the members of the Planning Board and shall designate its Chairman. No person who is a member of the Town Board shall be eligible for membership on such Planning Board. All members of the existing Planning Board shall be appointed for the term of five (5) years from and after the expiration of the term of their predecessors in office.
  - d. Removal. The Town Board shall have the power to remove any member of the Board for cause after public hearing.
  - e. Vacancies. Vacancies shall be filled by Town Board. If vacancies shall occur otherwise than by the expiration of term, it shall be filled by appointment for unexpired term.
  - f. Compensation. The Town Board may provide for compensation to be paid to Board members, experts, clerks, a secretary and for other expenses as may be necessary and proper.

- g. Powers. The Planning Board shall have the following powers: Conduct Site Development Plan reviews, issue special permits, conduct SEQR reviews, oversee Town subdivision regulations, report on specific referrals and interpretations to the Town Board and Zoning Enforcement Officer and such other power as conferred by Town Law.
- h. The Planning Board shall keep minutes of their meetings and decisions and, where applicable, the justification for its decisions.

**Section 6.5 – Board of Appeals – Procedures**

**Section 6.51 – Board of Appeals – Creation, Powers, Duties**

- 1. Creation, composition and appointment.
  - a. Creation. A Board of Appeals is hereby established in accordance with Section 267 of the Town Law.
  - b. Composition. The Board of Appeals may consist of five (5) or seven (7) members.
  - c. Appointment. The Town Board shall appoint the members of the Board of Appeals and shall designate its chairman. No person who is a member of the Town Board shall be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one (1) shall hold office for a term of one (1) year, one (1) for a term of two (2) years, one (1) for the term of three (3) years, one (1) for the term of four (4) years, and one (1) for the term of five (5) years from and after his appointment; provided, however, that such Town Board may by resolution increase the number of members of members of the Board to seven (7) and thereafter such additional members shall be first appointed for terms of two (2) and four (4) years respectively. Their successors, including such additional members as may be appointed by the Town Board, shall be appointed for the term of five (5) years from and after the expiration of the term of their predecessors in office.
  - d. Removal. The Town Board shall have the power to remove any member of the Board for cause after public hearing.
  - e. Vacancies. Vacancies shall be filled by Town Board. If vacancies shall occur otherwise than by the expiration of term, it shall be filled by appointment for the unexpired term.
  - f. Compensation. The Town Board may provide for compensation to be paid to Board members, experts, clerks, a secretary and for other such expenses as may be necessary and proper.

**Section 6.52 – General Procedures**

- 1. Meetings. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. All meetings of such Board shall be open to the public.
- 2. Oaths. The Chairman or in his absence, the acting Chairman, may administer oath and compel the attendance of witnesses.

3. Minutes. 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, and shall also keep records of its examination and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Town Clerk and shall be a public record.
4. Powers. The Board of Appeals shall have the following powers:
  - a. Administrative review. To hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Enforcement Officer or other administrative officer in carrying out or enforcing of any provision of this Law. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any order, requirement, decision or determination of such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under any such law.
  - b. Special exceptions. To hear and decide applications for special exceptions as specified in this law and to authorize the issuance of special permits as specifically provided herein. A majority vote of all members of the Board of Appeals shall be necessary to grant a special exception.
  - c. Variance. To hear applications for variance from the terms of this law as will not be contrary to public interest where owing to unique conditions as literal enforcement of the provisions of this law will result in unnecessary hardship, while adhering the spirit of this law and doing substantial justice. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning. Hardship must be unique and must arise from either a natural or man-made conditions of the land upon which a use not in conformance with the literal terms of this law is proposed. Specifically, no variance shall be granted by the Board of Appeals unless it finds:
    - I. That the strict application of the provisions of this law would deprive the applicant of the reasonable use of the land or building for which such variance is sought, that the granting of the variance is necessary for the reasonable use of such property, and that the variance granted by the Board is the minimum variance that will accomplish this purpose: and,
    - II. That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the vicinity or neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of this law, and,
    - III. That the granting of the variance will be in harmony with the general purposes of this law, will not be injurious to the neighborhood, and will not alter the essential character of the locality. In granting a variance, the Board of Appeals may prescribe appropriate conditions or safeguards that are necessary or desirable to carry out the requirements of this subsection,
    - IV. A majority decision of all members of the Board of Appeals shall be necessary to grant a variance.

**Section 6.53 – Special Procedures Relative to Appeal for Administration Review or Variance**

1. Who may appeal. An appeal to the Board of Appeals for Administrative Review or Variance may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Zoning Enforcement Officer or Planning Board based in whole or part upon the provisions of this law. Such appeal shall be taken by filing with the Board of Appeals, a notice of appeal specifying the grounds thereof. The Zoning Enforcement Officer or Planning Board shall forthwith transmit all papers constituting the record upon which the action appealed from was taken, to the Board of Appeals.
2. Time of Appeal. Said notice of appeal shall be filed within sixty (60) days from the date upon which the notice of refusal of building permit or refusal of Certificate of Occupancy is mailed by the Zoning Enforcement Officer; and failure to file notice of appeal within sixty (60) days shall constitute a waiver of the right to appeal.
3. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Enforcement Officer and on due cause shown.

**Section 6.531 – Hearing, Notice, Public Notice, Notice to Property Owner and Costs**

1. Hearing. The Board of Appeals shall fix a reasonable time for the hearing of any application for variance or the hearing of an appeal for administrative review.
2. Notice. The Board of Appeals shall give public notice of any application for a variance or for the hearing of appeal for administrative review by the publication in the official paper or a notice of such hearing at least five (5) days prior to the date thereof, and shall, at least five (5) days before such hearing, mail notices thereof to the parties, and to the Regional State Park Commission having jurisdiction over any state park or parkways within five hundred (500) feet of the property affected by such appeal and shall decide the same within a reasonable time.

**Section 6.54 – Special Exceptions**

Public notice of application for special exceptions. The Board of Appeals shall fix a reasonable time for the hearing of any application for a special exception. It shall give public notice thereof by three (3) insertions in the official paper, the first of which shall be published ten (10) days prior to the date fixed for the hearing. Notice of such an application for a special exception shall also be given by registered or certified mail at least ten (10) days prior to the date of hearing to all persons, firms or corporations owning property or resident within two hundred (200) feet of the location of the property upon which the use is proposed to be established, and to the Regional State Park Commission having jurisdiction over any state park or parkways within five hundred (500) feet of the location of the property upon which the use is proposed to be established. Upon the hearing, any party may appear in person or by agent, or by attorney, and the Board of Appeals shall decide the application for special exception within a reasonable time. All costs of publication, notice, stenographic services, hearing room rental and all other costs and disbursements shall be paid by the applicant and such costs and disbursements shall be estimated and deposited with the Town Clerk upon the filing of application.

**Section 6.55 – Provisions of Appeal**

If the variance is granted or the issuance of a permit is finally approved, or other action by the appellant or applicant is authorized, the necessary permits shall be subject to the terms of Section 6.3. Should the appellant or applicant fail to comply with these provisions, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn and abandoned his appeal or his application, and such permissions, variances and permits to him granted shall be deemed automatically rescinded by the Board of Appeals.

**Section 6.56 – Scope**

1. In exercising the above-mentioned powers, such Board of Appeals may, in conformity with the provisions of this article, reverse or affirm, wholly, or partly, or may modify the order, requirements, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. Notice of such decision shall be given forthwith to all parties in interest.
2. Nothing herein shall be interpreted to restrict the Zoning Board of Appeals' power to grant a use variance for any use permitted by this entire Zoning Law as permitted by New York State Town Law.

**Section 6.57 – Recourse**

1. Any person or persons, jointly or severally aggrieved, by any decision of the Board of Appeals or any officer, department, board or bureau of the Town, may apply to the Supreme Court for relief by a proceeding under article seventy-eight of the civil practice act, except that:
  - a. It must be instituted as therein provided within thirty (30) days after filing a decision in the office of the Town Clerk.
  - b. The court may take evidence or appoint a referee to take such evidence as it may direct and report the same with his finding of fact, and conclusions of law, it shall appear that testimony is necessary for the proper disposition of the matter.
  - c. The court at special term shall itself dispose of the cause or the merits, determining questions which may be presented for determination under the provision of Section twelve hundred ninety-six of such article.
2. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

**Section 6.6 – Remedies**

In case any building or structure is erected, constructed, reconstructed, changed in use, converted, or maintained; or any building, structure or land is used in violation of this law, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate actions or proceedings to prevent such unlawful erection, construction, reconstruction, change in use, conversion, maintenance, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

**Section 6.7 – Penalties**

1. Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this law shall be guilty of

an offense subject to a fine of not more than two hundred fifty (\$250) dollars or imprisonment for a period of not more than 6 months (180) days or both so fined and imprisoned for each offense.

2. Each week a violation is continued shall be deemed a separate offense.

## AMENDMENTS

### ARTICLE 7

#### Section 7.1 – General Provisions

##### Section 7.11 – Amendments by Town Board

The Town Board from time to time on its own motion or on petition by taxpayers or on recommendations of the Planning Board after public notice and hearing as prescribed by the Town Law – may amend, supplement, modify, or repeal in whole or part this Law or the boundary of any district established by this Law.

##### Section 7.12 – Advisory Report by Planning Board

Any such proposed change in text or zoning district boundary shall first be referred to the Planning Board which shall submit a written report to the Town Board prior to public hearing thereon by the Town Board. The Planning Board shall favorably recommend adoption of an amendment or change in this Law or in a district boundary only if:

1. Such change does not conflict with the general purposes, goals, and intent of this Law.

The Planning Board shall submit to the Town Board its advisory report within 30 days after receiving notice from the Town Clerk of the proposed change. The failure to make such report within 30 days shall be deemed to be a favorable recommendation.

#### Section 7.2 – Public Notice and Hearing

##### Section 7.21 – Public Hearing

No such change in text or zoning district boundary of this Law shall become effective until after a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard.

##### Section 7.22 – Newspaper Notice of Hearing

At least 15 days prior to the date of such public hearing, a notice of the time and place shall appear in a paper of general circulation. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves.

##### Section 7.23 – Written Notice of Change or Amendment

At least ten days prior to the date of said public hearing, written notice of such proposed change or amendment affecting property within 500 feet of the boundaries of any adjoining Town or Village shall be given to the Town or Village Clerk. The Town or Village shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment. Written notice shall also be sent to any applicable agency as required in Section 265 of the Town Law.

##### Section 7.24 – Referral to County Planning Agency

Before taking final action on certain proposed amendments to this Law, as specified in, and in accordance with, Section 239-m of Article 12-B of the General Municipal Law, the Town Board shall refer such amendments to the Schoharie County Planning and Development Agency for report thereon.

**Section 7.3 – Publication and Posting**

Every zoning law and every amendment to a zoning law (including any map incorporated therein) adopted in accordance with the Town Law shall be entered in the minutes of the Town Board, and a copy or abstract thereof (exclusive of a map incorporated therein) shall be published once in a newspaper published in the Town, if any, or in such newspaper published in the County in which such Town may be located, having circulation in such Town, as the Board of the Town may designate. In addition, a copy or abstract of such Law or amendment, whether with a copy of any map incorporated therein, shall be posted on the sign-board maintained by the Town Clerk pursuant to the Town Law. Affidavits of the publication and posting thereof shall be filed with the Town Clerk. Such Law shall take effect ten days after such publication and posting, but such Law or amendment shall take effect from the date of service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town; and showing the date of its passage and entry in the minutes.

**Section 7.4 – Protest**

A protest against a proposed change or amendment to this Law if signed by the owners of 20% or more of the area of the land included in such proposed change, or by the owners of 20% or more of the land directly opposite thereto extended 100 feet from the street frontage of such opposite land shall require the favorable vote of the majority of the Town Board to become effective.

**Section 7.5 – Change of Zoning in Subdivision Approval**

**Section 7.51 – Review of Decision of Planning Board**

Any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning such plat or the changing of the zoning regulations of such land, or any officer, department, board or bureau of the Town, may bring a proceeding to review in the manner provided article seventy-eight of the civil practice law and rules in a court of record on the ground that such decision is illegal, in whole or in part. Such proceeding must be commenced within thirty days after the filing of the decision in the office of the Board.

Commencement of the proceeding shall stay proceedings upon the decision appealed from.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the Planning Board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

**Section 7.6 – Fee**

Every petition for a change or amendment to this Law shall be accompanied by a fee of \$100.00 to help defray the cost of such technical studies or professional assistance as may be necessary in connection with the petition.

**Section 7.7 – Lot in Different Districts**

If a lot is divided by a zoning district boundary, one of the following conditions shall apply:

1. The respective district regulations shall apply to each portion of the lot so divided, or
2. The regulations of the more restricted district may be applied to the entire lot, or
3. The Board of Appeals may establish requirements within the intent of this Law, which represent a compromise between the requirements of the districts involved, and which are approximately proportional to the area of the lot that lies within each different district. In no case shall such requirements be less restrictive than the regulations in the least restrictive district.

**MISCELLANEOUS PROVISIONS**

**ARTICLE 8**

**Section 8.1 – Applications**

Application will expire within one (1) year's date of its submission, unless written extension mutually agreed upon by the owner and Board is submitted.

**Section 8.11 – Compliance with Law**

All applicable buildings shall hereafter be used, occupied, constructed, located, relocated, or enlarged, and all applicable land shall be used or occupied only in compliance with the provisions of this Law.

**Section 8.12 – Precedence**

Wherever any other lawful statute, ordinance, regulation, easement, private agreement, covenant, deed restriction, or other legal relationship – public or private – imposes controls which are inconsistent with any provision of this Law, then those provisions which are the more restrictive or impose higher standards shall take precedence.

**Section 8.13 – Separate Validity**

If any part or provision of this Law is adjudged invalid or unconstitutional by any court of competent jurisdiction, such judgment shall be confined in its effect to the part, provision, or application directly involved and shall not affect or impair the validity of the remainder of this Law.

**Section 8.14 – Effective Date**

This amended Law together with the appurtenant Official amended Zoning Map shall take effect December 13, 1993.

## **APPENDIX A**

### **DEFINITIONS**

**AGRICULTURE/FARM/FARMING.** Producing an agricultural product on more than ten (10) acres of land and grossing at least \$10,000.00 per year for the preceding 2 years.

**ALLEY.** A public way having a right-of-way width of twenty (20) feet or less.

**AREA, LAND.** The term “land area”, when referring to the required area per dwelling unit, means “net land area; the area exclusive of street and other public open space.

**AREA, TOTAL FLOOR.** The area of all floors of a building including finished attics, finished basements and covered porches.

**BASEMENT.** Finished space below the first main floor of a building, having a ceiling not more than four (4) feet above the average outside ground level.

**BLOCK.** The length of a street between two street intersections. Where street intersections are at intervals greater than twelve hundred (1,200) feet, 1,200 feet shall be considered the length of block for purpose of this law.

**BOARDINGHOUSE AND/OR ROOMING HOUSE.** A dwelling, other than a hotel, wherein more than four (4) people are sheltered and/or fed for profit.

**BUILDING, ACCESSORY.** A building the use of which is customarily incidental to that of a dwelling and which is located on the same lot as that occupied by the main building.

**BUILDING, ACCESSORY USE OF.** A use customarily incidental to the use of a building for dwelling purposes, not occupying more than 25 percent of the total above ground floor area of the main building thereof and including:

1. The office or studio of a physician or surgeon, dentist, artist, musician, lawyer, architect, engineer, teacher, or other such professional person residing on the premises, provided there is no advertising display visible from the street, other than a small professional name plate. The above shall not be interpreted to include the office or place of business of a mortician.
2. Customary home occupations such as millinery, dressmaking, photographer, and hairdresser, provided (a) there is no display of goods visible from the street, (b) no exterior advertising other than an unlighted sign not over (2) square feet in area, and (c) such occupation is conducted in the main building by a person or persons therein, with not more than one (1) paid assistant.

**BUILDING, CHANGE OF USE.** Any change in supporting members of a building except such changes as may be required for its safety any change in use from one district classification to another, or removal of a building from one location to another.

**BUILDING, HEIGHT OF.** The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

**BUILDING OR STRUCTURE, NON-CONFORMING.** An established building or structure lawfully existing prior to and at the time of the adoption of this law which, because of its inherent nature of construction, does not conform to and with the provisions of this law for the district in which it is located.

**BUILDING OR STRUCTURE OF LAND, NON-CONFORMING USE.** An established use of a building or structure or use of land lawfully existing prior to and at the time of the adoption of this law that does not conform to and with the permitted use provisions of this law for the district in which it is located.

**BUILDING, PRINCIPAL.** A building including covered porches, in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed the principal building on the lot on which the same is situated.

**CENTER LINE OF STREET OR ROAD.** A line midway between and parallel to two street or road property lines or as otherwise defined by the Planning Board.

**CLUBHOUSE.** A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

**CONSTRUCTION, FIRE RESISTANT.** That type of construction in which the walls, partitions, columns, floor and roof are noncombustible with sufficient fire resistance to withstand the effects of a fire and prevent its spread from story to story.

**COURT.** An unoccupied open space, other than a yards, in the same lot with a building which is bounded on two or more sides by the walls of such building.

**DWELLING.** A house, apartment building or other building designed or used primarily for human habitation. The word “dwelling” shall not include boarding houses or rooming houses, tourist homes, motels, hotels, or other structures designed for transient residence.

**DWELLING – MULTI-FAMILY.** A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities or both.

**DWELLING – ONE FAMILY.** A detached building designed for the use of a single household, including one or more persons living as a family, and wherein, not more than tree (3) people are sheltered and/or fed for profit.

**DWELLING, ROW OR TOWN HOUSE.** A dwelling accommodating or designed to accommodate but a single family in a single dwelling unit, the walls on two sides of which may be in common with the walls of adjoining dwellings and are party or lot line walls.

**DWELLING – SEMI-DETACHED.** A detached building containing two dwelling units separated by a party wall, each having one side yard.

**DWELLING – TWO-FAMILY.** A building having two side yards and accommodating but two families, with one family living over the other.

**DWELLING UNIT.** Any dwelling or portion thereof used or intended to be used by one family, and providing complete housekeeping facilities therefor.

**FAMILY.** Any number of individuals, related by blood, marriage, or adoption (or not more than five (5) individuals who are not so related) living together as a single housekeeping unit, using rooms and housekeeping facilities in common and having such meals as they may eat at home prepared and eaten together.

**GARAGE – PRIVATE.** A garage not conducted as a business or used for the storage space for more than one (1) commercial vehicle which shall be owned by a person residing on the premises.

**GARAGE – PUBLIC.** A garage conducted as a business. The rental of storage space for more than two (2) passenger cars or for one (1) commercial vehicle not owned by a person residing on the premises shall be deemed a business use.

**HOME – TOURIST.** A private residence in which overnight accommodations are provided for not more than ten (10) transient paying guests.

**HOSPITAL.** An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including sanitarium and shall be limited to other care of humans.

**HOTEL.** Hotel shall mean a public inn, in which there are twelve or more rental rooms.

**LOT.** A piece, parcel or plot of land occupied or to be occupied by a principal building and its accessory building or buildings and including the yards and open spaces required by this Law.

**LOT - CORNER.** A lot which has an interior angle of less than one hundred and thirty-five degrees at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a corner lot. If the tangents to the curve at its points beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees.

**LOT OF RECORD.** Any lot which has been established as such by plat, survey, record or deed prior to the date of this enactment as shown on the records of Schoharie County Clerk's Office.

**MOBILE HOME PARK.** Any lot on which two or more mobile homes are located regardless of whether or not a charge is made for such accommodations.

**MOTEL OR MOTOR COURT.** Motel or motor court shall mean a public inn containing not less than eight (8) rental units with provisions for but not limited to (a) automobile parking space to accommodate not less than one (1) car per unit, and (b) separate toilet facilities and hot and cold running water for each rental unit.

**NURSING OR CONVALESCENT HOME.** Any establishment where persons are housed or lodged and furnished with meals and nursing care for hire.

**PORCH, OPEN.** A porch open on three (3) sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash. A structure having a driveway running to it, under it, or through it shall not be considered to be an open porch.

A permanent foundation shall consist of:

1. A masonry wall constructed on a footer placed a minimum of 4' below ground level  

or
2. A 5" reinforced concrete pad extending 2 feet beyond the outer limits of the sides and ends of the portable structure. The pad to be placed on a well drained site containing solid fill.  

or
3. A series of concrete piers adequate to support the structure not more than 8 feet apart under each of the bearing beams of the structure. Piers to be placed a minimum of 4' below ground level.

Area between the floor of the structure and the ground shall be skirted with an acceptable durable material.

**RECREATIONAL VEHICLE**, abbr RV. A vehicle that is inspected and registered for road travel, such as a Camper, Camping Bus, Motor Home. Such vehicle is equipped for traveling and recreational activities and maybe towed or self powered.

**SINGLE WIDE MOBILE HOME**. A transported residence generally less than 18' in width transported without its own power, equipped for or used for living purposes. Such unit is mounted on wheels and transported to site. It is a single entity in its self and needs no further installation of components except for on site utility hookups or building code compliance. If the unit falls out side of the above guidelines a determination as to what the unit is, shall be made by the Code Enforcement Officer and shall be binding. Existing single wide mobile homes meeting the above definition shall be allowed to upgrade as specified in paragraph 4 of the Mobile Home section of the town zoning law.

**STORY**. Story shall mean that part of a building, included between any floor, other than a basement floor, and the floor or roof next above.

**STREET**. Any public way dedicated to public travel greater than twenty (20) feet in width.

**STREET LINE**. A street line is the right-of-way line of a street as indicated by dedication or by deed of record.

**STRUCTURE**. Any facility constructed or used for residence, business, industry, or public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, mobile homes, billboards, signs, satellite dishes and similar facilities whether stationary or movable.

**SWIMMING POOLS**. The term "swimming pool" means any body of water (excluding natural bodies of water fed by rivers, streams or brooks) or receptacle for water having a depth at any point greater than two feet used or intended to be used for swimming or bathing, and constructed, installed or maintained in the ground outside any building.

**YARD, FRONT**. An open space extending across the entire width of the lot between the building line or front main wall of a building and the front property line, (street or road right-of-way line) and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices, and similar fixtures.

**YARD, REAR**. An open space extending across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory buildings and open porches which in the aggregate shall occupy not more than thirty-five (35) percent of the area.

**YARD, SIDE**. An open unobstructed space on the same lot with a principal building and the side line of the lot and extending through from the front yard and to the rear yard, into which space there shall be no extension of building parts other than eaves with an overhang of not more than two (2) feet, rain water leaders, window sills, ad other such fixtures and open steps for a distance not exceeding four (4) feet.

## APPENDIX B

### SITE DEVELOPMENT PLANS

In all cases where this law requires approval of Site Development Plan by the Planning Board, no building permit shall be issued by the Zoning Officer except upon authorization of or in conformity with the plans approved by the Planning Board.

1. Procedure. No building permit may be issued for any building or use of land within the preview of this section unless the building is constructed or used or the land is developed or used in conformity with an approved Site Development Plan.
  - a. Fees. All costs incurred by the Cobleskill Town Planning Board associated with site development plan review shall be born by the applicant. All Applications for Site Plan Approval and Site Plan Amendments shall be accompanied by a fee of \$125.00;
  - b. Pre-Submission. Prior to the development of detailed plans and the submission of a formal Site Development Plan, the applicant should meet in person with the Planning Board, and/or their designated representative, to discuss the proposed Site Development Plan in order to determine which of the subsequent requirements shall be necessary in developing and submitting the required Site Development Plan,
  - c. Final Submissions. At least fifteen (15) days in advance of the Planning Board meeting at which a Site Development Plan, or an amendment of it, is to be presented, nine (9) copies of the information enumerated in Item 2 below must be submitted as required to the Secretary of the Planning Board, along with a letter of application. All maps submitted must be at a scale of not less than thirty (30) feet to the inch.
2. Plan Requirements. The information to be submitted and which in total constitutes a Site Development Plan, follows:
  - a. Legal Data.
    - I. The names of all owners of record of all adjacent property,
    - II. Existing zoning boundaries and districts,
    - III. Boundaries of the property: building of setback lines and lot lines, and lines of existing streets as shown on the Town's Official Map. Reservations, easements and areas dedicated to public use, if known, shall be shown.
  - b. Existing Buildings. A drawing showing the location of existing buildings.
  - c. Development Data.
    - I. Title of development, date, north point, scale, name and address of record owner, engineer, architect, land planner or surveyor preparing the Site Development Plan,

- II. The proposed use or uses of land and buildings and proposed location of buildings (including any signs, fences, and lighting facilities, and similar items),
  - III. All means of vehicular access and egress to and from the site onto public streets,
  - IV. The location and design of any off-street parking area or loading areas,
  - V. The location of all proposed water lines, valves, and hydrants, and of all sewer lines, or alternative means of water supply and sewage disposal and treatment,
  - VI. The proposed location, direction, power and time, of proposed outdoor lighting,
  - VII. The proposed screening and landscaping,
  - VIII. Proposed storm water drainage system,
  - IX. Location of all uses not requiring a structure,
  - X. Locations of springs, sinkholes, rock outcrops and other significant physical features.
  - XI. Where the applicant wishes to develop in stages, a site plan indicating ultimate development shall be presented for approval.
3. Additional Data. Where, due to special conditions peculiar to a site, or the size, nature or complexity of the proposed use or development of land or buildings, the Planning Board finds that all or portions of the additional data listed below are necessary for proper review of the Site Development Plan, the Board may require any or all of such data to be included in the required submission of the Site Development Plan.
- a. Legal Data.
    - I. A survey showing all lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten (10) seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed one to ten thousand,
    - II. A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
  - b. Existing Facilities. Location of existing water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
  - c. Topographic Data.
    - I. Existing contours with intervals of five (5) feet or less, referred to a datum satisfactory to the Board,
    - II. Location of existing watercourses, marshes, wooded areas, rock outcrops, single trees with a diameter of twelve (12) inches or more, measured three (3) feet above the base of the trunk, and other significant existing features.

- d. Development Data.
  - I. All proposed lots, easements, and public and community areas. All proposed streets with (a) profiles indicating grading and (b) cross-sections showing width of roadway, location and width of sidewalk, and location and size of utility lines. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten (10) seconds or closer,
  - II. All proposed grades,
  - III. The proposed screening and/or landscaping as shown on a planting plan by a qualified Landscape Architect or Architect.
- 4. Duties of the Planning Board, in approving the Site Development Plan for any particular use the Planning Board shall give specific consideration to the design of the following:
  - a. Traffic Access. That all proposed traffic access and ways are adequate but not excessive in number; adequate in width, grade, alignment, and visibility; not located too near street corners or other places of public assembly; and other similar safety considerations.
  - b. Circulation and Parking. That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking lots,
  - c. Landscaping and Screening. That all playground, parking, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood. Existing trees over 12" in diameter, measured 3 feet above the trunk, shall be retained to the maximum extent possible.
- 5. Approval. The approval required by this section or the refusal to approve shall take place within 45 days from and after the time of the submission of the Plan for approval; otherwise, such Plan shall be deemed to have been approved.
- 6. Waiver of Required Information. Upon findings by the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the Site Plan is inappropriate or unnecessary hardship, the Board may vary or waive the provisions of such information, provided that such variance or waiver, will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of the Site Plan submission, Official Map, Master Plan or this Law.

Appendix C  
Summary of Zoning District Requirements

District	Permitted Uses	Minimum Lot Requirements		Minimum Yard Dimensions			Maximum Building Height	Uses Permitted by Special Use Permit
		Area	Minimum Width	Set Back Row/Center Line	Rear	Side		
R-R Agricultural Rural Residential	Agriculture, including sale, processing & storage of farm products on property where produced.	43,560 sq. ft. 1 acre	150 ft	75/100	50	40	30' 2 1/2 stories	Air landing field, Cemetary, Crematorium, Drive in theater, Golf course, Mobile home park, Motel, Riding stable Historical(with admission Veterinary clinic, Quarry; sand, gravel and stone, Commercial recreation The construction of more than one building for all uses, with the exception of farms &/or related activities. Mobile homes Travel trailers
	1 & 2 family dwellings & their accessory buildings & uses							
	Home occupation							
	Accessory Buildings			100/125	10	10	21'	
R-1 Residential	1 Family dwelling and accessory buildings with customary use	43,560 sq. ft. 1 acre	150 ft.	30/55	25	30	30'	
	Private Garage and accessory building			80/105	6	10		
	Home Occupation							

Front yard setback to be measured from the public road right of way wherever possible. Where the row cannot be readily established, the minimum yard dimension shall be measured from road center line. Table to be read thusly:

row	center line
50'	75'

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Summary of Zoning District Requirements

District	Permitted Uses	Minimum	Lot Requirements	Minimum	Yard Dimensions			Maximum Building Height	Uses Permitted by Special Use Permit
		Area	Minimum Width	Set Back Row/Center Line	Rear	Side			
R-2	1 Family dwelling and accessory building with customary use	12,000 sq. ft.	75	30/55	25	12	36' 3 stories	Mobile Home Park, Church/Parish House, Educational Facility, Clubhouse, Athletic field, Radio, Television Transmission Facility, Nursing Home, Medical or Dental Clinic	
	2 Family dwelling	15,000 sq. ft.	90	30/55	25	15	36' 3 stories		
	Semi-detached dwelling	15,000 sq. ft.	90	30/55	25	15	36' 3 stories		
	Row or Town House	5,000 sq. ft.	90	30/55	25	18			
	Home Occupation  Multi-Family dwelling [3 or more]								
B-1 Neighborhood Business District	All R-2 Barbershops, beauty parlors, Drive-In financial institutions, gas stations Home Occupation	12,000 sq. ft.	75	30/55	25	12	36' 3 stories	Retail Shops and office	
B-2 Highway Business all uses subject to site development plan [appendix B]	Amusement or Assembly offices, Restaurants, Hotels Motor Courts, Retail Business including incidental manufacturing or processing, accessory building with customary incidental use, Veterinary Clinic & Kennel, Commercial Greenhouse, Home Occupation, Drive-In Business, Truck Terminal Motor Home and Farm Implement Sales	50,000 sq. ft.	200	80/105	50	30	50'	Light Industrial Uses	

Appendix C  
Summary of Zoning District Requirements

District	Permitted Uses	Minimum Lot Requirements	Minimum Yard Dimensions			Maximum Building Height	Uses Permitted by Special Use Permit
		Area	Minimum Width	Set Back Row/Center Line	Rear		
B-3 Business Interchange	Home Occupation All uses subject to requirements of Planned Development Districts Exception: Existing Residential Uses	See R-1 zone		See R-1 zone			See R-1 zone
I Heavy Industrial	Home Occupation Primarily for General & Heavy Industrial use and Development all uses subject to requirement of Planned Development Districts	50,000 sq. ft.					
L-C Land Conservation	Agriculture with accessory buildings, park, playground, Athletic field, golf course, Riding Academy, Game Preserve and similar uses and accessory buildings, Home Occupation	43,560 sq. ft. 1 acre	150	75/100	50	50	35'
PDD	Uses with a demonstrated need and which are deemed appropriate by the Planning Board and Town Board, and approved as outlined in these regulations [Refer to Section 4.21]						
FPD	Refer to Section 4.22						