

TOWN OF STANFORD
RESOLUTION NO. 4A OF 2026

TO INTRODUCE PROPOSED LOCAL LAW NO. 1 FOR THE YEAR 2026
A LOCAL LAW RESTRUCTURING CHAPTER 164 OF THE TOWN CODE AND
RELOCATING ARTICLE XIV OF CHAPTER 164 OF THE TOWN CODE TO
INCREASE EFFICIENCY, LEGIBILITY, AND EASE FUTURE MODIFICATION

At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 9th day of April, 2026, at 7:00 PM, Town Supervisor Julia Descoteaux called the meeting to order, and she, seconded by Councilperson _____, moved the following resolutions:

WHEREAS, the Town Board wishes, at the recommendation of the Town’s Zoning Commission, to restructure the Town’s Zoning Code, currently located at Chapter 164 of the Town Code, to increase efficiency, legibility, and ease future modifications; and

WHEREAS, the Town Board wishes, at the recommendation of the Town’s Zoning Commission, to relocate the Town’s Scenic Roads Code, currently located in Article XIV of Chapter 164 of the Town Code; and

WHEREAS, a proposed Local Law has been prepared to amend the Town Code to restructure the Town’s Zoning Code and relocate the Town’s Scenic Roads Code, for introduction pursuant to New York State Municipal Home Rule Law section 20 and eventual adoption pursuant to Chapter 164, Article XI of the Town Code and Sections 264 and 265 of the New York State Town Law; and

WHEREAS, the proposed action will not require permits and approvals from any other local, regional and State agencies, other than the Town Board prior to adoption of the proposed Local Law and therefore a coordinated SEQRA review is not required; and

WHEREAS, the Town Board must determine whether that adoption of the proposed Local Law is a Type I action, Type II action, or unlisted action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.4; and

WHEREAS, the Dutchess County Department of Planning & Development is required to review the proposed zoning amendment pursuant to GML §239-m; and

WHEREAS, pursuant to section 164-56 of the Town Code the proposed Local Law must be submitted to the Town Planning Board for a report and recommendation thereon;

NOW, THEREFORE, BE IT RESOLVED, that the following proposed Local Law is hereby introduced, to be known as Proposed Local Law No. 1 of 2026, entitled “A Local Law Restructuring Chapter 164 of the Town Code and Relocating Article XIV of Chapter 164 of the Town Code to Increase Efficiency, Legibility, and Ease Future Modification” to read as follows:

BE IT ENACTED by the Town Board of the Town of Stanford as follows:

Section 1. Legislative Intent. Chapter 164 of the Town of Stanford Town Code contains the Town’s regulations with respect to Zoning. The Town Board has determined that, at the recommendation of the Town’s Zoning Commission, is in the best interest of Town to restructure the Town’s Zoning Code, currently located at Chapter 164 of the Town Code, and to relocate the provisions for Scenic Roads, currently located in Article XIV of Chapter 164 of the Town Code, to increase efficiency, legibility, and ease future modifications. The Town Board now wishes to update the Chapter of the Town Code entitled “Zoning” and to create a new Chapter 129 entitled “Scenic Roads” accordingly.

Section 2: Relocation of Zoning Provisions. The existing “Chapter 164 – Zoning” of the Town Code is revised to read as follows:

[TEXT OF “SECTION 2” CONTINUED ON FOLLOWING PAGE]

Stanford Zoning Code
Chapter 164
ZONING

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Stanford Zoning Code
Chapter 164
ZONING

The following attachments are referenced throughout this chapter and aid in the interpretation of materials. These materials are available online at the following link(s) and at the Building and Zoning Office.

- (1) Zoning Map: Stanford Zoning Map, as provided by Dutchess County, NY

ARTICLE A

Authority

§164-A-1 Title

This chapter shall be known and may be cited as the "Zoning Law of the Town of Stanford, Dutchess County, New York." By integration within the Code of the Town of Stanford, this chapter shall also be known and may be cited as "Chapter 164 of the Code of the Town of Stanford, Dutchess County, New York."

§164-A-2 Authority

This chapter is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law to protect and promote the public health, safety, comfort, convenience, economy, aesthetics and general welfare within the Town of Stanford and in furtherance of the following related and more specific objectives:

- A) To guide and regulate the orderly development of the Town in accordance with a comprehensive plan.
- B) To protect the established character and the social and economic well-being of both private and public property.
- C) To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.
- D) To secure that maximum recharge of the Town's fresh groundwater reserve to assure both the maintenance of the natural environment and the ecosystems essential to its continued well-being and the optimum groundwater resource for the human community through the protection of such features of the watershed areas as the woodlands, streams, ponds, lakes and aquifer recharge zones and to regulate the ultimate land use and consequent fresh water consumption so that the potential demand for fresh water shall not exceed the reasonably determined safe yield of that fresh groundwater reservoir.
- E) To secure safety from fire, panic, flood, storm and other dangers, to provide adequate light, air and convenience of access and to prevent environmental pollution.
- F) To prevent overcrowding of land or building and to avoid undue concentration of population.
- G) To conserve the values of buildings and to enhance the value of land throughout the Town.
- H) To provide housing sites for residents of the community compatible with their economic means.

- I) To conserve and to protect the natural scenic beauty and cultural and historic resources of the Town.
 - J) To accommodate and promote agricultural activity within the Town.
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§164-A-3 Scope

This chapter regulates the location, construction, alteration and use of buildings and structures and the development and use of land within the Town of Stanford and for said purposes divides the Town into zoning districts.

§164-A-4 Interpretation of Regulations

This chapter hereby comprehensively amends and supersedes the Town of Stanford Zoning Ordinance of 1986, as adopted by the Town Board of the Town of Stanford on March 24, 1986, together with all subsequent changes and amendments thereto.

§164-A-4.1 Minimum Requirements

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety or general welfare.

§164-A-4.2 Strictest Standard Control

Whenever the requirements of this chapter are inconsistent with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

§164-A-5 Existing Violations

No site plan or special permit shall be approved and no building permit or certificate of occupancy issued or variance granted under this chapter for any premises upon which there is an existing violation of this chapter or any related Town, county or state regulation governing either building construction or the use of land and structures within the Town of Stanford. This limitation does not, however, prohibit such an approval, issuance or grant with respect to a legal nonconforming use or legal noncomplying structure.

§164-A-6 Periodic Reviews

From time to time, at intervals of not more than three years, the Planning Board shall conduct a review of the effectiveness of the provisions of this chapter, including the location of zoning district boundaries, and shall submit a report thereon to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of the public health, safety, convenience, necessity or welfare.

ARTICLE B

Districts**§164-B-1 Districts Established**

For the purposes of this chapter, the Town of Stanford hereby establishes and divides the Town into the following five zoning districts:

District	Abbreviation
Conservation Residential District	CR
Agricultural Residential District	AR
Rural Residential District	RR
Rural Center District	RC
Lake Recreation District	LR

§164-B-2 Zoning Map

The location and boundaries of districts specified in §164-B-1 are as defined and shown on the Zoning Map, Town of Stanford, as adopted by the Town Board on March 24, 1986, including any specified maps, supplemented boundary descriptions, all explanatory matter and amendments thereto. The Zoning Map is certified by the Stanford Town Clerk, copies shall be located in the Town Clerk and Building Inspector offices for the use and benefit of the public.

§164-B-3 Interpretation of Zoning Map District Boundaries

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

- A) Where the district boundaries are shown to approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- B) Where the district boundaries are shown to approximately follow the center lines of streets or roads, street or road rights-of-way or waterways, such center lines shall be construed to be said boundaries.
- C) Where the district boundaries are shown to be approximately parallel to the center lines of streets or roads, street or road rights-of-way or waterways, such boundaries shall be construed to be parallel to said boundaries, with distances shown on the Zoning District Map being perpendicular distances from such center lines.
- D) In any other case, the boundary line shall be determined by use of the scale of the Zoning Map.

- E) When a district boundary divides a lot in single ownership, the regulations which apply in the less restricted portion of the lot shall be deemed to extend within the lot beyond the district boundary for a distance not exceeding 35 feet.
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§164-B-4 General Provisions and Applicability

Within each district, the regulations set forth by this chapter shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land. Except as hereinafter otherwise provided:

- A) No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, reconstructed or enlarged for any purpose except in conformance with the regulations herein specified for the district in which it is located.
- B) No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building.
- C) No yard or lot existing at the time of the passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards of lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter, with such lots established in full accordance with the requirements of Chapter 140, Subdivision of Land.
- D) No off-street parking or loading space required for one building or use shall be included as meeting, in whole or in part, the off-street parking or loading space required for another building or use except as otherwise provided for in §164-C-2.2 of this chapter.
- E) No off-street parking or loading space shall be so reduced in area that it does not meet the minimum requirements of this chapter.
- F) Every building hereafter erected shall be located on a lot and there shall be no more than one principal building and its accessory buildings on one lot, except for nonresidential buildings in districts where such uses are permitted and multiple-dwelling site plans approved under Article D.
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§164-B-5 District Schedule of Uses

§164-B-5.1 General

The general use regulations in each zoning district are set forth in the District Schedule of Use Regulations in §164-B-5.3. This schedule is supplemented, as appropriate, by other provisions of this chapter, including but not limited to provisions applicable to all districts, special use standards, and approval procedures.

§164-B-5.2 Interpretation of District Schedule of Use Regulations

The District Schedule of Use Regulations lists uses allowed, either by right or special permit, in the Town of Stanford. The following additional provisions shall apply to the interpretation of this Schedule:

- A) Any use within the Use Table that is not specifically designated as a permitted or special permit use within a particular district according to the Table shall be considered a prohibited use in that district.
- B) Uses not listed on the Use Table (if not prohibited by provision A above or any other section of this chapter) require a special permit to be issued by the Town Board. In reviewing special permit applications, the Town Board and the Zoning Board of Appeals shall follow the procedures and standards established for the Planning Board in this Article E.
- C) Uses existing in mapped wetlands and permitted in zoning districts by Chapters 100 (Flood Damage Prevention) and 103 (Freshwater Wetlands), respectively, of the Code of the Town of Stanford, shall continue to be permitted.
- D) Symbols used on the below Schedule shall be interpreted as follows:

Legend	
P	Permitted By Right as a Principal Use (with Building Permit)
A	Permitted, By Right as an Accessory Use (with Building Permit)
PSP	Permitted with Site Plan Approval
SP	Permitted with Special Use Permit Approval
LP	Logging Permit Required
--	Prohibited

District Schedule of Use Regulations						
Use	Zoning Districts					Parking Requirements
	CR	AR	RR	RC	LR	
Residential Uses						
Accessory Dwelling Unit	P	P	P	P	P	1 per bedroom
Boarding, Lodging, or Rooming House						1 per guest bed, plus required spaces for other dwelling
Dwelling, Single-Family	P	P	P	P	P	2 per unit
Dwelling, Two-Family		P	P	P		4 per unit
Dwelling, Multiple				SP		2.5 per unit
Home Occupation	SP	SP	SP	SP	SP	
Home Office	P	P	P	P	P	
Residential Cluster Development			SP			
Agricultural Uses						
Cage-Type Poultry Farm	SP	SP	SP			
Crop Farming	P	P	P	P		
Dairy Farms		P	P			
Farm Employee Housing	SP	SP	SP			
Farm Stand	P	P	P	P	P	
Farmers' Markets		P		P		
Horse Operations	P	P	P	P	P	
Livestock Feed and/or Sales		SP	SP			1 for each business vehicle, plus 1 for every 2 persons employed; more spaces may be required by the Planning Board to accommodate
Livestock Operations		P	P			
Nursery And Horticultural Operations	P	P	P	P		
Other Commercial/Industrial Activity Directly Serving Farm Operations			SP			1 for each business vehicle, including employee parking area and 1 additional space for each additional 200 sf of gross floor area
Pig And Fur Farms	SP	SP	SP			
Preparation And Storage Of Farm Products	P	P	P			
Government, Institutional, or Community Uses						
Auditorium or Theatre				SP		1 per 4 seats or 60 square feet of seating area where fixed seating is provided
Elementary and/or Secondary Schools		SP	SP	SP		1 per 12 classroom seats, or the auditorium requirements
Golf Course		SP	SP	SP		
Nursing Home or Hospital						1 per 2 beds
Library or Museum		SP	SP	SP		1 per 250 sf of gross floor area
Municipal Park	PSP	PSP	PSP	PSP	PSP	

Use	Zoning Districts					Parking Requirements
	CR	AR	RR	RC	LR	
Nursery School						1 per 5 children enrolled on a regular basis
Place of Worship		SP	SP	SP	SP	1 per 4 seats or 60 sf of seating area where fixed seating
Recreation Areas		SP	SP			1 per every 2 people employed, plus 1 per every 5 custo
Commercial Uses						
Animal Hospital		SP	SP	SP		1 per employee, plus 4 additional spaces
Bed and Breakfast Establishment		SP	SP	SP	SP	
Boat Moorage or Fishing Establishment					SP	
Convenience Store				SP		1 per 150 sf of gross floor area and queuing area at gaso
Dog Kennel	SP	SP	SP			
Gasoline Station				SP		
General Repair Shops				SP		1 for each business vehicle, plus 2 spaces for each pers
Hotel or Motel						1 per guest room, plus 1 per employee
Medical and/or Dental Clinic				SP		5 per professional, plus 1 per employee
Motor Vehicle Repair Shop				SP		1 for each business vehicle, plus 2 spaces for each pers
Office or Service Establishment				SP		1 per 225 sf of office floor area for first 2,000 sf, and 1
Outdoor Retail		SP	SP	SP		1 for each business vehicle, plus 1 space for every 2 pe seasonal employment, Plus additional spaces as may be accommodate anticipated customers.
Retail Store				SP		1 per 175 sf of retail/service floor area or 1 per 225 sf c
Restaurant, Tavern, or Bar				SP		1 per 3 seats or 75 sf of floor area available to patrons, service area
Industrial Uses						
Manufacturing, Light		SP	SP	SP		1 per employee on largest shift, plus necessary space fo
Manufacturing, Other		SP	SP	SP		2 spaces, plus 1 space for each employee and each busi
Mining		P				
Self-Storage Facility				SP		1 space per 3000 sf of building floor area.
Warehousing		SP	SP	SP		1 per employee on largest shift, plus necessary space fo
Other Uses						
Airfields	PROHIBITED (See Note 1)					
Cemetery/Human Internment				SP		
Junkyards		SP	SP			
Logging/Timber Harvesting	LP	LP	LP	LP	LP	
Public Utility Structures			SP			
Radio/Television Towers and Antennas	SP	SP	SP	SP	SP	

Use	Zoning Districts					Parking Requirements
	CR	AR	RR	RC	LR	
Telecommunication Towers		SP	SP			

Notes:

- (1) The landing, touchdown, or take off of an aircraft for emergency purposes, such as police, law enforcement, medical, fire, or natural disaster. The Building Inspector is permitted to investigate any circumstances to verify such emergency use.

§164-B-6 Area, Bulk, and Dimensional Requirements

§164-B-6.1 General

The general area and bulk regulations in each zoning district are set forth in §162-6.2 District Schedule of Area and Bulk Regulations; no lot of land may be developed for residential or non-residential use unless it conforms with the requirements of this Schedule, except as otherwise provided in this chapter or in accordance with Chapter 140, Subdivision of Land, and §281 of the Town Law. No principal or accessory structure shall be located any closer to any street or property line than the required minimum setback in the bulk table or the established setback, if such exists, unless otherwise exempt by this chapter. This schedule is supplemented, as appropriate, by other provisions of this chapter, including provisions applicable to all districts, special use standards, and approval procedures.

§164-B-6.2 District Schedule of Area and Bulk Regulations

Town of Stanford					
District Schedule of Area and Bulk Regulations	Zoning Districts				
	CR	AR	RR	RC	LR
Minimum Lot Area (<i>acres</i>) ^A	5.0	5.0	5.0	1.5	5.0 ^B / 2.5 ^C
Minimum Lot Depth (<i>feet</i>)	400	400	250	250	250
Minimum Lot Width (<i>feet</i>) ^D	300	300	200	125	150
Minimum Front Yard Setback (<i>feet</i>) ^E	100	100	100	75	75
Minimum Side Yard Setback (each) (<i>feet</i>)	50	50	50	25	30
Minimum Rear Yard Setback (<i>feet</i>)	75	75	75	75	75
Minimum Front Yard Setback (<i>feet</i>) ^E	50	50	50	25	25
Minimum Side Yard Setback (each) (<i>feet</i>) ^F	20	20	10	10	10
Minimum Rear Yard Setback (<i>feet</i>)	25	25	25	25	25
Maximum Building Height (<i>feet</i>) ^G	35	35	35	35	35

Notes:

- A) Per principal dwelling unit or permitted non-residential use.
- B) Lots with frontage on Upton Lake shall have a minimum lot area of 5.0 acres.
- C) Lots with frontage on Hunns Lake shall have a minimum lot area of 2.5 acres.

- D) Where flag subdivision lots are permitted in compliance with the standards and procedures of Chapter 140, Article V, §140-18A(7), the flagpole portion of the lot shall have a minimum width of 15 feet, and to greater widths where necessary to construct and maintain a driveway that provides accommodation for site topography and other natural features. Flag lot access strips shall not exceed 48 feet in width at the lot frontage. The accessway width at the lot frontage shall be maintained along the flag lot's land strip accessway to a minimum distance of 50 feet from the flag lot's frontage.
- E) With the exception of a flag lot, the minimum lot frontage shall be equal to the minimum lot width.
- F) A twenty (20) foot minimum parking setback is required in the RR, RC, and LR Districts if the parking is associated with a nonresidential use and abuts an existing residential use or a residential district.
- G) The elevation of the top of any Telecommunication tower located on any of the following four hills, Pugsley Hill, Carpenter Hill, Conklin Hill and Attlebury Hill, shall be 50 feet lower than the highest elevation of the hill on which it is located.

§164-B-6.3 Front, Side, and Rear Yard Setback Exceptions

- A) Arbors, trellises, flagpoles, stoops, steps, paths and sidewalks necessary for ingress and egress.
- B) A fence or wall no greater than eight feet in height above the adjoining grade. Any fence or wall in excess of such eight-foot height must otherwise comply with the setbacks and other provisions of this chapter or the Town of Stanford Code, unless a variance for the height of the same is obtained from the Town of Stanford Zoning Board of Appeals. The provisions for junkyards (Chapter 118) shall supersede this provision when relating specifically to junkyards

§164-B-6.4 Multiple Dwellings Permitted on Certain Lots

Any conforming lot located in a district where a residence is permitted may contain a second principal dwelling on the lot in accordance with the provisions of §164-D-1 and the following:

- A) The lot is two times the minimum lot area of a single-family lot size on a single plot.
- B) The second principal dwelling shall conform to all other minimum bulk standards within the district in which it is located.

Any conversion or rehabilitation of a single-family residence to a two-family dwelling, as defined, shall meet the requirements of this section as related to the minimum lot area of a single-family home, regardless of the date of the creation or construction of the original structure.

§164-B-7 Existing Lots of Record

Nothing contained herein shall prohibit the use of an existing lot of record, as defined in Article F of this chapter of less than the prescribed lot area or lot width for the district in which it is located, provided that each of the following criteria and all other pertinent provisions of this chapter are met:

- A) Except as otherwise provided within §265-a of the Town Law, such lot does not adjoin any other lot, lots or tract of land held by the same owner whose aggregate area either complies, or more nearly complies, with the minimum lot area required by the District Schedule of Area and Bulk Regulations for the district.
- B) Such lot must not have been sold, transferred or conveyed by the record owner or subsequent owner of any other adjoining lot, lots or tracts of land since March 24, 1986.
- C) Such lot shall not be used for more than one dwelling unit and its associated accessory structures.
- D) Such use shall satisfy all applicable requirements of the Town of Stanford, the Dutchess County Health Department and the New York State Departments of Health and Environmental Conservation for potable water supply and sewage disposal facilities.
- E) Such lot may be granted relief from the otherwise applicable minimum side and rear yard requirements as follows:
 - (1) The total of both side yards for the principal building shall be not less than 40% of the lot width; provided, however, that no single side yard for a principal building shall be less than 20 feet.
 - (2) The rear yard for a principal building shall be not less than 40 feet.
- F) If created after July 12, 1962, the lot is part of a subdivision plat approved by the Town of Stanford Planning Board, if necessary, in accordance with Chapter 140, Subdivision of Land, and filed in the office of the Dutchess County Clerk in a timely manner pursuant to the Town Law.
- G) A lot which meets all of the foregoing provisions except that it adjoins another lot, lots or tract of land held by the same owner as set forth in Subsection A may be used as an existing lot of record, provided that it was described on separate deeds and filed and recorded with the Clerk of the County of Dutchess prior to March 24, 1986, and since that date was not merged, combined or brought into common ownership and described in a recorded deed with other adjoining parcels, lots or tracts of land by the same owner whose aggregate area either complies, or more nearly complies, with the standards referred to in Subsection A above.
- H) If any use of an existing lot of record requires a building permit or other permit from the Town of Stanford, the applicant shall provide to the Building Inspector or applicable Town official, board or agency, proof of such record ownership as of March 24, 1986, and any subsequent transfers or purchases by or to adjoining landowners or lot owners.

Such proof shall be in a form acceptable to the Building Inspector, board, agency or official, and the cost and expense of such proof shall be paid by the applicant.

- D) Nothing contained herein is intended to or shall alter, amend or change any variances granted by the Town of Stanford Town Board or the Town of Stanford Zoning Board of Appeals.

§164-B-8 Nonconforming Uses & Structures

The following provisions shall apply to all buildings, structures and uses existing on the effective date of this chapter, to all buildings and uses that may become nonconforming or noncomplying by reason of any subsequent amendment to this chapter and the Zoning District Map which is a part hereof and to all complying buildings housing nonconforming uses.

§164-B-8.1 Nonconforming Use of Land

Any lawful use of buildings or open land in existence on the effective date of this chapter may be continued indefinitely, subject to limitations as specified in this chapter, if maintained in accordance with all applicable codes, ordinances, regulations and other requirements, even though such use does not conform to the use provisions of this chapter. Such uses shall be deemed nonconforming uses. Where no structure is involved, the nonconforming use of land may be continued, provided that:

- A) Such nonconforming use shall not be enlarged or extended, altered, reconstructed or restored, except as provided in this section, or placed on a different portion of the lot or parcel of land occupied by such use.
- B) Such nonconforming use shall not be moved, in whole or in part, to another location where such use would be nonconforming.
- C) Such nonconforming use shall not be changed to another nonconforming use without prior approval by the Zoning Board of Appeals.
- D) Such nonconforming use shall not be reestablished if such use has been discontinued for any reason, whether through vacancy or cessation of use, for a period of three calendar year or longer.
- E) If such nonconforming use is changed to a conforming use, then any future use of such building or structure and the land on which it is located shall be in conformity with all provisions of this chapter for the district in which it is located.
- F) While a nonconforming use may not be extended, nothing contained herein shall prohibit the extension of a permitted use to any portion of a noncomplying building or structure which existed prior to the effective date of this chapter. No nonconforming use shall, however, be extended to displace a presently conforming use.

§164-B-8.2 Nonconforming Structures

Nothing contained in this section shall be deemed to prevent normal repair and maintenance of, structural alteration within, or enlargement of a noncomplying building, provided that such action does not increase the degree of or create any new nonconformity with regard to building setbacks, building height, lot coverage or other regulations pertaining to structures as set forth within this chapter. Further, any noncomplying building or structure declared unsafe by the Building Inspector or other proper authority may be restored to a proper condition within the time period provided by such authority.

§164-B-8.3 Restoration after Damage

Nothing contained in this section shall be deemed to prevent the restoration of a lawful pre-existing nonconforming use after damage for any reason or by any cause, such as fire, flood, wind or other act of God or man, provided that the bulk, height and area shall not be in excess of that which existed prior to damage, that all applicable New York State Uniform Fire Prevention and Building Code provisions shall be fully complied with and that the restoration shall be commenced within six calendar months of the damage and shall be fully completed within two calendar years of such occurrence.

§164-B-8.4 Completion of Ongoing Construction

Any building, the construction of which has been legally started before the effective date of this chapter or of any amendment thereto, may be completed in accordance with plans on file with the Building Inspector, provided that all other required permits and approvals have been issued prior to the effective date and that such construction is diligently pursued and the building is completed within two calendar years of the adoption of this chapter or said amendment.

ARTICLE C

Provisions Applicable to All Districts

The following supplementary regulations are applicable to all uses and all zoning districts within the Town of Stanford unless otherwise provided herein.

§164-C-1 Accessory Structures

Accessory structures in all districts shall adhere to the following location requirements:

- A) **Front Yard:** As required by the underlying zone, except as otherwise indicated in §164-B-6.2.
- B) **Side/Rear Yard:** 20 feet, if detached from a main building or if connected only by an open breezeway-type structure, including garages. Exceptions to this requirement include:
 - (1) **Private Garage, Attached:** A private garage may be constructed as a structural part of a main building, provided that, when it is constructed, the garage walls shall be regarded as the main walls of the main building in applying the minimum front, rear and side yard setback regulations of this chapter.
 - (2) **Access Drive:** An access driveway associated with an accessory structure may be located in a side yard but shall be a minimum of 10 feet from the side lot line.

§164-C-1.1 Accessory Antennas (Tower, Dish)

Tower antennas and dish antennas (ground mounted or pole mounted) are permissible in all zoning districts when associated with nonprofit, noncommercial purposes, provided they meet the following requirements:

- A) **Tower Antenna:** A tower antenna, either structurally attached to a building or freestanding, shall not exceed 35 feet in height measured from the ground elevation and shall be setback 35 feet or the height of the antenna, whichever is greater, from any property line.
 - B) **Dish Antenna:** A ground- or pole-mounted dish antenna shall meet the minimum required front yard specified for the zoning district in which the dish is located and be at least partially screened by intervening vegetation or landform from adjacent property lines or public rights-of-way to the extent practicable and without adversely affecting the operation of the dish antenna. However, if compliance with these requirements would impair the operation of the dish antenna, the antenna may be placed within the required front yard or roof-mounted on either the principal or an accessory structure, provided documentation is submitted to the Building Inspector demonstrating such impairment.
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§164-C-2 Off-Street Parking & Loading

§164-C-2.1 General

In all districts, at the time any new building or structure is erected, any existing building or structure enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or new or changed use of either land or structure established, permanent off-street parking and loading space shall be provided in accordance with the minimum standards set forth below:

§164-C-2.2 Required Spaces

The minimum number of off-street parking spaces, as outlined in the District Schedule of Uses in §164-B-5, shall be required for all uses specially listed. For uses not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board at the time of special permit and/or site plan review, as provided for in Article E, respectively, of this chapter. In addition, the following shall be required:

- A) **Company Vehicles:** One additional off-street parking space shall be provided for each company vehicle associated with a commercial, business or light manufacturing use.
- B) **Loading Spaces:** All commercial, business and light manufacturing uses shall provide off-street loading spaces as deemed necessary by the Planning Board during site plan review in accordance with Article E of this chapter. These spaces shall be:
 - (1) Located proximate to logical building access and egress for bulk pickups and deliveries;
 - (2) Scaled to the number of delivery vehicles anticipated; and
 - (3) Accessible to said vehicles when required off-street parking spaces are filled.
- C) **Accessible Parking:** Off-street parking spaces designed to accommodate handicapped persons shall be provided in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code.
- D) **Multiple Uses:** In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant, to the satisfaction of the Planning Board, that staggered hours of use would permit reduction of this requirement. In particular, up to 50% of the parking spaces required for churches, theaters and similar places of public assembly with peak attendance on Sundays and/or evenings may be assigned to a use or uses which will be closed on Sundays and/ or evenings, as applicable.

§164-C-2.3 Design Standards

- A) **Applicable Areas:** Off-street garages or carports designated on a Site Plan and demonstrating sufficient area (in square feet) to accommodate a vehicle(s) may meet off-street parking space requirements

- B) **Minimum Setbacks:** In all districts, parking areas shall be located no closer to any property line than the minimum parking setbacks established in the District Schedule of Area and Bulk Regulations. If parking associated with a nonresidential use is abutting an existing residential use or a residential district, a minimum separation of 20 feet between any parking area or access thereto and the residential property line shall be maintained.
- C) **Parking Space Design:** In all districts, each parking space provided shall be at least nine feet wide and 19 feet in length. Each space shall have direct and usable driveway access to a street and adequate maneuvering area between spaces in accordance with proper site engineering standards.
- D) **Other:** The following additional design standards shall apply:
- (1) All parking areas shall be suitably drained, graded, surfaced and maintained.
 - (2) Parking lot surfacing requirements shall be established by the Planning Board under site plan review, as provided for in Article E of this chapter. Particular consideration shall be given to the number of vehicles accommodated and the proposed intensity and season(s) of use. Single-family and two-family dwellings are exempt from this provision.
 - (3) All paved parking areas shall be suitably marked to indicate individual parking spaces, maneuvering areas, entrances, and exits.
 - (4) All non-residential off-street parking areas shall be designed to eliminate the need to back out onto the public street, road or highway. The Planning Board has the discretion to waive this provision if it is determined that this provision is impractical for the site given its preexisting conditions.

§164-C-3 Signs

§164-C-3.1 General

No sign shall be erected, replaced, altered, relocated or maintained in any zoning district except in accordance with the provisions stated herein. Any sign or use of signs, whether permitted, temporary or directional, shall conform to the following general standards. Signs shall:

- A) Be maintained at all times in a proper state of repair in full compliance with Building Code, Electrical Code and reasonable property maintenance standards.
- B) Not attempt or appear to regulate, warn or direct highway traffic or to imitate or resemble official traffic signs, signals or devices.
- C) Not project over property lines or be located within the public right-of-way.
- D) Neither be roof-mounted nor parapet-mounted nor otherwise mounted on a building in such a way so as to extend above the wall of the building to which they are attached.

- E) Not rotate or otherwise move, nor shall they be illuminated by or contain flashing, intermittent, rotating or moving light or lights.
- F) Freestanding signs shall not be internally illuminated, shall not exceed a height of 10 feet and shall not be located closer than 20 feet to any property line.
- G) Suspended or projecting signs shall not exceed a height of 11 feet and shall provide for a minimum clearance of eight (8) feet above any sidewalk or other pedestrian way.
- H) With the exception of temporary signs discussed in Subsection C-4.2 herein, shall convey only subject matter related exclusively to the premises on which the sign is located or to products, accommodations or activities on those premises.
- I) With the exception of temporary signs discussed in Subsection C-4.2 herein, shall be permanently and directly affixed to either the ground, a building or a sign structure.

Any nonconforming or noncomplying sign, existing as of June 1, 1994, shall be permitted to exist and be maintained, repaired or replaced, provided that it is not moved, relocated or enlarged. If such sign is moved, relocated or enlarged, it must meet all of the requirements of this section.

§164-C-3.2 Temporary Signs

The following temporary signs are permitted without application for and issuance of a permit:

Sign Type	Sign Standards
Construction Sign	<p>Quantity: Limited to one unlighted sign.</p> <p>Maximum Surface Area: 12 square feet</p> <p>Messaging: Shall identify the parties involved in the design, financing and/or provision of labor and materials associated with the construction on the premises where the sign is located, but shall not advertise any product.</p> <p>Other Standards: Such sign(s) shall be removed prior to the issuance of a certificate of occupancy and the initiation of the intended use.</p>
Event Sign	<p>Quantity: Limited to one such event sign per premise.</p> <p>Maximum Surface Area: 24 square feet.</p> <p>Location: Such sign shall be displayed on private property.</p> <p>Messaging: Shall announce a campaign, drive or event of a civic, philanthropic, educational or religious organization.</p> <p>Other Standards: Such sign shall not be erected more than 14 calendar days prior to the event and shall be removed within a period of 24 hours after the event.</p>

Sign Type	Sign Standards
Real Estate “For Sale” Signs	<p>Quantity: There shall not be more than two signs per premises.</p> <p>Maximum Surface Area: Six (6) square feet per side.</p> <p>Location: On the premises for sale or lease.</p> <p>Messaging: The property status, agent and brokerage information, contact details, and optional listing features.</p> <p>Other Standards: Such sign(s) shall be removed immediately upon sale or lease of the premises.</p>
Window Advertising Signs	<p>Maximum Surface Area: Shall cover no more than 10% of the total window area of the principal facade or facades of the establishment</p> <p>Messaging: Business name, logo, hours of operation, services offered, and promotional messages.</p> <p>Other Standards: Such signs shall be nonilluminated.</p>

§164-C-3.3 Identification Signs

The following identification signs may be permitted, provided that they meet the requirements of §164-C-3.1 and this section, and upon submission and approval of a complete sign permit application in accordance with the requirements outlined in §164-C-3.4 of this chapter.

Type of Sign	Sign Standards
Home Occupation Sign	<p>Quantity: Limited to one on premises sign.</p> <p>Maximum Surface Area: 4 square feet.</p> <p>Location: Attached to the principal structure or located greater than 15 feet from the front property line or 25 feet to any other property line</p> <p>Messaging: Identifying the occupation conducted on the premises.</p>
Residential Subdivision or Multifamily Development	<p>Maximum Surface Area: 12 square feet.</p> <p>Location: Such sign shall be located at each principal access point of the development and no closer than 15 feet to the public right-of-way.</p> <p>Messaging: Identifying the name of the subdivision or development.</p>
Non-residential uses in the CR, RR, and AR Districts	<p>Quantity: Limited to one sign associated with the premises.</p> <p>Maximum Surface Area: 12 square feet per side, except as otherwise stated by this chapter.</p> <p>Messaging: Identifying only the name of the establishment and its principal service or purpose.</p>

Type of Sign	Sign Standards
Non-residential uses in the RC District	<p>Type: A freestanding identity sign and/or one identity wall sign mounted to the surface of the building and/or one changeable letter sign.</p> <p>Maximum Surface Area: The maximum total signage per premises shall be 30 square feet. A freestanding sign shall not exceed 22 square feet in surface area.</p> <p>Other Standards: When two wholly independent businesses or activities are located on a single premises in the RC District, one complex sign not to exceed 22 square feet of surface area on both sides shall be allowed. Within the business complex, a single identity wall sign not exceeding eight square feet of surface area may be provided for each business or activity; however, such signs shall be considered as a part or portion of the maximum total signage of 30 square feet of surface area per premises, as noted above</p>

§164-C-3.4 Sign Permit Application

A complete sign permit application shall be required when noted within this chapter. Such application shall be accompanied by:

- A) A general description and a scaled graphic representation of the sign on a site plan or site survey, including height, width and depth of the sign, method of construction and location.
- B) A sign permit fee in accordance with the schedule established and reviewed annually by the Town Board.

A sign permit application shall be reviewed and decided on by the Building Inspector, who shall issue the permit upon determining that the requirements of this section have been met.

§164-C-4 Performance Standards for Non-Residential Uses

Non -residential use shall only be permitted if it conforms to the following standards of use, occupancy and operation, in addition to all relevant provisions of other local, state and federal laws, rules or regulations:

- A) **Noise.** No noise shall exceed an intensity, of the average intensity, occurrence and duration of the noise of street traffic at adjoining streets, as measured from the boundaries of the lot where such use is situated,
- B) **Atmospheric Effluence.** No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential or agricultural premises shall be disseminated beyond the boundaries of the lot where such use is located.

- C) **Glare and Heat.** No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated. Special efforts shall be required, such as the planting of vegetation and the installation of light shields, to alleviate the impact of objectionable or offensive light and glare produced by exterior sources on neighboring residential properties or public thoroughfares.
- D) **Industrial Wastes.** No solid or liquid wastes shall be discharged into any public sewer, common or private sewage disposal system or stream or into the ground except in strict conformance with the standards approved by the New York State Department of Health or other duly empowered agency.
- E) **Radioactivity or Electromagnetic Disturbance.** No activities shall be permitted which emit dangerous radioactivity beyond the building in which such activity is located or which emit electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- F) **Fire and Explosion Hazards.** All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protection Association (NFPA) Code, shall be fully observed.
- G) **Maintenance of Developed Lots.** All open portions of any developed lot shall have adequate grading and drainage and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grasses or other planted ground cover or by paving with asphalt, concrete, washed stone or other suitable material. Required yard areas shall be planted and maintained in accordance with the approved site plan for the premises and in a manner which is compatible with their use and beneficial enjoyment.

ARTICLE D

Special Use Standards

All special uses identified in this Article are permitted only as indicated in the District Schedule of Uses (Article B) and are subject to the specific standards outlined herein, as well as the general standards set forth in this chapter and in §164-E-3. Each special use is defined in Article F.

§164-D-1 Accessory Dwelling Units

An accessory dwelling unit, as defined in Article F of this chapter, is permitted in all zoning districts in conformance with this section and all other applicable sections of the Zoning Law.

§164-D-1.1 Purpose

It is the intent of this section to authorize the Building Inspector to issue accessory dwelling unit permits to allow one dwelling unit per lot as accessory to the principal single family residence on the lot. The accessory dwelling unit shall not exceed 1,500 square feet of total floor area.

Accessory dwelling units provide the following benefits:

- A) Increase the supply of rental housing in the Town;
- B) Encourage the creation of alternative long-term housing that may meet the needs of persons seeking a smaller dwelling unit and/or affordable housing; and
- C) Encourage a more efficient use of existing housing stock.

Issuance of an accessory dwelling unit permit is subject to compliance with the standards of this section. Recognizing the above purposes, it is therefore the intention of the Town Board upon adoption of this section that area variances should not be granted for accessory dwelling units; and, that any proposed accessory dwelling in excess of 1,500 square feet of total floor area should instead be considered for review as a duplex or two-family dwelling, accessory apartment or guest cottage as otherwise provided for in this Chapter 164.

§164-D-1.2 Eligibility

- A) An accessory dwelling unit may be a new structure or constructed by modification or addition to the single-family dwelling or by conversion of an existing structure or building located on the same lot as the principal single-family dwelling, provided the accessory dwelling unit is less than or equal to 1,500 square feet in area.
- B) No accessory dwelling unit shall be allowed in the absence of a separate, principal single-family dwelling, which must be the primary use of the premises.
- C) No accessory dwelling unit may be allowed as accessory to a duplex, two-family or multi-family dwelling.

- D) A detached accessory dwelling unit shall be subject to the same setback requirements as an accessory structure in the zoning district in which it is located, as provided in §164-C-1.
- E) Once created, the lot on which the accessory dwelling unit is located may not be subdivided from the principal dwelling.

§164-D-1.3 Standards

- A) **DOH Approval.** The principal dwelling and accessory dwelling unit shall be in full compliance with the standards of the Dutchess County Department of Health. An applicant seeking an accessory dwelling unit permit shall obtain approval for all sanitary sewer or septic systems and water systems from the Dutchess County Department of Health. Lack of an approval from the Dutchess County Department of Health shall constitute a basis for disapproval of an accessory dwelling unit. The Building Inspector may require the Town Engineer to review the application to ensure that the septic and well have supply/capacity to serve the both the principal and accessory dwellings and any other approved uses on the lot.
- B) **Well.** A water quality test shall be performed by an independent individual or entity, qualified to conduct such tests and submitted to the Building Inspector to determine that the water supply is safe for domestic use and of adequate quantity to supply both the principal and accessory dwellings with potable water. The well test shall include an analysis for potability. In the event that such test determines that the water supply is not safe for domestic use or potable, any procedures necessary to make the supply safe shall be completed and a new, independent test provided prior to the issuance of the building permit.
- C) **Building Code.** Accessory dwelling units shall meet all applicable building codes, including the New York State Uniform Fire Prevention and Building Code.
- D) **Parking.** An applicant seeking an accessory dwelling unit permit must demonstrate that there is space available in which to provide adequate off-street parking for the accessory dwelling unit. A maximum of two parking spaces shall be provided for the accessory dwelling unit, and parking shall be allowed in a location on the lot, as required by the Zoning Law.
- E) **Number of Units.** Only one accessory dwelling unit for a total of two dwelling units shall be permitted on the residential premises. However, an accessory dwelling unit will be allowed on a parcel where there is permitted housing for farm employees.
- F) **Accessory Dwelling Unit Size.** The accessory dwelling unit shall be not more than 1,500 square feet in total floor area.
- G) **Access.** The ADU shall have separate direct access . Access between the principal dwelling and the accessory dwelling unit is permissible provided any doors providing such access must be "lockable" from both sides.

- H) **Exterior Alterations.** In the case of a residential structure of historic significance, where that building is listed or eligible for listing on the National or State Historic Registers, exterior modifications that would alter the historic integrity and appearance of the building are prohibited.
- I) **Habitable Space.** The accessory dwelling unit may be located in a basement or an attic, provided said space is deemed habitable space as per the New York State Uniform Fire Prevention and Building Code.
- J) **Facilities Separate from Principal Dwelling.** The accessory dwelling unit shall have a separate kitchen, bathroom, and living or sleeping facilities from the principal dwelling. The kitchen shall be appropriately sized and consist of at least a sink, built-in cook top or range, and refrigerator. The accessory dwelling unit shall have a fully enclosed separate bathroom consisting of at least a toilet, sink and shower or bath.
- K) **Cluster Development.** An accessory dwelling unit is permitted in a dwelling located in a cluster subdivision, only when attached to the principal structure.
- L) **Short-Term Rental.** Nothing herein shall be construed to allow a short-term rental in accordance with these provisions, which use shall be otherwise regulated elsewhere in this Zoning Law.
- M) **Other Provisions.** Except as provided herein, nothing herein shall be deemed to limit provisions of this Zoning Law applicable to duplex and two-family dwellings.

§164-D-1.4 Application Procedure, Submission, and Decision

An accessory dwelling unit permit shall be issued by the Building Inspector upon confirmation that the Application complies with the provisions of §96-8 through §96-23 of the Zoning Law, which require issuance of a building permit for construction and a certificate of occupancy for occupancy.

An applicant shall submit a building permit application to the Building Inspector with a checklist attachment and other submissions establishing compliance with all the requirements for an ADU; the following shall be submitted to the Building Department in order to determine whether the proposed accessory dwelling unit meets the requirements set forth herein:

- A) A scaled site sketch, with a floor plan of the principal dwelling and the accessory dwelling unit, and the location of the proposed accessory dwelling unit shown thereon. Dimensions shall be provided of the entire dwelling and accessory dwelling unit to determine compliance with the standards set forth herein.
- B) Supporting documents, showing the location and size of the existing and proposed septic system and well, and the structures on the lot, both as they exist and as they would appear with the accessory dwelling unit(s). Parking locations shall be shown.

Fees shall be paid and include the standard building permit fee and any other reasonable fee as set forth, from time to time, in the fee schedule¹ established and annually reviewed by the Town Board.

Nothing in this section is intended to supersede any of the provisions of the New York State Uniform Fire Prevention and Building Code, as may be amended from time to time. If any of the provisions herein conflict with the New York State Uniform Fire Prevention and Building Code, the New York State Uniform Fire Prevention and Building Code shall control. Habitable living space shall not be approved or occupied except in compliance with all applicable federal, state and local laws, codes, rules and regulations and the Building Department shall have the right to periodically inspect the premises, upon reasonable notice to the owner, to ensure that all applicable laws and codes are being followed.

§164-D-2 Agriculture & Farming

§164-D-2.1 Accessory Farm Structures

- A) **Barns and Silos:** May be constructed in the AR and RR Zoning Districts, provided that they do not exceed 100 feet in height and are observe a 100-foot setback from all property lines.
- B) **Cage-type Poultry House:** May be permitted on lots with a minimum of 10.0 acres and shall observe a 250 foot setback from all property lines. Such structures shall be equipped with odor suppressors of the hydraulic-pit type or an equivalent type of sufficient capacity so as not to require cleansing less than every four months.

§164-D-2.2 Horse Operations

Horses are permitted to be cared for, kept and harbored in the Town of Stanford. The keeping of horses is permitted in all zoning districts, provided that the following standards and requirements are met:

- A) **Lot Standards:** There is a minimum lot size required for horse operations is one (1) acre. In the Rural Center (RC) and the Lake Recreations (LR) Districts of the Town zoning districts, there shall be a minimum of one (1) acre for the first horse and an additional 1/2 of an acre for each additional horse.
- B) **Storage of Manure:** Not more than 10 cubic yards of stable manure shall be stored within 100 feet from any residence, well, stream or body of water. This restriction shall include the subject property and all adjoining properties. The Building Inspector or Code Enforcement Officer may require adequate identification and proof of such setbacks and distances from such locations, which may include a site map identifying the same.

¹ The fee schedule is on file in the Town offices.

- C) **Disposal of Manure:** No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted. Adequate provisions shall be made for the disposal of stable manure so as to prevent any health hazard or nuisance condition with respect to the adjacent properties or the general community, including, but not limited to, water and air pollution.
- D) **Fencing:** Adequate safety fencing shall be installed by the owner or operator and maintained to safely contain the horses within the property lines of the lot.
- E) **Other:** Nothing contained herein shall be intended to supersede or prevent the safekeeping and humane treatment of horses.

§164-D-2.3 Housing for Farm Employees

In the event that an agriculture or farm operation intends to provide housing onsite for farm employees, such housing shall meet the following requirements:

- A) **Lot Standards:** The host farm parcel shall be a minimum of 50 acres. The housing shall be located no closer to the front property line, or any street line, than the principal farm dwelling and shall meet all other setback requirements set forth in §164-B-6 of this chapter.
- B) **Occupancy:** The housing shall be provided exclusively for employees and families of employees who gain their principal income from employment on the farm parcel by the host farm.
- C) **Water Supply & Sewage Disposal:** The housing shall be supported by water supply and sewage disposal facilities deemed suitable by the Dutchess County Health Department.
- D) **Fire & Building Codes:** The housing shall be in compliance with all applicable provisions of the New York State Uniform Fire Prevention and Building Code. All other applicable laws, ordinances and regulations shall be complied with, and both a building permit and a certificate of occupancy shall be obtained before occupancy.

§164-D-2.4 Livestock Feed & Sales

Livestock feed and sales lots shall meet the following minimum requirements:

- A) **Lot Standards:** The minimum lot area for such use shall be five (5) acres and such use shall observe a minimum setback of 250 feet from all property lines.
- B) **Parking:** Off-street parking shall be provided in accordance with the required spaces established in §164-C-2 for such use.

§164-D-2.5 Pig & Fur Farms

Pig and fur farms shall meet the following minimum requirements:

- A) **Lot Standards:** Such uses shall only be located on a lot with a minimum lot area of ten (10) acres, for the first five (5) animals. One (1) additional acre will be required for each additional five animals or fraction thereof.
- B) **Setbacks:** All pig pens shall observe a minimum setback of 250 feet from all lot lines, for the first 30 pigs. The setback shall be increased to 500 feet for farms with more than 30 animals.
- C) **Odor:** No offensive odors shall be emitted into the air so as to endanger the public health and safety or to impair safety on or the value or reasonable use of any other adjacent lot.

§164-D-2.6 Other Commercial or Industrial Activities Directly Serving Farm Operations

Other commercial or industrial activities directly serving farm operations shall meet the following minimum requirements:

- A) **Lot Standards:** Such uses shall only be located on a lot with a minimum lot area of five (5) acres and shall observe a minimum building setback of 150 feet from all property lines.
- B) **Parking:** Off-street parking shall be provided in accordance with the required spaces established in §164-C-2 for such use.
- C) **Waste:** No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.

§164-D-3 Animal Hospital

An animal hospital shall meet the following minimum requirements:

- A) **Lot Standards:** No animal hospital shall be permitted on a lot that is less than 5.0 acres. All such hospitals shall be setback a minimum of 125 feet from all property lines
- B) **Noise:** When facilities are provided to house animals overnight, such facilities shall be soundproofed, so that noises emitting from said facility when measured at any property line shall not exceed 60 decibels.

§164-D-4 Bed & Breakfast Establishments

A bed-and-breakfast establishment may be created as an accessory use and a home occupation, as defined in Article F of this chapter, through the conversion of a portion of a residential dwelling legally existing on September 12, 1991. The following requirements shall apply:

- A) **Resident Occupancy:** The owner-operator of the establishment shall be a principal owner-occupant of the single- family residential dwelling in which the guest rooms are located. Upon conversion of a portion of its floor area to a bed-and-breakfast

establishment, the residential dwelling shall retain not fewer than two bedrooms for the exclusive use of the occupants of the principal dwelling unit to which the bed-and-breakfast is subordinate.

- B) **Transient Occupancy:** The bed-and-breakfast establishment shall offer not more than four rooms for rent for transient occupancy, nor shall the establishment accommodate more than eight persons on any occasion.
- C) **Water Supply:** The applicant shall provide written certification from the Dutchess County Department of Health or a licensed professional engineer that the on-site water supply is adequate and potable by .
- D) **Sewage Disposal System:** The applicant shall provide written certification from the Dutchess County Department of Health or a licensed professional engineer that the sewage disposal system is adequate to accommodate both the single-family residential use of the premises and the bed-and-breakfast establishment.
- E) **Off-Street Parking:** Off-street parking, provided in accordance with §164-C-2 of this chapter, shall be located on the parcel on which the bed-and-breakfast establishment is located. Parking, where practicable, shall be located behind the residential structure.
- F) **Signage:** A single identity sign in conformance with those standards established in §164.C-3.3 with regard to home occupation signs shall be permitted
- G) **Additional Structures:** In order to effectuate the conversion of a portion of a residential dwelling to a bed-and-breakfast establishment, no addition to the structure greater than 100 square feet in gross floor shall be authorized.

§164-D-5 Dog Kennels

Dog kennels shall meet the following minimum requirements:

- A) **Lot Standards:** No dog kennel shall be permitted on a lot that is less than 10.0 acres. All such kennels shall be setback a minimum of 250 feet from all lot lines.
- B) **Hours of Operation:** Shall be limited to 7:00 a.m. to 8:00 p.m. Hours of operation shall be interpreted as those hours when dogs are brought to and from the establishment and when dogs are allowed out of cages.
- C) **Noise:** Buildings housing dogs after hours of operation shall be soundproofed so that noises emitted from the kennel building, when measured at any individual property line, shall not exceed 60 decibels.
- D) **Screening:** All kennels shall be screened from all adjacent roads and property lines with fencing and/or plantings so as not to be visible from said roads or property lines.

§164-D-6 Farmer's Market

A farmers' market is permitted as a principal or accessory use and shall be subject to the following regulations:

- A) **Structures:** Structures shall consist solely of temporary or portable accessory structures, such as tents or similar shelters. All proposed structures shall not exceed a combined 10,000 square feet of floor space. Such structures may be erected only during periods of farmers' market activity and may be in place not more than 24 hours prior to or following such farmers' market activity.
 - B) **Signage:** The display of signage shall be restricted to the same time requirements and limited to on-site locations.
 - C) **Parking:** Adequate provisions shall be made on site and/or on public property for parking for vendors and the public.
 - D) **Permit Required:** A farmers' market shall require the issuance of a farmers' market permit by the Town Building Inspector by application on forms provided by the Town Building Department, subject to the fees set by the Town Board in its Fee Schedule on an annual basis, and only in the AR and RC Zoning Districts.
 - E) **Additional Requirements:** The farmers' market shall be maintained in a neat, clean and orderly manner.
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§164-D-7 Gasoline Stations

Gasoline stations shall meet the following minimum requirements:

- A) **Lot Standards:** A gasoline station shall not be permitted on any lot with less than 200 feet of frontage along a collector street or secondary highway. All pumps and lubricating and other devices shall be setback at least 50 feet from any property line.
- B) **Use Separation:** No gasoline station shall be located within 500 feet of any church, school, library, playground, museum, historic building or similar place of public assembly, drainage channel, surface waters or environmentally sensitive areas, such as wetlands or aquifer recharge areas, as are located in the Town's Comprehensive Plan.
- C) **Driveways:** Entrance or exit driveways shall be located at least 20 feet from any side or rear property line. Such driveways shall be laid out so as to avoid the necessity of any vehicle backing across any right-of-way.
- D) **Curbs:** Curbs shall be constructed so as to channelize all traffic to permitted curb cuts; there shall be no more than two curb cuts on any street frontage.
- E) **Storage of Flammable Liquids:** All gasoline, oil or other volatile flammable liquids shall be stored in accordance with the provisions of the applicable Town ordinances and of New York State Environmental Conservation Law Part 614 regulations.

§164-D-7.1 Gasoline Stations with Accessory Motor Vehicle Services

Gasoline stations proposed to include accessory motor vehicle services, as may be permitted in accordance with the definition in Article F of this chapter, shall provide for the following requirements in addition to meeting all applicable standards otherwise stated for gasoline stations earlier in this section:

- A) **Storage:** All motor vehicle parts, dismantled vehicles and similar articles shall be stored within the principal building. Storage areas for vehicles waiting for service shall be provided on site and shall not occur on a public street or highway. No more than five motor vehicles shall be stored outdoors at any time between 12:00 midnight and 6:00 a.m.
- B) **Service Parking:** Sufficient parking spaces shall be provided for all vehicles stored or being serviced at any one period of time, plus a minimum of five additional spaces.

§164-D-7.2 Gasoline Stations with Accessory Convenience Store

Gasoline stations proposed to include an accessory convenience store, as may be permitted in accordance with the definition in Article F of this chapter shall provide for the following requirements in addition to meeting all applicable standards otherwise stated for gasoline stations earlier in this section:

- A) **Floor Area:** The maximum gross floor area shall be 2,000 square feet.
- B) **Number of Dispensing Nozzles:** The number of fuel dispensing nozzles shall be restricted to a maximum of eight (8).
- C) **Parking:** Adequate parking shall be available on site for customers making purchases at the store but not buying gasoline. This parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles purchasing gasoline.
- D) **Dumpsters:** An enclosed trash dumpster shall be provided for disposal of stock packings removed by store employees. Trash receptacles for customer use on the premises shall also be provided.
- E) **Mechanical Equipment:** All rooftop heating/ventilation/air-conditioning or refrigeration units shall be directed away from adjacent residential properties.
- F) **Additional Requirements:** No outdoor displays of merchandise shall be permitted. Any vending machines shall be located within the building.

§164-D-8 Logging & Timber Harvesting

Logging and timber harvesting is permitted in accordance with the District Schedule of Uses established in §164-B-5.3 of this chapter and the requirements outlined herein.

§164-D-8.1 Logging Permit Required

Any person, company, corporation or other entity seeking to log trees or timber, as defined by this chapter, must first obtain a logging permit from the Town of Stanford. All logging must be done in compliance with New York State Department of Environmental Conservation Laws, Rules and Regulations and be in compliance with the Soil Erosion and Sediment Laws of the Town of Stanford, as provided for in Chapter 137, as well as any applicable county and state regulations.

§164-D-8.2 Applications

The owner of the real property, or his or her designated agent or representative, must complete an application for a logging permit and submit such an application to the Building Inspector. Such application shall provide:

- A) Designation of the property to be logged, a list of the names and addresses of all adjoining property owners as set forth on the most current assessment or tax map records maintained by the Town of Stanford; and
- B) A copy of a survey or a tax map for the subject property to be logged, along with a designation on such survey or tax map of the specific area to be logged.
- C) An appropriate driveway for site access. The applicant shall apply for a driveway permit from the applicable Town, county or state highway departments, depending on the access to the logging area and the road by which such access will occur. If a driveway permit is not required, the applicant will provide evidence of the exemption to this requirement by such municipal authority.
- D) Proof of mailing in accordance with the notification requirements outlined in subsection D-8.3 below.

Upon submission of the completed application, the Building Inspector shall review the same to determine if it meets the requirements and guidelines of this section. If the application is complete and in compliance with all provisions of this Section, the Building Inspector shall have 15 days to issue a permit or deny the same for being incomplete. In the event that the Building Inspector does not take action in granting or denying the application within 15 days of the submission of a completed application, the application shall be deemed approved and the permit shall be issued. The logging permit shall be conspicuously displayed near the entrance on the property to the logging area. Such permit must be displayed while logging is ongoing.

§164-D-8.3 Notification Required

The owner, applicant or its agent or representative shall notify all property owners adjacent to the logging site on the intent to harvest timber or log the property. Such letters must be sent certified mail, return receipt requested, by the owner or its agent to all of the adjacent landowners, with the information as to names and addresses obtained from the most current assessment or tax map records maintained by the Town of Stanford.

The owner or applicant will provide proof of service of such letters to the Building Inspector. The proof of service shall include the date mailed by the owner or applicant, as well as the actual return receipt cards. In the event that a return receipt card is not returned within 15 days of the date of mailing, the mailing shall be deemed complete notwithstanding the absence of the return receipt card.

Compliance with the mailing procedure shall be certified to the Building Inspector or other Town employee in charge of this matter. Provided that there has been substantial compliance with this provision, the failure to give notice in exact conformance herewith shall not be deemed to invalidate any action taken by the Town or the Building Inspector in the application or issuance of a permit.

§164-D-8.4 Inspection

The applicant or the agent or representative must physically mark the logging area and the property line within the immediate proximity of the logging site. The Building Inspector of the Town of Stanford shall inspect the site to review the physical marking of the property to be logged and the property line prior to issuing any permits hereinunder.

§164-D-8.5 Enforcement

The Building Inspector shall enforce the provisions of the logging permit under the provisions of §164-E-4 of the Town of Stanford Code. Any reference therein to building permits shall include logging permits as may be granted hereunder. Any violation of this section shall have all of the enforcement powers of the Zoning Code, including but not limited to, a stop-work or cease and desist order, an injunction or civil or criminal prosecution as permitted by the Town Code.

§164-D-9 Manufacturing & Warehouses

§164-D-9.1 Light Manufacturing & Warehouses

Light manufacturing and warehouse uses shall meet the following minimum requirements:

- A) **Lot Standards:** Such uses shall only be permitted on lots with a minimum lot area of ten (10) acres. All buildings shall observe a minimum setback of 200 feet from the center line of a street.
- B) **Buffers:** A landscaped buffer 200 feet in depth shall be maintained in the front yard and all side and rear yards.
- C) **Preservation of Neighborhood Character:** The location, type, character and size of the use and of any buildings, structures or facilities in connection therewith shall be harmonious with the character of the neighborhood, shall not detract from the appearance and beauty of the neighborhood, shall not hinder or discourage the appropriate

development and use of adjacent property or impair the value thereof and shall conform to the appropriate and orderly development of the Town and the neighborhood.

- D) **Performance Standards:** The Planning Board shall ensure, in its review of such uses, that the following performance standards are met, or that sufficient mitigation measures are set forth by the project applicant, so that the health, safety and welfare of the community are adequately protected:
- (1) No dust, dirt, fly ash or smoke shall be emitted from the use.
 - (2) No offensive odors shall be emitted into the air.
 - (3) No noxious, toxic or corrosive fumes or gases shall be emitted into the air from any lot.
 - (4) No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake or wetland; no offensive wastes shall be discharged or dumped into any land unless legally authorized. No accumulation of solid wastes, as that term is defined in the Environmental Conservation Law, shall be permitted.
 - (5) No material which is potentially dangerous due to the risk of explosion, fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled.
 - (6) With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat, frequency or shrillness shall be transmitted outside the lot where it originates.
 - (7) With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
 - (8) No glare from lighting shall be transmitted towards any highway or driveway or be transmitted into or within any residence district. The applicant shall submit a lighting plan as required in the site plan application.
- E) **Access, Streets, & Parking:** The nature and location of the use and of any building or structure in connection therewith shall be such that there will be adequate access to it for fire and police protection purposes. The streets serving the proposed use shall be adequate to carry anticipated traffic, and provisions shall be made for entering and leaving the property in such a manner that no hazard to traffic or traffic congestion is created. Adequate off-street parking and loading facilities shall be provided.
- F) **Landscaping:** The building, structures and site layout shall be suitably landscaped, including screening from public roadways and neighboring residential properties, shall be adequately maintained and shall have adequate land area, yard and setbacks so as to maintain the character of the neighborhood.

- G) **Other:** The use shall not interfere or limit in any way the function of any adjacent or nearby agricultural use.

§164-D-9.2 Other Manufacturing

Other manufacturing uses not covered by the definition of light manufacturing or warehouses shall meet the following minimum requirements:

- A) **Lot Standards:** Such uses shall only be permitted on lots with a minimum lot area of five (5) acres. All such uses shall observe a minimum setback of 100 feet from all property lines.
- B) **Parking:** Off-street parking shall be provided in accordance with the required spaces established in §164-C-2 for such use.
- C) **Waste:** No discharge shall be permitted at any point, into any private sewage disposal system or street or into the ground of any materials in such a way or of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.

§164-D-10 Mining

The excavation, processing or sale of sand, gravel, topsoil or other natural mineral deposits, or the quarrying of any kind of rock formation may only occur in the Agricultural Residential (AR) District except when:

- A) Incidental to the construction of a building on the same lot, for which a duly authorized building permit has been issued; or
- B) Incidental to subdivision development or similar land development activity for which subdivision plat or site plan approval has been granted by the Town Planning Board; or
- C) Is otherwise exempt from the definition of "mining" found in Article F of this chapter.

§164-D-11 Multiple Dwellings

Multiple dwellings shall meet the following minimum requirements:

- A) **Lot Standards:** The minimum lot area for such a development shall be 5.0 acres
- B) **Dwelling Units:** The minimum size of each dwelling unit shall be 600 square feet. The total number of dwelling units permitted on any multiple dwelling premises shall be determined in accordance with the following table:

Lot Area (Acres)	Permitted Density (Units)	Building Setbacks (From all Property Lines)
5.0 – 7.99	3.0 – 5.0	100 feet
8.0 – 11.99	6.0 – 10.0	150 feet
12.0 – 14.99	11.0 – 15.0	225 feet
15.0 +	16.0 – 20.0	300 feet

- C) **Parking:** Off-street parking shall be provided in accordance with the required spaces established in §164-C-2 for such use. All parking and service areas shall be screened with plantings or fencing from adjacent properties and streets.
- D) **Access:** All units must have access to a public or private street, except residences which need not front on a street but must have access thereto via a court, walkway or other area dedicated to public use or owned and maintained by a permanent resident nonprofit homes association or similar corporation.
- E) **Sight Distance:** Sight distance at all entrances and exits must be unobstructed for a distance of 300 feet, or such greater distance as may be required by the agency of jurisdiction.
- F) **Water & Sewage Disposal:** New York State Health Department Regulations and New York State Department of Environmental Conservation standards must be met to the satisfaction of the Town of Stanford's consulting engineer relative to water quality and supply and sewage disposal. Fees for the services of the consulting engineer shall be paid by the applicant according to the criteria of §164-E-4 of this article.
- G) **Fire & Building Codes:** All multiple dwellings must conform to the New York State Uniform Fire Prevention and Building Code.
- H) **Conversion of Existing Single Family Residential Building:** It is the intent of the Town of Stanford to allow for the conversion of existing single-family residential units in all zones into multifamily units as a special permit use when and if the above-stated standards are met and all new entrances are designed to be located and to not be apparent from the front of the house or as otherwise viewed from the adjacent public right-of-way.

§164-D-12 Public Utility Structures

Public utility structures shall meet the following minimum requirements:

- A) **Siting:** The applicant shall demonstrate that it is a duly constituted public utility. The applicant shall demonstrate that the property site is necessary to enable the applicant to render safe and adequate service and that no alternative sites are available which could be used with less disruption of the Town Master Plan and Zoning Ordinance.

- B) **Lot Standards:** The lot on which the use is to be established shall conform with the minimum requirements established for the underlying zoning district in which the structure is located in.
- C) **Preservation of Neighborhood Character:** The location, type, character and size of the use and of any buildings, structures or facilities in connection therewith shall be harmonious with the character of the neighborhood, shall not detract from the appearance and beauty of the neighborhood, and shall not hinder or discourage the appropriate and orderly development of the Town and the neighborhood.
- D) **Prohibited Additional Uses:** Public utility structures shall not contain offices or have any outdoor equipment, machinery or storage of materials.
- E) **Performance Standards:** The Planning Board shall ensure, in its review of such uses, that the following performance standards are met, or that sufficient mitigation measures are set forth by the project applicant, so that the health, safety and welfare of the community are adequately protected:
- (1) No dust, dirt, fly ash or smoke shall be emitted from the use.
 - (2) No offensive odors shall be emitted into the air.
 - (3) No noxious, toxic or corrosive fumes or gases shall be emitted into the air from any lot.
 - (4) No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake or wetland; no offensive wastes shall be discharged or dumped into any land unless legally authorized. No accumulation of solid wastes, as that term is defined in the Environmental Conservation Law, shall be permitted.
 - (5) No material which is potentially dangerous due to the risk of explosion, fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled.
 - (6) With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat, frequency or shrillness shall be transmitted outside the lot where it originates.
 - (7) With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates.
 - (8) No glare from lighting shall be transmitted towards any highway or driveway or be transmitted into or within any residence district. The applicant shall submit a lighting plan as required in the site plan application.

- F) **Appearance:** The public utility enclosure structure shall, wherever practicable, have the interior appearance of a principal or customary accessory building on residential premises.
- G) **Fencing:** Public utility substations and similar utility structures shall be surrounded by a fence set back from the property lines in conformance with the district bulk regulations.
- H) **Landscaping:** The building, structures and site layout shall be suitably landscaped, including screening from public roadways and neighboring residential properties, shall be adequately maintained and shall have adequate land area, yard and setbacks so as to maintain the character of the neighborhood. The applicant shall submit a landscaping plan as required in the site plan application.
- I) **Access, Streets, & Parking:** The nature and location of the use and of any building or structure in connection therewith shall be such that there will be adequate access to it for fire and police protection purposes. The streets serving the proposed use shall be adequate to carry anticipated traffic, and provisions shall be made for entering and leaving the property in such a manner that no hazard to traffic or traffic congestion is created. Adequate off-street parking and loading facilities shall be provided.
- J) **Other:** The use shall not interfere or limit in any way the function of any adjacent or nearby agricultural use.
- K) **Route Review:** Public utility transmission lines carrying more than 35,000 volts, and gas mains shall have their proposed routes reviewed by the Planning Board and approved by the Town Board prior to acquisition of rights-of-way.
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§164-D-13 Radio or Television Towers or Antennas

Radio or television towers or antennas that are greater than 35 feet in height shall meet the following minimum requirements:

- A) **Lot Standards:** Such tower or antenna shall be located greater than 100 feet from any property line.
- B) **Maximum Height:** Such tower or antenna shall not exceed 75 feet in height.
- C) **Screening:** Such tower or antenna shall be screened from surrounding properties, adjacent property lines or public rights-of-way by intervening vegetation or landform to the extent practicable and without adversely affecting the operation of the tower or antenna.
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§164-D-14 Repair Shop (General)

General Repair Shops shall meet the following minimum requirements:

- A) **Lot Standards:** A general repair shop shall observe a minimum setback of 50 feet from all property lines.
 - B) **Hours of Operation:** Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
 - C) **Outdoor Storage:** Any outdoor storage of materials or repair items shall be screened, with planting or fencing, from adjacent properties and streets.
 - D) **Waste:** No discharge shall be permitted at any point into any private sewage disposal system or street or into the ground of any materials in such a way or of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.
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§164-D-15 Repair Shop (Motor Vehicle)

Motor Vehicle Repair Shops shall meet the following minimum requirements:

- A) **Lot Standards:** No motor vehicle repair shop shall be permitted on a lot that is less than 1.5 acres.
 - B) **Hours of Operation:** Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.
 - C) **Outdoor Storage:** Any outdoor storage of materials or repair items shall be screened, with planting or fencing, from adjacent properties and streets.
 - D) **Waste:** No discharge shall be permitted at any point into any private sewage disposal system or street or into the ground of any materials in such a way or of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.
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§164-D-16 Residential Cluster Subdivision

A residential cluster subdivision is a permitted development type in certain districts, as established in the District Schedule of Uses found in §164-B-5.3 of this chapter.

§164-D-16.1 Purpose

The purpose of the cluster provision in this chapter is to:

- A) Maintain open space whenever possible in order to preserve the rural and agricultural quality of the Town.
- B) Permit the grouping of single-family detached dwellings on suitable soils within the Rural Residential (RR) District on lots of a reduced area.

- C) Distribute the open space made available by this reduction to achieve a design of such subdivision to accommodate residential development in a manner which will preserve and protect certain agricultural soils and minimize the impact of development on open space in general and, more particularly, on environmental features of the proposed development area.

§164-D-16.2 Applicability

The Planning Board, upon review of a residential subdivision proposal, may require the applicant to provide a cluster subdivision in compliance with this chapter and other duly adopted standards to accomplish the intent and purpose stated herein. An applicant will only be required to provide a cluster subdivision when one or more of the following objectives, in the opinion of the Planning Board, is better accomplished by a cluster subdivision as compared to a conventional subdivision with residential lots occupying most of the tract:

- A) Preservation of contiguous important agricultural soils with a crop productivity rating of five or less, as established by New York State Department of Agriculture and Markets (1984).
- B) Maintenance of active agricultural crop land.
- C) Protection of the ground- or surface water, wetlands, floodplains or unique areas of natural or historical significance.
- D) Mitigation of significant environmental impacts identified through application of the State Environmental Quality Review Act (SEQRA) requirements.
- E) Preservation of open space to provide a visual screen or separation between structures and places commonly occupied by the public.
- F) Reduction in the number of new roads or driveways obtaining access from existing roads.
- G) Reduction in the amount of new road to be dedicated to the Town.
- H) Accomplishment of specific goals set forth in the Town's Comprehensive Plan.

§164-D-16.3 Area and Bulk Requirements

The area and bulk regulations for a cluster subdivision are set forth in the schedule below. All such regulations shall be interpreted as the minimum required, unless otherwise noted as a maximum.

Area and Bulk Regulations for Cluster Developments	
Lot Requirements	
Lot Size, Tract	20.0 acres
Lot Area per single-family detached residential dwelling	1.0 acre

Area and Bulk Regulations for Cluster Developments	
Lot Width, at the building line	100 feet
Lot Depth	200 feet
Lot Frontage, on a public right-of-way	25 feet ^A
Distance between Clustered Lot and Tract Property	150 feet
Yard Requirements	
Front Yard	50 feet ^B
Side Yard (each)	25 feet
Rear Yard	50 feet ^B
Building Requirements	
Height (Maximum)	35 feet
Building Separation	150 feet
Open Space and Coverage Requirements	
Permanently Deeded Open Space	75% of the Tract Area ^C
Impervious Surface Coverage (Maximum)	5% of the Tract Area
Open Space Separation between Clusters	400 feet

Notes:

- A) The minimum frontage requirement of 25 feet shall apply to half of the lots in a clustered group and not more than two lots with such frontage shall be adjacent to each other. The remaining lots shall be required to have a minimum frontage of 50 feet.
- B) Except that, if adjacent to a designated open space area providing at least 200 feet to the nearest property line, then the front and rear yard shall not be less than 25 feet.
- C) For residential lots clustered in a five-acre density area.

§164-D-16.4 Additional Standards

- A) **Density:** In no case shall the permitted number of dwelling units exceed the number of dwelling units that would be permitted, in the Planning Board's judgment, if the land had been divided into lots conforming to the minimum lot size of this chapter applicable to the zone or zones in which such land is situated and conforming to all other applicable requirements.
- B) **Suitable Soils:** Building lots shall be required, whenever possible in the Planning Board's judgment, to be situated on suitable soils to tolerate development of the site for

residential purposes, such as for septic tanks. Open space shall be required whenever possible, in the Planning Board's judgment, to be situated on soils other than such suitable soils mentioned above.

- C) **Open Space Lands:** Conditions regarding the long-term ownership, use, maintenance and permanent protection of all common lands within a cluster subdivision shall be set forth by the subdivider in consultation with the Planning Board. The following minimum standards shall, however, be strictly met:
- (1) **Permanent Reservation of Open Space:** The open space land shall be shown on the plat and shall be labeled in a manner to indicate that such land is not to be platted for building lots and is permanently conserved for open space purposes.
 - (2) **Conservation Easement:** A perpetual conservation easement leaving the land forever wild or limiting the use of such land to agricultural, managed forest land, passive recreational or open space use and prohibiting residential, institutional, industrial or commercial use of such open space land, pursuant to §247 of the General Municipal Law and/or §49-0301 through §49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be reviewed and approved by the Planning Board and shall be required as a condition of plat approval under Chapter 140, Subdivision of Land. The conservation easement shall not be amendable to permit commercial, industrial, institutional or residential development and shall be recorded in the Dutchess County Clerk's office simultaneously with the filing of an approved cluster subdivision plat.
 - (3) **Ownership:** Open space land may be owned in common by a homeowners' association, dedicated to the Town, or held in private ownership subject to a permanent conservation easement. If owned by a homeowners' association, the common open space land shall be protected by conservation easement from future subdivision and development. The Planning Board shall assure that proper provision has been made for ownership and maintenance of open space land. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against all individual owners in the homeowners' association and the dwelling units they each own. Ongoing maintenance standards shall be established, enforceable by the Town against an owner of open space land as a condition of subdivision approval, to assure that the open space land does not detract from the character of the neighborhood.

§164-D-17 Recreation Areas and Golf Courses

Recreation areas and golf courses shall meet the following minimum requirements:

- A) **Security Lighting:** Sufficient exterior illumination of the site shall be required to provide convenience and safety. All such illumination shall be shielded from the view of all surrounding properties and streets.
 - B) **Sight Distance:** Sight distance at the entrance and exit must be unobstructed for a distance of not less than 300 feet in each direction.
 - C) **Screening:** Service areas and parking lots shall be screened with plantings or fencing from the view of all surrounding properties and streets.
 - D) **Noise:** Public address or any other amplified sounds are prohibited.
 - E) **Fire Protection:** The property owner shall ensure that adequate fire protection is on the premises at all times, as recommended by the Stanford Fire Department.
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§164-D-18 Self-Storage Facilities

A self-storage facility shall meet the following minimum requirements:

- A) **Use:** A self-storage facility shall be used for the storage and retrieval of property only and is specifically prohibited to be used for any purpose that does not conform to those uses and conditions approved by the Planning Board at the time that site plan approval and a special use permit is granted (or duly authorized by formal amendment thereafter), or any use that may be determined to impact negatively on the facility or the surrounding area. The following uses for such a facility are specifically prohibited:
 - (1) Auctions, flea markets or garage sales;
 - (2) Hobby shops;
 - (3) Service and repair of motor vehicles, boats, and similar vehicles and equipment;
 - (4) Outside storage of unlicensed vehicles;
 - (5) Operation of power tools;
 - (6) Operation of spray-painting equipment;
 - (7) Storage of hazardous materials, solid waste, fuels, explosives, or other potential causes of pollution;
 - (8) Any noxious or objectionable use which negatively impacts the facility or the surrounding area; and
 - (9) Any occupancy for residential purposes, including people or animals.Foreclosure auctions may be held by or on behalf of the owner of the self-storage facility no more than two times per year.
- B) **Lot Standards:** A self-storage facility shall only be permitted on lots having a minimum area of three acres. The maximum building coverage shall not exceed 40% and no structure height shall exceed one story or a maximum of 25 feet.

- C) **Access and Parking:** Access shall be from a state or county road. Parking shall be provided as required by §164-C-2, and parking space locations shall be clearly identified on the site plan. All parking areas and driving aisles shall be paved with all-weather, dust-free pavement material.
- D) **Hours of Operation:** Hours of operation of the facility shall be no earlier than 7:00 a.m. and no later than 11:00 p.m., unless otherwise specifically authorized by the Planning Board.
- E) **Screening:** Dense landscaping and/or a suitable berm and/or fencing that is acceptable to the Planning Board shall be installed such that the self-storage facility shall not be visible from the street or from adjacent properties.
- F) **Lighting:** Site and security lighting shall utilize low-intensity, full cut-off, shielded fixtures with the intensity of light spillover to not exceed 0.5 footcandle illumination at the property line.
- G) **Signage:** Signage shall conform with §164-C-3, which sign shall be installed at the entrance of the self-storage facility and shall include thereon the manager's name and telephone number for emergency contact purposes.
- H) **Outdoor Storage:** Outside storage is only permitted for licensed vehicles, which shall be stored in the rear yard area of the lot and where specifically designated on the approved site plan.

The Planning Board may impose such other conditions and/or restrictions as it shall deem necessary to provide for the orderly development of the site and to provide for the necessary compatibility with the surrounding area

ARTICLE E

Administration & Procedures**§164-E-1 Approving Bodies**

Powers and Duties	Procedures Section	Approving Body			
		Building Inspector/Code Enforcement Officer	Planning Board	Zoning Board of Appeals	Town Board
Site Plan Review	§164-E-2		X		
Special Permits	§164-E-3		X		X ¹
Building Permits	§164-E-4	X			
Certificate of Occupancy or Use	§164-E-5	X			
Interpretation of Regulations (Appeals)	§164-E-7			X	
Variances (Area & Use)	§164-E-7			X ²	
Nonconforming Uses	§164-E-7			X	
Amendments	§164-E-6				X ³
Enforcement	§164-E-8	X			

¹ The Town Board shall be responsible for approving Special Permits associated with uses that are not currently listed within the District Schedule of Uses.

² Referral to be made to the Town Board for all use variances.

³ Referral to be made to the Planning Board for all amendments.

§164-E-2 Site Plan Review

In accordance with §164-B-5.3, District Schedule of Use Regulations, prior to the issuance of a building permit or certificate of occupancy for a change of use in any district, except for a single-family dwelling and permitted accessory uses, accessory dwelling units, permitted home occupations or agricultural and conservation uses permitted by right, the Building Inspector/Code Enforcement Officer shall require the preparation and approval of a site plan. The Building Inspector/Code Enforcement Officer shall refer the applicant to the Planning Board for site plan review and approval in accordance with §274-a of the Town Law and the more specific design standards and review procedures set forth in this article.

§164-E-2.1 Application Procedures

- A) **Sketch Plan Conference:** A sketch plan conference between the Planning Board and applicant shall be held to initially review the basic site design concept and generally determine the extent of site plan review necessary for the intended project and the information to be required on the site plan and in accompanying reports. At the sketch plan conference, the applicant should provide:
- (1) A written statement and/or rough sketch describing what is proposed, including indication of all existing structures and uses, if any, on the site; and
 - (2) An area map keyed to the real property Tax Maps, showing the parcel under consideration for site plan review, and all properties, structures, subdivisions, streets and easements within 200 feet of the boundaries thereof.
- B) **Sketch Plan Actions:** At the sketch plan conference, the Planning Board shall take one of three actions:
- (1) **No Further Board Action Needed:** Administratively determine that the project is limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review under this article, with such determination restricted to applications including the establishment of permitted uses within existing complying structures or the limited modification of existing conforming uses and complying structures, as determined by the Building Inspector/Code Enforcement Officer, wherein no substantial site improvements are either required or proposed.
 - (2) **Full Review Required:** Administratively determine that the project does require full review under this article, based upon the project's scope and/or land use, site and building design characteristics, and advise the applicant of the site plan submission requirements in accordance with the site plan checklist set forth in §164-E-2.2.
 - (3) **Additional Information Required for Determination:** Require additional sketch plan information prior to making a determination regarding the applicability of the site plan review and approval procedure.
- C) **Site Plan Application:** Within three calendar months of the sketch plan conference, a complete application for site plan approval shall be made in writing to the Planning Board. A complete site plan application shall include:
- (1) **Site Plans:** Not less than six prints and a digital copy site plans shall be submitted. Site Plans must include information drawn from the checklist of items listed in subsection §164-E-2.2 below, as determined necessary by the Planning Board at the time of the sketch plan conference.
 - (2) **Environmental Assessment Form:** A complete application for site plan review and approval shall also be accompanied by a short or full environmental assessment form (EAF) as required by SEQRA, Article 8 of the Environmental Conservation Law and Title 6, Part 617, NYCRR.

- (3) **Required Fee:** A complete application for site plan review and approval shall be accompanied by the applicable fee and escrow deposit in accordance with the fee schedule established and annually reviewed by the Town Board.
- D) **Coordinated Application Review:** Whenever the particular circumstances of a proposed development require compliance with either another procedure in this chapter, such as special permit review and approval, the requirements of the Town Land Subdivision Regulations or the requirements of the State Environmental Quality Review Act, the Planning Board may integrate, if it deems appropriate and to the extent of its authority under law, site plan review as required by this section with the procedural and/or submission requirements for such other compliance. Such integration of procedures may require, upon mutual written consent of the Planning Board and the applicant, reasonable modification of the time schedules otherwise stated in this article or in said related regulations or requirements.
- E) **Consultant Review:** In its review, the Planning Board may consult with the Town Building Inspector/Code Enforcement Officer, Superintendent of Highways, the Conservation Advisory Council, other local and county officials, and its designated private planning and engineering consultants, in addition to representatives of state agencies, including but not limited to the State Department of Transportation, the State Health Department and the Department of Environmental Conservation.
- F) **Public Hearing:** The Planning Board shall conduct a public hearing on the application for site plan approval. The public hearing shall be conducted within 45 calendar days of the receipt of the complete application and shall be advertised in the official newspaper of the Town at least five calendar days before the public hearing.
- G) **Required Referral:** Prior to taking action on the site plan, the Planning Board shall refer the site plan, when applicable, to the Dutchess County Department of Planning for advisory review and a report in accordance with §239-l and §239-m of the General Municipal Law.
- H) **Reimbursable Costs:** The reasonable costs incurred by the Town Board, Planning Board or Zoning Board of Appeals for professional consultation fees may be charged to the applicant before such Board. See Town Code Chapter 90, Fees, Article I, Professional Consultant Expenses.

§164-E-2.2 Site Plan Requirements

A Site Plan Application shall include the following items which shall be provided on a drawing certified by a registered engineer, surveyor, landscape architect and other licensed design professionals as may be necessary to comply with the professional licensing regulations administered by the New York State Education Department:

- A) Title of the drawing, including the name and address of the applicant and person(s) responsible for the preparation of such drawing.

- B) North arrow, scale and date.
- C) An area map keyed to the real property tax maps, showing the parcel under consideration for site plan review, and all properties, subdivisions, streets and easements within 200 feet of the boundaries thereof.
- D) Accurate boundaries of the property plotted to scale, including reference to specific data source.
- E) Existing watercourses, wetlands and floodplains, including reference to specific data source.
- F) Grading and drainage plan, showing existing and proposed contours at an appropriate interval, to be specified by the Planning Board at the sketch plan conference, with two-foot contour intervals and soils data generally required on that portion of any site proposed for development or where general site grades exceed 5% or where there may be susceptibility to erosion, flooding or ponding.
- G) Location, proposed use and height of all buildings, both existing and proposed.
- H) Location, design and construction materials of all parking and truck-loading areas, including their access and egress drives and clear indication of all traffic patterns on the site.
- I) Provision for pedestrian access.
- J) Location of outdoor storage for equipment and materials, if any.
- K) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- L) Description of the method of sewage disposal and the location, design and construction materials of such facilities.
- M) Description of the method of securing water supply and the location, design and construction materials of such facilities.
- N) Location of fire and other emergency zones, including the location of fire hydrants or of the nearest alternative water supply for fire emergencies.
- O) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- P) Location, size and design and construction materials of all proposed signage, including associated lighting, if any.
- Q) Location and proposed development of all buffer areas, including indication of both existing vegetative cover and that portion that will be preserved.
- R) Location and design of outdoor lighting facilities, including data regarding, when appropriate, lighting levels, both within the site and at the site's boundaries, if adjacent to residential development.

- S) Designation of the amount of building area proposed for retail sales, office use or similar commercial activity.
- T) Detailed landscaping plan and planting schedule, including the number, size, type and location of all canopy trees or understory trees, shrubs and ground cover to be planted.
- U) Building elevations and sections at a scale sufficient to delineate clearly the massing and the exterior materials, textures and colors of all buildings and other structures shown on the site plan.
- V) Other elements integral to the proposed development as considered necessary by the Planning Board and as may be reasonably related to the requirements of this article and §274-a of the Town Law, including the identification of any state or county permits required for the project's execution.

§164-E-2.3 Approval Considerations

The Planning Board's review of a site plan shall include, as appropriate, the following; however, the Board may waive certain requirements provided the reasoning behind such waiver is discussed at a public meeting and entered into the public record:

- A) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, channelization structures and other traffic controls.
- B) Adequacy and arrangement of pedestrian traffic access and circulation, walkways, control of intersections with vehicular traffic and overall pedestrian convenience.
- C) Location, arrangement, appearance and sufficiency of off-street parking and loading facilities.
- D) Location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage.
- E) Adequacy of stormwater and drainage facilities.
- F) Adequacy of water supply and sewage disposal facilities.
- G) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- H) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space of play areas and informal recreation.
- I) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- J) Adequacy of fire lanes and other emergency zones and water supply for fire emergencies.

- K) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion or in the vicinity of wetlands or similar natural features.
- L) Compatibility of building design with existing characteristics of the neighborhood.

§164-E-2.4 Planning Board Action

Within 45 days of the conduct of a public hearing, the Planning Board shall act on the site plan application in accordance with the following:

- A) The Planning Board shall act by resolution to either approve, disapprove or approve with modifications the site plan application. A copy of the resolution shall be filed in the Town Clerk's office and mailed to the applicant within 10 calendar days of the Planning Board's action. A resolution of either approval or approval with modifications shall include authorization to the Planning Board Chairman to stamp and sign the site plan upon the applicant's compliance with the submission requirements stated herein.
- B) If the Planning Board's resolution includes a requirement that modifications be incorporated in the site plan, conformance with said modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board's resolution shall state specific reasons for such decision. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

§164-E-2.5 Post Approval

- A) **Submission for Stamping:** After receiving site plan approval, with or without modifications, from the Planning Board, the applicant shall, within six calendar months, submit one print, a digital copy and one reproducible Mylar of the site plan to the Planning Board for stamping and signature by the Chairman. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board, except that it shall further incorporate any revisions or other modifications required by the Planning Board and shall be accompanied by the following additional information:
 - (1) Record of application for and approval status of all necessary permits from federal, state and county officials.
 - (2) Detailed sizing and final material specification of all required improvements.
 - (3) An estimated project construction schedule and, if a performance guaranty is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate.
- B) **Effect of stamping by Planning Board.** Upon stamping and signature by the Chairman, the Planning Board shall forward a copy of the approved site plan to the Building Inspector/Code Enforcement Officer and the applicant. The Building Inspector/Code

Enforcement Officer may then issue a building permit or certificate of occupancy if the project conforms to all other applicable requirements.

§164-E-2.6 Expiration

Planning Board approval of a site plan shall expire if either of the following circumstances occurs:

- A) The site plan is not submitted for stamping and signature by the Chairman within six calendar months of the Planning Board's resolution of site plan approval, with or without modifications.
- B) A complete application for either a building permit or certificate of occupancy is not submitted to the Building Inspector within six calendar months of the stamping and signing of the site plan by the Chairman.

Upon written request from the Applicant to the Planning Board, no later than one month before to the expiration of the Site Plan Approval, the Planning Board may extend the time period for either submission of the final site plan for stamping and signature or submission of the complete application for a building permit or certificate of occupancy for a maximum period of six calendar months from its otherwise specified termination date.

§164-E-2.7 Performance Guarantees & Inspections

- A) **Performance Guarantees:** No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. Such performance guaranty shall be posted in accordance with the procedures specified within §277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guaranty shall be determined by the Planning Board after consultation with the Town Attorney, the designated Town Engineer, other local officials or the Planning Board's designated private consultants.
- B) **Inspections:** The Building Inspector/Code Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with the designated Town Engineer and other local officials and agencies, as may be appropriate. Reasonable expenses incurred by the Town for inspections by the designated Town Engineer or other appropriate professionals shall, in addition to costs associated with site plan review, be reimbursed to the Town by the applicant in accordance with the fee schedule established and annually reviewed by the Town Board.

§164-E-2.8 Appeals

Any person or persons jointly or severally aggrieved by any decision of the Planning Board on a site plan approval application may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the

State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within 30 calendar days after the filing of the Board's decision in the office of the Town Clerk.

§164-E-3 Special Permits

All special permit uses cited in the District Schedule of Use Regulations in Article B shall be subject to review and approval by the Planning Board in accordance with the standards and procedures set forth in this article. The Planning Board shall review and act on all special permit uses in accordance with the procedure specified herein.

For all special use permit uses, no building permit or certificate of occupancy shall be issued by the Building Inspector/Code Enforcement Officer except upon authorization of and in full conformity with plans approved and conditions imposed by the Planning Board.

§164-E-3.1 Application Requirements

All applications made to the Planning Board shall be in writing, on forms and in accordance with the schedule prescribed by the Board and, in order to be considered complete, shall be accompanied by the following:

- A) A preliminary site plan which demonstrates the overall site layout and building locations, parking areas, access and egress locations, setbacks and buffer areas, lighting, landscaping, signage and the location and extent of existing development on adjacent parcels, in accordance with those requirements listed in §164-E-2.2.
- B) Preliminary building plans and elevations illustrating proposed building construction and alteration, including an indication of exterior materials, textures and colors.
- C) Payment of the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.
- D) Either a short or full Environmental Assessment Form as required by SEQRA, Article 8 of the Environmental Conservation Law and Title 6, Part 617, NYCRR.
- E) Any other information deemed necessary by the Planning Board to explain the nature of the proposed use and its consistency with the standards established by this chapter for special permit uses.

§164-E-3.2 Application Procedures

- A) **Coordinated Application Review:** All Special Permit Applications, whether issued by the Planning Board or Town Board, shall require a site plan review and approval process in accordance with the requirements of §164-E-2.2, unless otherwise waived by the Planning Board.

- B) **Public Notice & Hearing:** The Planning Board or Town Board shall, within 45 calendar days of the receipt of the complete application, conduct a public hearing on any special permit application. The Planning Board or Town Board shall provide a copy of the notice of said hearing to the applicant and at which hearing he shall appear in person or by agent. The Board shall additionally provide notice as follows:
- (1) **Newspaper:** By publishing, at least five calendar days prior to the date thereof, a legal notice in the official newspaper of the Town.
 - (2) **Abutters:** By requiring the Secretary of the Planning Board or the Town Clerk to provide notice of the public hearing and data regarding the substance of the application to the owners of all property abutting that held by the applicant and all owners within 200 feet of the land involved in such application. Notice shall be mailed at least 10 calendar days prior to the hearing, with compliance with the notification procedure certified to by the Secretary.
 - (a) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town.
 - (b) Provided that there has been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with granting or denying a special permit application.
 - (3) **Other Municipalities:** If the land involved in the application lies within 500 feet of the boundary of any other municipality, the Secretary of the Planning Board or Town Clerk shall also mail, at least five calendar days prior to the public hearing, to the Municipal Clerk of such other municipality or municipalities a copy of the notice of the substance of every application, together with a copy of the official notice of such public hearing.
- C) **Consultant Review:** In its review, the Planning Board or Town Board may consult with the Town Building Inspector/Code Enforcement Officer, the Superintendent of Highways, the Conservation Advisory Council, other local and county officials and its designated private planning and engineering consultants, in addition to representatives of state agencies, including but not limited to the State Department of Transportation, the State Health Department and the Department of Environmental Conservation.
- D) **Required Referral:** A full statement of any special use permit application that meets the referral requirements of §239-l and §239-m of the General Municipal Law shall also be referred prior to the public hearing to the Dutchess County Department of Planning for its review. The following shall occur related to such referral:
- (1) No action shall be taken by the Planning Board or Town Board on such application until an advisory recommendation has been received from said County Department of Planning or until 30 calendar days have elapsed since the Department received such full statement.

- (2) In the event that the Dutchess County Department of Planning recommends disapproval of the proposal or recommends modification thereof, the Planning Board or Town Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action.
 - (3) Within seven calendar days after such final action, the Planning Board or Town Board shall file a report of the final action it has taken with the County Department of Planning.
- E) **Decisions:** Every decision of the Planning Board or Town Board with respect to a special use permit application shall be made by resolution within 90 calendar days of the receipt of the completed application to the Board or within 45 calendar days of the public hearing, whichever shall first occur, which resolution shall clearly state the decision, including findings, and any conditions attached thereto. Each such decision shall be filed in the office of the Town Clerk within five calendar days thereof.
 - F) **Reimbursable Costs:** Reimbursable costs incurred by the Planning Board or Town Board for private consultation fees or other extraordinary expense in connection with the review of a special use permit application shall be charged to the applicant. Such reimbursable costs shall be in addition to the required application fee. Reimbursable costs may vary by project type and size and shall be provided in accordance with the fee schedule established and annually reviewed by the Town Board.

§164-E-3.3 Standards for Approval

In authorizing any special permit use, the Planning Board or Town Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board or Town Board shall also take in strict account the specific conditions set forth in Article D for certain uses and the following general objectives for any use requiring authorization by the Planning Board or Town Board:

- A) Those objectives outlined in §164-E-2.3.
- B) The Planning Board or Town Board are in a position to require additional conditions and safeguards to the special permit as may be necessary to assure continual conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced.

§164-E-3.4 Post Approval

- A) In addition to compliance with all other applicable provisions of this chapter and all other local, county and state laws, rules and regulations, no building permit shall be issued for any structure regulated by this article until such special use permit has received Planning Board or Town Board approval and a copy of a resolution to that effect has been

presented to the Building Inspector/Code Enforcement Officer and filed with the Town Clerk.

- B) No certificate of occupancy shall be issued for any structure or use of land covered by this article until the structure is completed or the land developed in strict accordance with the Planning Board or Town Board resolution of special permit approval and other applicable requirements of this chapter.
- C) Any use for which a special permit may be granted shall be deemed a conforming use in the district in which it is located, provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit has been granted.
- D) The Planning Board or Town Board may require in its resolution of approval that a special use permit be renewed periodically. Such renewal may be withheld only after public hearing and upon specific determination by the Planning Board or Town Board that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been or are no longer being complied with. In such cases, a period of 60 calendar days shall be granted for full compliance by the applicant prior to revocation of the special use permit.

§164-E-3.5 Expiration

A special use permit shall be deemed to authorize only the particular use or uses expressly specified in the permit and shall expire if the special use permit activity is not commenced and diligently pursued within six calendar months of the date of issuance of the special use permit. Upon written request from the Applicant to the Planning Board or the Town Board no later than one prior to expiration of the Special Use Permit, the Planning Board or Town Board may extend the time period for initiation of the special permit use for a maximum period of one calendar year from its otherwise specified termination date.

§164-E-3.6 Revocation

In all instances, including those cited in above, a special use permit may be revoked by the Planning Board or Town Board, after public hearing, if it is found and determined that there has been a substantial failure to comply with any of the terms, conditions, limitations and requirements imposed by said permit.

§164-E-3.7 Appeals

Any person or persons jointly or severally aggrieved by any decision of the Planning Board on a special use permit application may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within 30 calendar days after the filing of the Board's decision in the office of the Town Clerk.

§164-E-4 Building Permits

Except as may pertain to portable and other minor accessory structures, no person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature or the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Building Inspector for each such building or structure.

§164-E-4.1 Application Procedures & Requirements

- A) **Applicant:** Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer, or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.
- B) **Site Sketch or Site Plan:** All building permit applications shall be accompanied by a scaled site sketch plan or an approved site plan, if applicable, that is drawn to scale, accurately dimensioned, and bears the signature and stamp/seal of the person responsible for the design and drawings. The Building Inspector may waive the requirement for the filing of detailed plans where such waiver would not be in conflict with §7302 of the Education Law of the State of New York. Such sketch plan or approved site plan shall show the location of:
- (1) All proposed new construction and all existing structures on the site.
 - (2) The nature of the work to be performed and the materials to be incorporated.
 - (3) Distance from lot lines, the relationship of structures on adjoining property and the widths and grades of adjoining streets, walks and alleys.
 - (4) All existing and proposed structures on the lot.
 - (5) Any such other information as may be required by the Building Inspector to determine compliance with this chapter and other applicable regulations.
- C) **Additional Minimum Requirements:** The following information shall, at a minimum, accompany the application for a building permit:
- (1) A description of the land on which the proposed work is to be done.
 - (2) A statement of the use or occupancy of all parts of the land and of the building or structure.
 - (3) The valuation of the proposed work.
 - (4) The full name and address of the owner and the applicant, and the names and addresses of their responsible officers if any of them are corporations.
 - (5) A brief description of the nature of the proposed work.

- (6) A triplicate set of plans and specifications.
- D) **Dutchess County Department of Health Compliance:** All water supply and sewage disposal installations shall conform with the Dutchess County Department of Health regulations. No site plan or plot plan shall be approved by the Building Inspector in any zoning district unless such conformity is certified on the plan.
- E) **Drainage:** Drainage affecting adjacent properties shall be considered by the Building Inspector before issuing a building permit, including possible increase in stormwater runoff to said properties. The Building Inspector may request an evaluation of the drainage plan from the Dutchess County Soil and Water Conservation District. If the Building Inspector has concerns regarding drainage, grading or erosion control, he may also refer the plan to the Town Board or Planning Board consulting Engineer.
- F) **Amendments:** Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.

§164-E-4.2 Post Approval

The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the application, approved plans and specifications and in accordance with the applicable building laws, ordinances or regulations for a period of one calendar year. All work shall conform to the approved application, plans and specifications. For good cause, the Building Inspector may allow up to two building permit extensions for periods not to exceed six additional months each. The Building Inspector may require the applicant to name the Town as an additional insured during the construction period.

§164-E-4.3 Revocation

The Building Inspector may order that an approved building permit be revoked in the following instances when it is determined that:

- A) There has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.
- B) The building permit was issued in error and should not have been issued in accordance with the applicable law.
- C) The work performed under the permit is not being pursued in accordance with the provisions of the application, plans or specifications.
- D) The person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

§164-E-5 Certificate of Occupancy

Except as may pertain to portable and other minor accessory structures, no use shall be established or land or structure occupied or otherwise used until the Building Inspector has issued a certificate of occupancy stating that the use, land and structure comply with all applicable provisions of this chapter. In particular, the following requirements shall be strictly met:

- A) No building erected shall be used or occupied in whole or in part until a certificate of occupancy has been issued by the Building Inspector.
- B) No building enlarged, extended or altered, or upon which work has been performed which requires the issuance of a building permit, shall be occupied or used or, in the case of an established occupancy, shall continue to be occupied or used for more than 30 days after the completion of the alteration of work unless a certificate of occupancy shall have been issued by the Building Inspector.
- C) No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change has been issued by the Building Inspector.
- D) Before the issuance of a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, removed, demolish or change the use or occupancy. The Building Inspector may conduct such inspections deemed appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained by the Town a record of all such inspections and examinations, together with a record of findings in violations of the law.
- E) When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable provisions of this chapter and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.
- F) Every certificate of occupancy for which special use permit or site plan approval has been granted by the Planning Board or Town Board, or in connection with a variance granted by the Board of Appeals, shall contain a detailed statement of any condition to which the same is subject and shall include, by attachment, a copy of such Planning Board, Town Board or Board of Appeals decision.

§164-E-6 Amendments

This chapter, or any part thereof, including the Zoning District Map indicating the various district boundaries, may from time to time be amended, supplemented, changed, modified or

repealed by the Town Board in the manner provided by §264 and §265 of the Town Law. An amendment to this chapter may be initiated in one of three ways:

- A) By the Town Board upon its own motion.
- B) By resolution of the Planning Board or Zoning Board of Appeals, filed with the Town Clerk, wherein certain changes to or repeal of certain provisions of this chapter are recommended.
- C) By petition duly signed and acknowledged from the owners of 50% or more of the land in any zoning district or part thereof requesting an amendment, supplement or change in the regulations prescribed for such zoning district or part thereof. Said petition shall be accompanied by escrow payment in accordance with the fee schedule established and annually reviewed by the Town Board for reimbursable costs related to developing such amendment.

§164-E-6.1 Procedures

- A) **Public Notice and Hearing.** The Town Board, by resolution, shall schedule a public hearing on the proposed amendment and cause notice thereof to be given as follows:
 - (1) **Newspaper:** By publishing a notice at least 10 calendar days prior to the public hearing in the official newspaper of the Town, specifying:
 - (a) The nature of the proposed amendment;
 - (b) The specific land or land use district affected; and
 - (c) The date, time and place where the public hearing shall occur.
 - (2) **Abutters:** By providing a copy of such notice of any proposed change or amendment affecting property within 500 feet of any other municipality to the Clerk of such municipality at least 10 calendar days prior to the date of such public hearing.
- B) **Required Referral.** The Town Board shall transmit a full statement of any proposed amendment, whether a map amendment or a text amendment, that meets the referral requirements of §239-l and §239-m of the General Municipal Law to the Dutchess County Department of Planning for its review and recommendation. No action shall be taken by the Town Board on such proposed amendment until a recommendation has been received from the County Department of Planning or until 30 calendar days have elapsed since said Department received such full statement.
- C) **Compliance with SEQRA.** Proposed amendments are actions subject to the provisions of the New York State Environmental Quality Review Act. Prior to formal consideration and public hearing, the Town Board shall make a determination as to the type of action, lead agency status and environmental significance of the proposed amendment in accordance with Article 8 of the Environmental Conservation Law and Title 6, Part 617,

NYCRR. Any action to initiate an amendment to this chapter shall be specifically accompanied by either a short or full Environmental Assessment Form as required by SEQRA, Article 8 of the Environmental Conservation Law, and related Title 6, Part 617, NYCRR

§164-E-6.2 Planning Board Referral

All proposed amendments, supplements or changes originating by petition or by motion of the Town Board shall be referred to the Planning Board for a report and recommendation thereon. In undertaking such review, the Planning Board shall make inquiry and provide recommendation concerning the matters specified below:

- A) Whether such change is consistent with the purposes embodied in this chapter as applied to the particular zoning districts concerned.
- B) Which areas and establishments in the Town will be directly affected by such change and in what way will they be affected.
- C) Whether adequate public service and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change.
- D) The indirect implications of such change in its effect on other regulations.
- E) Whether such proposed amendment is consistent with the underlying objectives of this chapter.

The Planning Board shall submit its report within 45 days after receiving such referral from the Town Board. Failure of the Planning Board to report within the required time period shall be deemed to be a recommendation of approval of the proposed amendment.

§164-E-6.3 Actions

The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of a majority plus one shall be required when:

- A) Action being taken is contrary to the advisory recommendation received from the Dutchess County Department of Planning under the provisions of §239-l and §239-m of the General Municipal Law; or
- B) In accordance with the provisions of §265 of the Town Law, a protest petition against such amendment has been duly signed and acknowledged by the owners of at least 20% of the land area included in such proposed change, or of that immediately adjacent extending 100 feet therefrom, or that directly opposite thereto extending 100 feet from the street frontage of such opposite land.

If the Town Board action taken is contrary to the advisory recommendation of the County Department of Planning, a report on the action shall be filed within seven calendar days thereof with said Department.

§164-E-7 Zoning Board of Appeals

A Zoning Board of Appeals shall be maintained in accordance with §267, Article 16, of the Town Law and have all the powers and duties prescribed by law and by this chapter. Said Board shall consist of five members appointed by the Town Board for staggered terms of five years. The Town Board shall annually designate the Chairman of the Zoning Board of Appeals, while the Board shall annually designate its Secretary and may prescribe reasonable rules, in addition to those provided herein, for the conduct of its affairs.

All provisions of this chapter pertaining to the Zoning Board of Appeals shall be strictly construed. The Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this chapter and in strict compliance with all limitations contained herein; provided, however, that if the procedural requirements set forth in this chapter have been substantially observed, no applicant or appellant shall be deprived of the right of application or appeal.

§164-E-7.1 Powers and Duties

The Zoning Board of Appeals shall have the authority to:

- A) Hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector/Code Enforcement Officer involving the interpretation of any provision of this chapter, or, on request by an administrative official, board or agency of the Town, to decide upon the following questions:
 - (1) Determination of the meaning of any portion of the text of this chapter or of any conditions or requirements specified or made under the provisions of this chapter.
 - (2) Determination of the exact location of any district boundary shown on the Zoning District Map.
- B) Authorize, upon appeal in specific cases and while maintaining the principal objective of protecting the public interest, variances from the terms of this chapter in situations where, due to documentable, exceptional and extraordinary circumstances, there would result unnecessary hardships or practical difficulties due to the strict application of the provisions of this chapter. The Zoning Board of Appeals may grant no such variance unless the Board finds that the criteria listed herein have been strictly met.
- C) Review any request for change of a nonconforming use, as required by §164-B-8, of this chapter, and to determine whether the intended use is a similar or more restrictive use.

§164-E-7.2 Area Variances

In the case of an area variance, the applicant is seeking modification of dimensional standards, such as yard requirements, setback lines, lot coverage, frontage requirements, density regulations

or height restrictions, so that the property may be utilized for one of the uses permitted by this chapter. The Zoning Board of Appeals may grant relief if the applicant can demonstrate that strict compliance with the regulations would cause practical difficulty. The determination of practical difficulty shall include the following three-step processes:

- A) **Economic Injury:** The applicant must demonstrate that the strict application of this chapter to their property causes significant economic injury and that no other solution is practical.
- B) **Burden of Proof:** The Board of Appeals must show that the regulation in question is reasonably related to a legitimate exercise of the police power.
- C) **No Adverse Impact:** The applicant must demonstrate that the restrictions, as strictly applied in this case, are unrelated to the public health, safety or welfare of the community and that granting the variance will not adversely affect the community. In assessing the matter of practical difficulty, the Zoning Board of Appeals will consider:
 - (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance
 - (3) Whether the requested area variance is substantial.
 - (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district
 - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance.

The Zoning Board of Appeals may grant only the minimum variance that will permit reasonable use of the land or building in question.

§164-E-7.3 Use Variances

A property owner who desires to utilize any land and/or buildings for a use that is not permitted by this chapter within the applicable zoning district, but which use is permitted either by right or special use permit under this chapter within at least one other zoning district, may apply for a use variance. An applicant for a use variance must demonstrate unnecessary hardship by satisfying each of the following three tests:

- A) **Uniqueness.** The applicant must prove that there are certain conditions or features of the property that are not generally applicable throughout the zoning district and that these features make it impossible to earn a reasonable return without some adjustment. If the

conditions or features are generally applicable throughout the district, a variance may not be granted.

- B) **Reasonable Return.** The applicant must demonstrate an inability to realize a reasonable return under any of the uses permitted within the zoning district by this chapter. There must be a "dollars-and-cents" proof of the applicant's inability to realize reasonable return; speculation or qualitative assessment is inadequate. Failure to realize the highest return on the land and/or buildings is not considered a hardship.
- C) **Character.** The applicant must prove that the requested modification will not change the character or quality of the neighborhood. In addition, the purpose and intent of the zoning district and this chapter must be preserved.

The applicant for a use variance must meet all three tests before the Zoning Board of Appeals may consider granting relief. A use variance may not be granted if the unnecessary hardship was created by the applicant subsequent to the adoption of this chapter; i.e., that the relief sought is to address a self-created hardship.

§164-E-7.4 Procedures

In its quasi-judicial role, the Zoning Board of Appeals shall act in strict accordance with the procedure specified by §267 of the Town Law and this chapter.

- A) **Meetings.** Meetings shall be held at the call of the Chairman or at such other times as the Zoning Board of Appeals may determine. A quorum shall consist of a majority of the members, but in order to reverse a decision of the Building Inspector/Code Enforcement Officer or authorize a variance, an affirmative vote of a supermajority (a majority plus one) shall be required. A favorable vote of the super majority (a majority plus one) shall also be required if the action taken by the Zoning Board of Appeals is contrary to an advisory recommendation received from the Dutchess County Department of Planning under the provisions of §239 of the General Municipal Law. The Board shall keep accurate minutes of its proceedings, documenting fully all findings and showing the vote of each member upon each question. All meetings of the Zoning Board of Appeals shall be open to the public.
- B) **Application and Fee.** All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed by the Board, and submitted within 30 days of the determination or approval of the action for which the applicant is seeking relief, and shall be accompanied by the applicable fee in accordance with the fee schedule annually reviewed and established by the Town Board. Every appeal or application shall refer to the specific provision of this chapter that is involved and shall precisely set forth either the interpretation that is claimed or the details of the variance that is applied for and the ground on which it is claimed that such variance should be granted. Each application shall also be accompanied by a short or full environmental assessment form as required by SEQRA, Article 8 of the Environmental Conservation Law and Title 6, Part 617, NYCRR.

- C) **Public Notice and Hearing.** The Board shall fix a reasonable time and place for a public hearing on such appeal or application, of which hearing date the appellant shall be given notice and at which hearing he shall either appear in person or be represented by an agent. The agent shall bear a notarized statement signed by the applicant which establishes such an agency relationship. Any other interested party may appear at such public hearing in person, by attorney or other agent, who shall likewise bear a notarized statement as set forth above or by notarized mail. The Board shall additionally provide notice as follows:
- (1) **Newspaper:** By publishing at least 10 calendar days prior to the date thereof a legal notice in the official newspaper of the Town.
 - (2) **Abutters:** At least 10 days before the scheduled hearing date, the Secretary of the Zoning Board of Appeals must mail the details of each variance appeal- along with a notice of the hearing – by certified mail (with return receipt requested) to all property owners whose land borders the applicant’s property, and to all property owners within 400 feet of the subject property – or greater distances at the discretion of the Zoning Board of Appeals. As related to this notification:
 - (a) The Town shall charge the applicant either a flat rate or a stated amount per notice for satisfying this requirement.
 - (b) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town.
 - (c) Compliance with this notification procedure shall be certified to by the Secretary of the Zoning Board of Appeals or other designated Town employee.
- Provided that there has been substantial compliance with this provision, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Board of Appeals in either granting or denying an appeal for a variance from a specific provision of this chapter.
- (3) **Other Municipalities:** If the land involved in the appeal lies within 500 feet of the boundary of any other municipality, the Secretary of the Zoning Board of Appeals shall also mail by certified mail (with return receipt requested) , at least five calendar days prior to the public hearing, to the Municipal Clerk of such other municipality or municipalities a copy of the notice of the substance of every appeal, together with a copy of the official notice of such public hearing.
- D) **Required Referrals.** A full statement of any appeal that meets the specific referral requirements of §239-l and §239-m of the General Municipal Law shall also be referred prior to the public hearing to the Dutchess County Department of Planning for its review. No action shall be taken by the Zoning Board of Appeals on such appeal until an advisory

recommendation has been received from said County Planning Department or until 30 calendar days have elapsed since the Planning Department received such full statement.

- (1) Referral to the Dutchess County Department of Planning is required for actions which affect property located within 500 feet of the following:
 - (a) Municipal boundary;
 - (b) Boundary of any existing or proposed county or state park or other recreation area;
 - (c) Right-of-way of any existing or proposed county or state road or highway;
 - (d) Existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
 - (e) Existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated.
 - (2) The Zoning of Appeals shall additionally refer to the Town Planning Board all applications for use variances and may refer to the Planning Board any other pertinent matters for review and recommendations. The Zoning Board of Appeals shall defer any decision on the application for a period of 30 days to permit a report thereon to be issued by the Planning Board. Upon failure to submit such report to the Zoning Board of Appeals within 30 days, the Planning Board shall be deemed to have waived any rights concerning the matter being referred.
- E) **Decision Timeframe.** Every decision of the Zoning Board of Appeals on an appeal or request shall be made within 60 days of the close of the hearing by the Zoning Board of Appeals, shall be recorded in accordance with standard forms adopted by the Zoning Board of Appeals and shall fully set forth the circumstances of the case and contain a full record of the findings on which the decision is based.
- F) **Decision Filing.** Every decision shall be by resolution of the Zoning Board of Appeals, with such decision being filed in the office of the Town Clerk within 10 calendar days thereof. The Zoning Board of Appeals shall also notify the Building Inspector/Code Enforcement Officer, the Secretary of the Planning Board and any affected municipality given notice of hearing of its decision in each case. A report on the action taken shall also be filed within seven calendar days of the decision, with the Dutchess County Department of Planning in any instance in which the decision made required a supermajority (vote of majority plus one).
- G) **Rehearing and Reapplication Standards After Denial.** Whenever the Zoning Board of Appeals, after hearing all the evidence presented upon an application or appeal under the provisions of this section, denies the application or appeal, the Zoning Board of Appeals shall refuse to hold further hearings on said application or a substantially similar

application or appeal by the same applicant, his successor or assign for a period of one year, except and unless the Zoning Board of Appeals shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Board of Appeals and adopted by the unanimous vote of the members present, but not less than a majority of all members.

- H) **Attachment of Conditions.** In all cases where the Zoning Board of Appeals grants a variance from the strict application of the requirements of this chapter, it shall be the duty of the Zoning Board of Appeals to attach such conditions and safeguards as may be required in order that the result of its action shall be as nearly as possible in accordance with the spirit and intent of this chapter and the criteria for granting relief stated in §164-E-8 of this article.
- I) **Expiration.** Unless construction or use is diligently commenced within one calendar year from the date of the granting of a variance, such variance shall become null and void without further hearing or action by the Zoning Board of Appeals.

§164-E-7.5 Effect of Appeal

Unless the Building Inspector/Code Enforcement Officer finds there to be an imminent threat to either life or property, an appeal stays all proceedings by either the Town or appellant in furtherance of the action which is the subject of the appeal.

§164-E-7.6 Appeals

Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within 30 calendar days after the filing of the Board's decision in the office of the Town Clerk.

§164-E-8 Enforcement

The Town Building Inspector/Code Enforcement Officer shall administer and enforce all provisions of this chapter except where otherwise specifically provided herein.

§164-E-8.1 Permits

Whenever any permit is required, the permit shall be applied for and shall be issued in the first instance from the office of the Building Inspector/Code Enforcement Officer in accordance with the requirements of this chapter and other applicable Town, county and state regulations

governing building construction and the issuance of building permits. All permit applications shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.

§164-E-8.2 Right to Enter

Except for an owner-occupied single-family premises, the Building Inspector/Code Enforcement Officer shall have the right to enter upon, examine and inspect, or cause to be entered, examined and inspected, any building or property at any reasonable time for the purpose of carrying out the Building Inspector/Code Enforcement Officer duties and to determine compliance with the provisions of this chapter. A written report of each such examination and inspection shall be prepared on an appropriate form and kept on file by the Building Inspector/Code Enforcement Officer.

§164-E-8.3 Notices of Violations

Whenever, in the opinion of the Building Inspector/Code Enforcement Officer, after proper examination and inspection, there appears to exist a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Building Inspector/Code Enforcement Officer shall, on personal initiative, serve a written notice upon the appropriate person or persons responsible for such alleged violation. Such notice shall inform the recipient of the nature and specific details of such alleged violation and the date of compliance by which the alleged violation must be remedied or removed, which date shall be not more than 10 days from the date of service of the notice.

§164-E-8.4 Stop Orders

Whenever the Building Inspector/Code Enforcement Officer has reasonable grounds to believe that work on any building or structure or any use of land is occurring either in violation of the provisions of this chapter, not in conformity with any application made, permit granted or other approval issued hereunder or in an unsafe or dangerous manner, the Building Inspector/Code Enforcement Officer shall promptly notify the appropriate person or persons responsible to suspend work on any such building or structure or the use of any such land. Such persons shall forthwith suspend such activity until such time that the stop order has been rescinded by the Building Inspector/Code Enforcement Officer. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed by delivering it personally to Building Inspector/Code Enforcement Officer or by posting the same upon a conspicuous portion of the building under construction or premises in use. In addition, a copy of the same shall be sent to the person or persons responsible by certified mail.

§164-E-8.5 Emergency Action

If, in the opinion of the Building Inspector/Code Enforcement Officer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or

welfare of occupants of a building or to other persons, the Building Inspector/Code Enforcement Officer may direct such violation immediately remedied or may take direct action on personal initiative to abate the hazard. Any costs incurred by such action shall be paid for by the owner, occupant or person responsible for the violation. The Building Inspector/Code Enforcement Officer shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken and is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses in order to recover the said costs.

§164-E-9 Penalties

§164-E-9.1 Fines

As provided by §268 of the Town Law, violation of any provision or requirement of this chapter or violation of any statement, plan application, permit or certificate approved under the provisions of this chapter shall be considered an offense punishable by a fine of not more than \$350 and/or imprisonment for not more than six months for each offense. All such penalties shall be collectible by and in the name of the Town. Each and every week that any such violation continues after notification that such violation exists shall constitute a separate chargeable offense. Such initial notice and subsequent weekly notice shall be given in writing by the Building Inspector and shall be served by either certified mail or personal service.

§164-E-9.2 Liability

The owner, general agent or contractor of a building premises, or part thereof, where such violation has been committed or does exist, and any agent, contractor, building, architect, corporation or other person who commits, takes part or assists in such violation, shall be liable for such an offense.

§164-E-9.3 Court Action

The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting an appropriate legal action or proceedings in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain by injunction, correct or abate a violation or prevent the illegal occupancy of a building, land or premises.

§164-E-9.4 Citizen Action

If the Building Inspector/Code Enforcement Officer fails or refuses to act upon or refer a violation of this chapter to the Town Attorney for legal action in accordance with the provisions stated herein within a ten-day calendar period following written request by any taxpayer to so proceed, or if the Town Attorney fails to promptly initiate a legal action or proceedings, then any three or more residents and/or property owners within the Town of Stanford may institute

appropriate legal action in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§164-E-9.5 Individual Action

Nothing contained herein shall in any way restrict the right of an aggrieved individual to institute an appropriate legal action or proceedings on his own behalf for equitable relief or for damages alleged to have been suffered as a result of the violation of this chapter.

ARTICLE F

Definitions**§164-F-1 Interpretation of Terms**

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings herein indicated:

- A) Words used in the present tense include the future;
- B) The singular number includes the plural, and the plural number includes the singular;
- C) The word "lot" may also be interpreted as "plot";
- D) The word "structure" includes the word "building."
- E) The term "occupied" or "used," as applied to any given building or land, shall be construed to include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used or occupied."
- F) The word "shall" is mandatory and not optional.

§164-F-2 Terms Not Defined

Terms not defined within these Regulations shall be interpreted by the Zoning Board of Appeals.

§164-F-3 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE. A structure, the use of which is customarily incidental and subordinate to that of the principal building and which is attached thereto or is located on the same lot or premises. Except in the case of housing for farm employees and accessory dwelling units, *accessory structures* shall not be used for the purpose of human habitation. Accessory structures may include tennis courts, such buildings as garages, swimming pools, garden or tool sheds, barns, studios, greenhouses and playhouses and such elements as satellite dish antennas, windmills and solar collectors. Also referred to as an *accessory building*.

ACCESSORY USE. A use, occupancy or tenancy which is customarily incidental and subordinate to the principal use, occupancy or tenancy and which is located on the same lot or premises.

COMMERCIAL OR OTHER INDUSTRIAL ACTIVITY DIRECTLY SERVING FARM OPERATIONS. A business used for the retail or wholesale sale of goods, products or services to crop farms, dairy or livestock operations, fur or pig farms or caged-poultry operations.

AIRCRAFT. A device which is used for the transportation of one or more persons or goods in the air, including, but not limited to, airplanes, blimps, dirigibles, helicopters, and gliders; however, "aircraft" shall not include balloons or parachutes.

AIRFIELD. An area for the landing touchdown, or takeoff of an aircraft, including, but not limited to, an airport, airstrip, field, helipad, heliport or helistop. Any use of an aircraft for landing, touchdown, or takeoff on private or public land in the Town of Stanford, except for emergency purposes, is covered by this definition.

ALTERATION. Any change, rearrangement or addition to a building, other than repairs; any modification in construction or in building equipment; or the moving of a building or structure from one location to another.

APARTMENT. A dwelling unit contained within a two-family or multifamily dwelling.

AREA AND BULK REGULATIONS. The combination of controls which establish the minimum size of a lot and the maximum size of a building and its location on such lot.

BAR or TAVERN. An establishment licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises.

BARNS and SILOS. Structures totally enclosed with a roof and walls necessary for the normal operation of crop farming and dairy and livestock operations.

BASEMENT. That space of a building which is partly below grade and which has more than half of its height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building.

BED-AND-BREAKFAST ESTABLISHMENT. A private owner-occupied dwelling in which at least one and not more than four rooms are offered for rent for temporary occupancy, in which overnight lodging and breakfast are offered to such occupant and in which no public restaurant is maintained.

BEGINNING OF CONSTRUCTION. The incorporation of both labor and materials within the footings or foundation of a building or group of buildings subsequent to the issuance of a building permit in full conformance with this chapter.

BOARDING, LODGING OR ROOMING HOUSE. A private dwelling in which at least three but not more than six rooms are offered for rent, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained.

BOARD OF APPEALS. The Board of Appeals of the Town of Stanford as provided for in Article E of this chapter.

BOAT MOORAGE. Docks or other marine structures, including those associated with fishing establishments and incidental commercial or service activities. The term *boat moorage* does not include any structures used for building or repairing such boats or those used for the purpose of securing recreational power or sail boats. See Chapter 67, Boats, of the Town's Code for additional regulations.

BUFFER ZONE. A strip of land established and suitably developed with fencing, berms and natural vegetation.

BUILDABLE AREA. The space remaining on the lot after the minimum yard and open space requirements have been met.

BUILDING AREA. The total ground area of a building or structure, measured from the exterior faces of the exterior walls, including the area of all principal and accessory buildings on a lot. Building area includes all portions of the structure that project to or rest upon the ground plane, such as garages or covered porches, but excludes open and uncovered porches, terraces, steps, or similar features.

BUILDING. A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, property or business activity. Also referred to as a *structure*.

BUILDING COVERAGE. That percentage of the lot area covered by the composite building area on or extended to the ground plane of all principal and accessory structures located on the plot or lot. Such coverage excludes uncovered porches, terraces and steps, except where utilized for commercial purposes. Also referred to as *coverage* or *lot coverage*.

BUILDING ENVELOPE. The three-dimensional space within a lot where a building is legally allowed to be constructed after applying all applicable setback, height, lot coverage, and other dimensional requirements of this chapter, within which a principal or accessory structure may be lawfully constructed.

BUILDING GROUP. A group of two or more principal buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

BUILDING INSPECTOR. That Town employee appointed by the Town Board and charged with the responsibility of administering and enforcing this chapter, as well as the New York State Uniform Fire Prevention and Building Code and related regulations pertaining to the development of structures and the use of land within the Town of Stanford, which employee shall be certified as a building official by the New York State Building Codes Council.

BUILDING LINE. The line, established by law, ordinance or regulation, beyond which no part of a building, other than parts expressly excepted, may extend.

BUILDING PERMIT. Official authorization issued by the Building Inspector to begin construction in accordance with approved plans and in strict compliance with all applicable requirements of this chapter, the New York State Uniform Fire Prevention and Building Code and related laws, rules and regulations.

BUILDING, PRINCIPAL. The building or structure that houses the main or principal function or activity for which the lot is used.

BUILDING, SEMIDETACHED. A building attached by a party wall to another building normally of the same type on another lot but having one side yard.

BUSINESS, RETAIL. Stores and shops in one or several buildings, where goods are sold primarily at retail. Such sales are primarily made directly to the ultimate consumer and include goods such as food, beverage, and clothing.

BUSINESS SERVICE. An establishment primarily engaged in rendering services on a fee or contract basis, such as advertising and mailing, building maintenance, employment service, office equipment rental and leasing, commercial research, development and testing, photo finishing and personal services.

BUSINESS, WHOLESALE. A building or buildings used as a wholesale distribution center.

CAGED-TYPE POULTRY HOUSE. A structure housing 100 or more birds, with one or more birds to a cage and all normal operation relating to live birds accomplished without removing the birds from the cage.

CEMETERY. Land used or intended to be used for the burial of dead human beings and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated within the boundary of such lands. May also be referred to as *human internment*.

CERTIFICATE OF OCCUPANCY. Official certification issued by the Building Inspector that a premise conforms to the applicable provisions of this chapter, the New York State Uniform Fire Prevention and Building Code and other applicable regulations and may be legally used or occupied.

CESSATION OF USE. As used herein, a use shall be determined by the Building Inspector to have ceased when it has been discontinued either temporarily or permanently, whether with the intent to abandon such use or not.

CHURCH, SYNAGOGUE or OTHER PLACE OF WORSHIP. A building used for the purpose of practicing any organized tax-exempt religion.

CLINIC, DENTAL or MEDICAL. A facility designed for the practice of dentistry or medicine at which nonresident patients are treated.

RESIDENTIAL CLUSTER DEVELOPMENT. A development pattern in which uses are grouped "clustered" through a density transfer within a particular development, rather than spread evenly throughout a parcel as in conventional lot-by-lot development. See §281 of the Town Law.

COMMUNITY AREAS. Those areas intended for the beneficial use or enjoyment by all residents of a development, including driveways, roadways, parking areas, walkways, landscaped areas, open space and recreation areas.

COMMUNITY BUILDING. A building used for neighborhood meetings and recreation, whether a fee is charged or not, but excluding buildings belonging to a church or other places of worship.

CONSERVATION ADVISORY COUNCIL. The Conservation Advisory Council of the Town of Stanford, New York.

CONTRACTOR'S YARD. Any space, whether inside or outside a building, used for the storage or keeping of construction supplies, materials, equipment, machinery or vehicles, or parts thereof, which are in active use by a construction contractor.

CONVENIENCE STORE. A one-story retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and household supplies to customers who purchase only a relatively few items and associated with a *gasoline station*.

CONVERSION. A change in use or occupancy of a building, generally by alteration or by other reorganization as to increase the number of families or dwelling units within a structure.

CROP FARMING. The commercial growing of vegetables, fruits and grains for human or animal consumption and the commercial growing of flowers. This definition does not restrict the growing of such vegetables, fruits or grains for personal consumption in the LR and RC Zoning Districts when the total area dedicated to such use is less than one acre. This definition does not restrict the growing of flowers or other ornamentals for such personal enjoyment whatsoever.

DAIRY FARM. Any tract of land of five acres or more used for the raising or breeding of cows and goats and/or the manufacture of their products.

DENSITY, GROSS. The number of dwelling units per acre of total land area within a development site, including all land such as streets, rights-of-way, parks, open space, and other non-residential uses.

DENSITY, NET. The number of dwelling units per acre of developable land on a development site, , excluding land dedicated to public streets, rights-of-way, parks, wetlands, steep slopes, floodplains, and other undevelopable or non-residential areas as defined by local ordinance.

DISTRICT or ZONING DISTRICT. An area or section of the Town described on the Zoning District Map contained within this chapter, and within which uniform requirements regulate the use of land and structures and the height, bulk, density and setback of structures.

DRIVEWAY. Land situated on a lot used or intended to be used as a private access route directly serving a parking area; or serving parking spaces and not providing a route for through traffic.

DWELLING. A building designed or used principally as the living quarters for one or more families.

DWELLING, ACCESSORY. A self-contained dwelling unit, having its own exterior or interior entrance and which is subordinate to the principal residence or dwelling, shares no kitchen, bath, living or sleeping facilities with the principal residence or dwelling and is located on the same lot as the principal residence or dwelling. An accessory dwelling unit or ADU is an accessory dwelling in compliance with the requirements of §164-D-1.

DWELLING, MULTIPLE. A housing development where a number of dwellings are constructed and operate as a single project on one plot of land containing three or more separate dwelling units, but which may have common spaces. Such development may include detached, semidetached or attached buildings, or portion thereof, but shall not include "hotel" or "motel" as defined within the New York State Uniform Fire Prevention and Building Code.

DWELLING, ROW OR ATTACHED. A one-family dwelling with party walls separating it from adjacent units on both sides, or on one side if an end unit, with each having separate entrances from the outside.

DWELLING, SINGLE-FAMILY. A detached building containing one dwelling unit only. Also referred to as a *single-family detached home*.

DWELLING, TWO-FAMILY. A structure or building containing or constituting two attached, detached or semidetached single-family dwelling units on a single lot or plot of land; a semidetached structure may also be known as a *duplex*.

DWELLING UNIT. A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boardinghouse, dormitory, motel, inn, nursing home, fraternity, sorority or other similar building shall not be deemed to constitute a dwelling unit.

ELEMENTARY and SECONDARY SCHOOLS. Any school having regular sessions with regularly employed instructors who teach those subjects that are fundamental and essential in

general education under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body or a private corporation meeting state requirements.

ENVIRONMENTAL CONSERVATION LAW. The Environmental Conservation Law of the State of New York, Chapter 43-B of the Consolidated Laws.

FAMILY. Consists of either one person or two or more persons related by blood, marriage or adoption, or not more than five persons not necessarily related by blood, marriage or adoption, and, in addition, any domestic servants or gratuitous guests, who live together in a single dwelling unit and maintain a common household. Persons occupying group quarters, such as a dormitory, fraternity or sorority house or a seminary, shall not be considered a family.

FARM. Any parcel of land containing at least 10 acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. The term "farm" includes necessary farm structures within the prescribed limits of the farm parcel and the storage of equipment as part of the farm operation. The term "farm" specifically excludes riding academies, livery or boarding stables and dog kennels or catteries.

FARMERS' MARKET. The use of temporary or portable accessory structures on a parcel of land used as a principal or accessory use by two or more producers for the direct sale of farm produce and farm products to the public, as permitted in Article D of this chapter. If the use involves the construction or use of permanent structures or other improvements, including paving or signage, the use shall be classified as "outdoor retail" or other use and subject to the provisions of this chapter applicable to such use.

FENCE. An unroofed barrier constructed of materials other than living shrubbery erected for the purpose of protection, confinement, enclosure or privacy, and excluding retaining walls. For the purposes of this chapter, a stone wall shall be considered a type of fence.

FLOOR AREA, GROSS. The sum of the horizontal area of the floor or floors of a building as measured from the exterior faces of exterior walls or from the center line of walls separating two buildings, but not to include attached or built-in garages, porches or terraces, basements or unfinished floor area, including attics, having a clear head room of less than seven feet.

FOOD OR BEVERAGE PRODUCTION. The processing, packaging or storage of foods or beverages, excluding those involving distillation, fermentation, rendering of fats or oils or slaughtering.

FORESTRY AND FOREST FARMING. The raising, harvesting and sale of forest products.

GARAGE, PRIVATE. A building used for the storage of motor vehicles and all types of farm machinery and conveyances owned and regularly used by or on behalf of the owner or tenant of the lot on which it is erected and only for a purpose accessory to the permitted use of the lot.

GASOLINE STATION. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A *gasoline station* may include accessory facilities for rendering service for motor vehicles, such as lubrication, washing and minor repairs, and a *convenience store* as defined by this Article.

GENERAL MUNICIPAL LAW. The General Municipal Law of the State of New York, Chapter 24 of the Consolidated Laws.

GENERAL REPAIR SHOP. A totally enclosed structure, other than a gasoline station as defined in this chapter for the repair of radios and televisions, appliances and other small machinery.

GOLF COURSE, see RECREATION AREAS.

GRADE, FINISHED. The elevation at which the finished surface of the surrounding lot, either naturally occurring or upon completion of any change in contour, intersects the walls and supports of a structure.

HABITABLE SPACE. Space occupied by one or more persons for living, sleeping, eating or cooking.

HEIGHT, BUILDING. The vertical distance measured from the average elevation of the finished grade along the side of the building having the lowest finished grade to the highest point on the coping of a flat roof, to the deckline of mansard roofs or to the average height between eaves and ridge for gable, hip and gambrel roofs, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections, except where such features occupy an aggregate area of more than 80 square feet or 10% of the roof area, whichever shall be less.

HOME OCCUPATION. Any limited personal service, professional service or business use customarily conducted within a dwelling or customary accessory building and carried on by the residents thereof, which is clearly incidental and secondary to the use of the premises for residential purposes and does not alter the residential character thereof, and which use shall be fully consistent with the use limitations stated in this chapter. The term "home occupation" shall include the provision of day-care services for six or fewer children, who are not residents of the dwelling, and the operation of a bed-and-breakfast establishment as earlier defined in this section.

HOMEOWNERS' ASSOCIATION. An organization of residential property owners, duly constituted, residing within a particular development, whose major purpose is to own, preserve, maintain and provide community areas, facilities and services for the common enjoyment of the residents.

HOME PROFESSIONAL OFFICE. The office or studio of a resident physician, surgeon, dentist or other person licensed by the State of New York to practice a healing art, lawyer,

architect, artist, engineer, real estate broker or salesman, insurance broker or agent or teacher as herein restricted, provided that not more than two persons are employed who are not members of the family and that such office shall be in the main building and shall not occupy more than the equivalent of 1/2 of the area of one floor of said building. For the purposes of this definition, a "teacher" shall be restricted to a person giving individual instruction in academic or scientific subjects to a single pupil at one time. The "home professional office" of a physician shall not include a biological or other medical testing laboratory.

HORSE OPERATIONS. The caring, keeping and harboring of horses, including the necessary stable, riding structures and turnout paddocks within the prescribed limits of the parcel or parcels on which the horses will be kept and maintained, as well as the storage of equipment and supplies necessary, important, related to or used as part of the horse operation.

HOSPITAL, ANIMAL. An establishment for the medical and/or surgical care of sick or injured animals, including facilities for their temporary occupation.

IMPERVIOUS SURFACE. All man-made construction that does not allow water to readily penetrate, such as but not limited to, building areas, roads and walks.

JUNKYARDS. As defined within and regulated by Chapter 118, Junkyards and Dealers, of this Code.

KENNEL. Any premises on which are kept five or more dogs more than six months of age or any number of dogs that are kept for the primary purpose of sale or for the purposes of boarding, care or breeding and for which a fee is charged or paid.

LANDFILL. A lot or land area used primarily for the disposal or abandonment, burial, burning or other disposition, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind, including construction debris. For purposes of this chapter, a private compost pile shall not be construed to be a "landfill." Also referred to as *dump*.

LAUNDRY, SELF-SERVICE. A business premises equipped with individual clothes-washing or dry- cleaning machines intended for principal use by retail customers.

LIBRARY or MUSEUM. A building used by a public or nonprofit institution for the purpose of housing books, manuscripts, collections, exhibits or other educational materials.

LIVESTOCK FEED AND SALES LOT. Any enclosed or fenced area, other than a barn used by a dairy and livestock operation, designed for the temporary holding of animals for concentrated feeding or fattening or the purpose of sale or transfer by auction, consignment or other means.

LIVESTOCK OPERATIONS. Any tract of land of 10 acres or more used for the raising or breeding of cattle, sheep or other animals for commercial sale. Livestock operations do not include the raising or breeding of dogs, pigs, fur-bearing animals and caged-type poultry.

LOADING SPACE. An area 12 feet in width and 60 feet in length with a vertical clearance of 15 feet, with such shape, access and slope as to accommodate one truck having an overall length of 60 feet.

LOGGING OR TIMBER HARVESTING. The cutting of timber or trees in excess of 25 cords of wood, or 10,000 board feet of lumber from timber or trees, by an owner of property or its representative on such property, in any one calendar year. Adjacent properties or properties in close proximity of each other to be logged or harvested concurrently by the same owner, applicant or logger shall be deemed one logging or timber harvesting operation, and the board feet or cords taken or to be taken from such properties shall be combined for the total logged or harvested. Logging shall not include timber harvesting or tree cutting for consumption as fuel or lumber on premises or associated with the clearing for farmland or house sites.

LOT. A parcel of land having defined boundaries and considered as a unit, devoted to a specific use or occupied by a structure or group of structures that are united by a common interest, use or ownership, and including customary accessory structures, uses, open spaces and yards, which parcel shall have frontage on a street or on such other means of access as may be deemed sufficient in accordance with the applicable provision of §280-a of the Town Law to provide suitable access as a condition precedent to the issuance of a building permit.

LOT AREA. The total land area of a lot within the property lines, excluding any area devoted to external streets, e.g., in the case of a user highway.

LOT, CORNER. A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street right-of-way lines is the "corner".

LOT DEPTH. The horizontal distance from the street line of a lot to the rear lot line of such lot, measured along the median between the two side lines.

LOT, FLAG. A lot, in which the lot frontage is less than the minimum required and/or a lot with less than the minimum standards of 164-B-6.2, District Schedule of Area and Bulk Regulations, for the zoning district in which it is located, containing a narrow land strip accessway, known as the flag pole, leading to the buildable rear portion of the lot, known as the flag.

LOT FRONTAGE. That side of a lot measured along the right-of-way of any dedicated Town, county or New York State highway, or along a line 24.75 feet from the center line of any user highway. A corner lot shall be considered to have two such frontages.

LOT, INTERIOR. Any lot other than a "corner lot".

LOT LINE. The line dividing one premises from another or from a street or other public space.

LOT OF RECORD. A legally existing lot at the time of adoption of this chapter and the predecessor Zoning Ordinance adopted by the Town Board on March 24, 1986, as Ordinance Number 1 of 1986, as amended, wherein such lot was described in and duly filed and recorded in the Dutchess County Clerk's office as either an individual parcel of land or part of an approved subdivision, in accordance with Chapter 140, Subdivision of Land, and applicable provisions of the Town Law.

LOT WIDTH. The minimum horizontal distance between the side lot lines measured at right angles to the lot depth along the rear line of the required front yard (i.e., at the minimum front setback) as established within the District Schedule of Area and Bulk Regulations, excepting permitted dimensional standards for flag lots in compliance with Chapter 140, §140-18A(7) of this Code.

MANUFACTURING, LIGHT. A use involving the assembly, fabrication, or packaging of finished products or parts, , but not requiring heavy, noisy or otherwise objectionable machinery or transporting equipment in contravention of the performance standards stated within Article C of this chapter. *Light manufacturing* includes the following uses: food or beverage production, pharmaceuticals and cosmetics production, and research institutes or laboratories; however, it does not include mining.

MANUFACTURING, OTHER. A manufacturing use not otherwise considered in the definition of *Light Manufacturing*.

MASTER PLAN. A document developed by the Planning Board setting forth policies for the future growth and development of the Town. Such document may be officially adopted by the Town Board in satisfaction of the requirements of §263 of the Town Law. Also referred to as a *Comprehensive Plan*.

MINING. For purposes of this chapter, the use of any land for the excavation, extraction or removal of more than 200 cubic yards during any period of 18 calendar months of sand, gravel, clay, stone, rock, loam, humus or topsoil for sale or for use other than on the property from which the material is extracted.

MOBILE HOME. A structure, transportable in one or more sections, which is more than eight feet in body width, is more than 40 feet in body length in the traveling mode or contains 400 or more square feet in interior space when erected on site and which is built on a permanent chassis and designed to be used as a dwelling, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Any addition to such mobile home shall, for the purposes of this chapter, be deemed to be part of such mobile home.

MOBILE HOME PARK. Any lot, parcel or tract of land or portion thereof, together with the open space and facilities required by this chapter, used, designed or maintained and having mobile home spaces as defined herein, held out for hire or lease to accommodate mobile homes as defined herein, or any premises on which two or more mobile homes are located and occupied, regardless of whether or not any compensation is provided.

MOTOR VEHICLE REPAIR SHOP. A totally enclosed structure, other than a gasoline station as defined in this chapter, for the repair of automobiles or trucks.

MUNICIPAL HOME RULE LAW. The Municipal Home Rule Law of the State of New York, Chapter 36-a of the Consolidated Laws.

NONCOMPLYING (OR NONCONFORMING) BUILDING OR STRUCTURE. An existing building or structure which contains a use permitted in the zoning district in which it is located, but which does not conform to the applicable district regulations for lot area, width or depth; front, side or rear yard; maximum height; lot coverage; parking requirements; or density, after the adoption or subsequent amendment of this chapter. May also be referred to as *noncomplying bulk*.

NONCONFORMING USE. A legal existing use which does not conform to the applicable use regulations for the zoning district in which such use is located after the adoption or subsequent amendment of this chapter.

NOXIOUS USE. Any use which is dangerous, offensive or injurious by reason of the emission of dust, smoke, refuse matter, odor, gas fumes, noise or vibration in contravention of the standards and criteria established by this chapter and other applicable laws, rules, codes and regulations.

NURSERY AND HORTICULTURAL USE. Any tract of land of five acres or more used for the commercial growing of ornamental trees, shrubs or herbaceous plants intended for sale, including Christmas tree farms.

NURSERY SCHOOL. Any premises, however designated, which operates on a regular basis to provide care or instruction for seven or more enrolled children under six years of age, other than the children of the resident family. The term "nursery school" shall include a kindergarten, day nursery and day-care center and family day-care facility as defined and regulated by §390 of the New York State Social Services Law.

NURSING HOME. Premises on which is provided lodging, meals and continuing nursing care for compensation to convalescent or chronically ill persons. The term "nursing home" shall include a convalescent home and a rest home.

OCCUPANCY. Use of a building, structure or premises.

OFFICE OR SERVICE ESTABLISHMENT. A structure used for the purpose of conducting a business or selling professional services. The term "office or service establishment" does not include such establishments that sell goods, such as a retail store.

OFFICIAL MAP. A map adopted by the Town Board, showing streets, highways and parks heretofore laid out, adopted and established in accordance with §270 of the Town Law.

OUTDOOR RETAIL. A tract of land used for the sale at retail of articles to be used or consumed off premises. Auctions, flea markets or other short-term seasonal sales events are typical "outdoor retail uses." Commercial establishments which sell only products related to agriculture as defined in this chapter shall not be deemed "outdoor retail."

OWNER. The owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor trustee, lessee or other person, firm or corporation in control of a building, structure or premises.

PARK. Any land and/or associated structures created and maintained by a municipality for the express use and enjoyment by the general public for recreational purposes.

PARKING AREA, OFF-STREET. For purposes of this chapter, an off-street parking area containing five or more parking spaces as required by this chapter.

PARKING SPACE, OFF-STREET. An area of land, not less than nine feet by 20 feet excluding driveways or access drives thereto, which is out of the public right-of-way and is available and adequately improved for the parking of one motor vehicle.

PERMITTED USE. A specific use noted in §164-B-5.3, District Schedule of Use Regulations, of this chapter, for which land, lots, buildings or structures may be used, occupied or maintained under this chapter as a matter of right.

PERSON. Any individual, corporation, partnership, association, trustee or legal governmental entity.

PHARMACEUTICALS OR COSMETIC PRODUCTION. The compounding, packaging or storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding all processes involving refining or rendering of fats and oils.

PIG AND FUR FARMS. Any tract of land on which five or more small animals other than sheep are kept for fur production or on which three or more pigs are kept.

PLANNING BOARD. The Planning Board of the Town of Stanford.

PREMISES. A lot, plot or parcel of land, together with all structures and uses thereon.

PREPARATION AND STORAGE OF FARM PRODUCTS. The alteration, manufacture or storage of all products necessary for normal operations of crop farming and dairy and livestock operations.

PRINCIPAL USE. The main or primary purpose or purposes for which the land and/or structure(s) is designed, arranged or intended or for which such land or structure(s) may be occupied or maintained under this chapter.

PROFESSIONAL OFFICE. A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations.

PROHIBITED USE. Any use which is not listed as a permitted use, special permit use or permitted accessory use in the District Schedule of Use Regulations in Article B, of this chapter shall be considered a prohibited use hereunder.

PUBLIC HEALTH LAW. The Public Health Law of the State of New York, Chapter 45 of the Consolidated Laws.

PUBLIC UTILITY STRUCTURE. A structure which is necessary for a public utility (as defined by New York Public Service Law) or specially franchised local operation to provide services which may include, but are not limited to, cable television, electric, gas, telephone, sewer or water. These structures may include, but are not limited to, electric transformer substations, gas pipelines, electric transmission lines, sewer or water pump stations and water towers.

QUARRY, SAND PIT or GRAVEL PIT. A lot or land or part thereof used for the purpose of extracting and/or removing stone, sand, gravel or topsoil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which a building permit has been issued.

RADIO AND TELEVISION TOWER OR ANTENNA. A private, noncommercial structure for radio transmission or reception and for television reception.

REPAIR. Replacement or renewal, excluding additions, of any part of a building, structure, device or equipment with like or similar materials or parts for the purpose of maintenance of such building, structure, device or equipment.

REQUIRED. Required by this chapter.

RESEARCH INSTITUTE OR LABORATORY. A building for experimentation in pure or applied research design, development and production of prototype machines or devices or of new products and uses typically accessory thereto.

RESIDENTIAL. For purposes of this chapter, all zoning districts except RC shall be considered "residential."

RECREATION AREAS. Any private or public tract of land and related facilities not owned by the Town of Stanford, including golf courses or public parks, used for either passive recreation, such as, but not limited to, nature walks, campsites, outdoor museums or active recreation, such as, but not limited to, ball fields, ski and sledding areas, tennis courts, swimming pools or ice-skating areas.

RESTAURANT. A place licensed by the Dutchess County Health Department for the preparation, the serving and, except for exclusively drive-in establishments, the on-premises consumption of food and beverages by patrons.

FARM STAND. A structure where products grown on the premises or elsewhere by the operator of the "roadside stand" may be sold and purchased.

SELF-STORAGE FACILITY. A building or buildings containing individual storage spaces of varying sizes that are available for lease or rent.

SETBACK. The minimum horizontal distance from the property line to any structure, roadway, parking area, accessory building or other such improvement on a lot, except necessary driveways.

SIGN. Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors or on the exterior of any building, including window signs over two square feet in area located within three feet of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement, notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. However, for purposes of this chapter, a "sign" shall not include any display of official court or public office notices; any official traffic control device; the flag, emblem or insignia of a nation, political unit, school or religious group; or a single private residential identity sign denoting the name and address of the occupants of the residential premises.

SIGN, ACCESSORY. A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

SIGN, ADVERTISING. A sign or structure which directs attention to an idea, product, business activity, service or entertainment which is primarily conducted, sold or offered elsewhere than upon the premises on which such sign is located or to which it is affixed. May also be referred to as a *non-accessory sign*.

SIGN, DIRECTIONAL. An off-premise sign directing the way to a place of business, public service or residence.

SIGN, FREESTANDING. A sign that is not affixed to a building and is so constructed to be an independent unit. Included are pole signs, pylon signs and masonry wall types.

SIGN, HEIGHT OF. The distance from the mean ground level beneath the sign to the highest point of the sign structure.

SIGN, PORTABLE. Any device on wheels or a stand that is designed to be easily moved, the purpose of which is to display a sign.

SIGN, SURFACE AREA OF . The entire area within a single, continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Only one face of a sign shall be counted in computing the area, provided that there is identical copy on both sign faces.

SIGN, WALL. A sign attached directly to or painted directly on the wall of a building, parallel to said wall and having a visible edge or border extending not more than 12 inches from the face of such wall.

SINGLE OWNERSHIP. Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lease having a term of not less than 30 years, regardless of any division of land into parcels for the purpose of financing.

SITE PLAN. That map or drawing and all related information which together constitute a complete application, submitted for review by the Planning Board in accordance with the requirements and procedure specified in Article E of this chapter.

SPECIAL PERMIT USE. A use which is deemed permissible within a given zoning district or districts but which may exhibit characteristics or create impacts incompatible with other uses provided therein. The special use shall, therefore, be subject to approval by the Planning Board in accordance with the conditions set forth for such use, as well as the applicable procedure specified in Article E of this chapter.

STORY. That part of a building included between any floor, other than a cellar floor, and the floor or roof next above.

STREET. A public or private right-of-way which provides vehicular access to abutting properties, which, even if a private right-of-way, may not be less than 15 feet in width to constitute access under §280-a of the Town Law.

STREET LINE. The dividing line between a lot and a street right-of-way, as indicated by dedication or deed of record.

STRUCTURE. A static construction or an assembly or materials, the use or occupancy of which requires a fixed location on the ground or attachment to an object having such a fixed location. "Structures" shall include, among others, buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, walls, fences, swimming pools, tennis courts, gasoline pumps, billboards, signs and mobile dwellings. "Structures" shall not include utility poles, wire and related equipment.

SUBDIVISION. The division of any parcel of land into two or more lots, plots or sites or other division of land for the purpose, whether immediate or future, of lot line alteration; transfer of ownership; lease for other than recreation, conservation or agricultural purposes; or building development. Such division shall include resubdivision of any parcel of land for which an approved plat has already been filed in the office of the Dutchess County Clerk and which is entirely or partially undeveloped.

TELECOMMUNICATIONS TOWER. A commercial or public utility structure principally intended to support a system of electrical conductors that transmit or receive radio frequency waves.

TEMPORARY. For the purposes of this chapter, a period of not more than 30 calendar days.

TOWN ENGINEER or DESIGNATED TOWN ENGINEER. That New York State licensed professional engineer, either employee or consultant, who shall be chosen by the Town Board, upon recommendation of the Planning Board, to perform the duties of the designated Town Engineer for recommendation of the Planning Board, to perform the duties of the designated Town Engineer for purposes of this chapter.

TOWN LAW. The Town Law of the State of New York, Chapter 62 of the Consolidated Laws.

USE. The specific purpose for which land, a building or a building group is designed, arranged or intended or for which it is or may be occupied or maintained. See related definitions of "accessory use," "nonconforming use," "principal use" and "prohibited use."

USE REGULATIONS. The controls which enumerate the permitted principal, permitted accessory and special permit uses within each of the zoning districts established by this chapter.

VARIANCE. A modification of the use and/or area and bulk regulations of this chapter in an individual case where, due to the specific facts and conditions peculiar to a particular property, literal application and strict enforcement would result in undue and unnecessary hardship or practical difficulty that would deprive the owner of reasonable use of the land or structures. Such unnecessary hardship or practical difficulty shall not be construed to include mere inconvenience or a desire to make more money.

VARIANCE, AREA. A variance from the area and bulk regulations or supplementary regulations of a related character (such as amount, size, location or design of access, off-street

parking, landscaping or signage) to authorize on a specific lot a permitted use which could not be feasibly established without relief from one or more of the dimensional requirements pertaining to the zoning district.

VARIANCE, USE. A variance from the use regulations to allow the establishment on a specific lot of a use otherwise prohibited in the zoning district.

WALL. A structure of wood, stone or other materials or combination thereof intended for defense, security, screening or enclosure or for the retention of earth, stone, fill or other materials as in the cases of retaining walls of bulkheads.

WAREHOUSING. Warehouse or wholesale distribution and sales facility.

YARD. An open space on the same lot, plot or parcel of land, with a building or building group lying between the closest point of the front, rear or side wall of a building and the nearest lot line, unoccupied and fully open to the sky, except as otherwise provided by the specific provisions of this chapter.

YARD, FRONT. A yard extending across the principal street side (i.e., front lot line) of a lot measured between the side yard lines, the depth of which yard is the minimum horizontal distance between the street line and the main or principal building on the lot lines, the depth of which yard is the minimum horizontal distance between the street line and the main or principal building on the lot.

YARD, REAR. A yard extending across the full width of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building.

YARD, SIDE. A yard between any lot line, other than the street line or rear lot line, and a line drawn parallel thereto and between the front and rear yards.

ZONING MAP. The map delineating the boundaries of the various districts established under this chapter which, along with the text, comprises this chapter.

Section 3: Relocation of Scenic Roads Provisions. A new chapter “Chapter 129 – Scenic Roads”, shall be added to the Town Code and the existing “Article XIV of Chapter 164 – Scenic Roads” of the Town Code is hereby relocated to Chapter 129 to read as follows:

§ 129-01. Purpose. The residents of the Town of Stanford (the Town) consider the rural tranquility, scenic beauty and historic character of the Town to be assets of the greatest importance in determining the character of the Town. This law strives to preserve the visual quality of some of the Town's roads while ensuring the safety of the users of these roads. The roads deemed important to remain in rural condition may be designated scenic roads by the Town of Stanford Town Board for the purpose of controlling any future changes to them.

§ 129-02. Objectives. The objectives of the Scenic Roads Local Law are for the common good and to:

A. Preserve, improve and protect the present quality and character of designated scenic roads of the Town;

B. Recognize the contribution the Town's road system has made and will make to the rural character, scenic beauty, historic and cultural heritage, uniqueness and quality of life in the Town;

C. Recognize that the Town's road system is an integral part of the diverse environment of the Town and that the roads and alterations and improvements to them affect the ecology contiguous to the roads;

D. Recognize that there are specific unique features which contribute to the beauty and enjoyment of the Town's roads;

E. Determine the most appropriate balance between the responsibilities of the Town Highway Department to maintain Town roads to the required standards and the desires of residents to maintain the aesthetic quality of designated scenic roads; in determining this balance, the long-term objective of preserving and protecting the irreplaceable scenic road assets shall outweigh short-term maintenance procedures.

F. Recognize that Town roads should continue to provide safe, confident use to residents and transients and at the same time offer, as well as enhance where possible, the wealth of aesthetic features already in place and there to be enjoyed;

G. Recognize the many fragile components that are connected with Town roads which are presently taken for granted; this article recognizes that fragility and that once eliminated or adversely altered, these resources may be irreplaceable; and

H. Recognize that it is the intent of the Town of Stanford that all activities on or along Town roads conform to relevant law.

§ 129-03. Statutory authority.

A. Pursuant to the authority granted by Municipal Home Rule Law, Article 2 § 10 of the Consolidated Laws of New York and consistent with the goals of the Stanford Master Plan and the recommendations of the Town of Stanford Open Space Inventory and Conservation Plan, adopted by the Town Board on January 9, 1992, the Town of Stanford hereby provides designation of Town roads as scenic roads. Further, in order to maintain the irreplaceable rural character and historic features and the scenic nature of roads so designated and maintain and enhance their aesthetic features, the Town of Stanford is authorized to regulate, in accordance

with this article, the future alterations or improvements of roads so designated, including, but not limited to, widening of the traveled portions of the road, paving, changes of grade, straightening, removal of stone walls and removal of mature trees.

B. The Town Board of the Town of Stanford shall have the authority to designate any road within the Town as a scenic road.

C. Pursuant to § 271 of the Town Law of the State of New York, the Town Board shall grant to the Planning Board of the Town of Stanford the power to approve or disapprove of the alteration or improvement of any Town road designated as a scenic road pursuant to this article.

§ 129-04. Scenic Road Advisory Committee.

A. The Town Board shall appoint a Scenic Road Advisory Committee to assist it in designating and rescinding designations, to assist the Planning Board and to assist residents in obtaining information and preparing applications. The Chair shall be chosen by the Committee and shall report to the Town Board. The Highway Superintendent shall provide information and assistance to the Committee as required, and shall make all relevant information regarding maintenance and paving costs, accident information and other highway records available to the Committee for its review.

B. The Committee shall consist of not less than three and not more than seven Town residents who have interest or expertise in scenic roads. Members of the Committee shall serve on a volunteer basis and shall receive no compensation. The Committee may receive necessary funds from the Town as appropriated by the Town Board for the expenses of the Committee. Appointments are for three-year staggered terms, which may be renewed. [Amended 5-10-2012 by L.L. No. 3-2012]

C. The Scenic Road Advisory Committee duties shall be to:

(1) Respond to residents' inquires regarding the Scenic Roads Law and the procedures in designating, rescinding designations for, altering or maintaining scenic roads;

(2) Inspect roads that have been proposed for designation for eligibility for scenic road designation;

(3) Assist the Town Board in the designation and rescission process;

(4) Review road maintenance and paving proposals for scenic roads;

(5) Work with the Superintendent of Highways, other highway departments or utility companies on appropriate road maintenance practices and procedures along scenic roads;

(6) Periodically inspect designated scenic roads to ensure the roads and scenic features are being properly maintained and that maintenance standards are being followed; and

(7) Perform such other tasks as the Town Board may assign.

§ 129-05. Criteria for designations. Prior to designating a road as a scenic road, the Town Board must find that at least two of the following criteria are met:

A. The road is bordered by mature trees or stone walls;

B. The traveled portion of the road is no more than 20 feet in width;

C. The road offers views of near or distant landscapes;

D. The road is compatible with the natural environment and is integrated well with the surrounding terrain;

E. The road is not paved; or

F. The road has significant scenic, recreational, cultural, natural or historic features that once altered are irreplaceable. Examples of these features might include:

- (1) Memorable or unusual landscape elements bordering the road;
- (2) A section of road that is particularly appealing to bikers, hikers or horseback riders for its specific characteristics;
- (3) A road that passes through or abuts upon a traditional working landscape, i.e., farming, orchards, etc., where alteration of the road would diminish the significance of the landscape;
- (4) A road that passes through or abuts unusual geologic formations, topography, water resources, wetlands or habitats for rare or endangered wildlife; or
- (5) A road that passes through or abuts a site of historical importance where altering the road would diminish the impact of the historical reference.

§ 129-06. Designation procedures.

A. The Town Board, after following the designation procedure set forth herein, shall consider a road for scenic road designation. The owners of not less than a majority of the lot frontage abutting the road or portion of road (the applicant) may apply to the Town Board for a designation of a road or portion thereof as a scenic road. The application shall:

- (1) State by name the road requested to be designated as a scenic road;
- (2) Identify the length of the road to be designated and, when only a portion(s) of the road is proposed for designation, identify the starting and ending points of the proposed portion(s) in terms of feet from the nearest intersection;
- (3) List the landowners owning land that borders on the road and provide the address and tax parcel number for each;
- (4) Describe the characteristics of the road which enable it to qualify for scenic road status; and
- (5) Include a written narrative describing the road's special scenic qualities with supporting documentation, such as photographs, maps or other materials.

B. An original and one copy of the application shall be filed with the Town of Stanford Town Clerk (the Town Clerk), who shall retain the copy and forward the original to the Town Board.

C. In order to designate a road as a scenic road, the Town Board shall, within 30 days of receipt of an application, refer the application to the Planning Board, the Highway Superintendent, the Scenic Road Advisory Committee and the Conservation Advisory Commission for review and comment. These entities shall submit comments to the Town Board within 60 calendar days of their receipt of application from the Town Board. As soon as practicable, but no later than 120 days after its initial receipt of an application, the Town Board shall hold a public hearing regarding the designation of such road as a scenic road. The Town shall give notice of the public hearing by publication in an official Town newspaper at least five calendar days prior to the date of such hearing. The applicant shall, at its cost and expense, send notice by registered mail at least 10 calendar days prior to the date of such hearing to the owners of lots fronting the road under consideration for designation as a scenic road and provide proof of such registered mailing to the Town Board prior to such hearing. The Town Board shall act upon the proposed designation within 45 calendar days after such hearing. The Town Board shall file its decision or determination with the Town Clerk within five days of the decision or determination.

§ 129-07. Rescission and appeal.

A. The designation of a road as a scenic road may be rescinded by the Town Board, using the above procedures as outlined in § 129-06(A) through (C).

B. Any person aggrieved by a designation, rescission of designation or refusal to designate a road as a scenic road pursuant to this article may seek appropriate legal remedy.

§ 129-08. Alterations and improvements; maintenance; emergency repair; driveway permits.

A. Alterations and improvements of designated scenic roads shall be carried out to preserve to the highest degree possible and enhance wherever feasible the aesthetic, historic and/or scenic characteristics of the road and shall not be inconsistent with the concerns identified in the application nominating a particular road.

B. Routine road maintenance, emergency repairs and the issuance of driveway permits undertaken by the Highway Superintendent shall not require a public hearing or Planning Board approval.

(1) For the purposes of this section, "routine road maintenance" shall mean: trimming of the tree branches that encroach on the traveled portion of the road below the height needed to allow school buses and emergency vehicles to pass; trimming or removal of brush or other obstacles that encroach on the traveled portion of the road; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls, mature trees and other characteristics of the scenic road; correction of drainage problems; and re-treatment and repair of existing roadway surfaces.

(2) In the case of a natural disaster in which, in the judgment of the Highway Superintendent, a road or a portion thereof becomes impassable or unsafe for public travel, emergency repairs and reconstruction by the Highway Superintendent may be made as needed to restore the road to its pre-emergency condition and surface without public hearing or Planning Board approval. Repair work that would change the condition of the road to other than its state prior to the disaster is subject to procedures required for alterations and improvements not involving routine road maintenance, emergency repairs or the issuance of a driveway permit.

C. Activities subject to review. All activities, not defined as an emergency repair or routine road maintenance in Subsection B above, shall be reviewed by the Planning Board according to the standards in § 129-09 below. Such activities include but are not limited to:

- (1) Widening of the traveled portions or right-of-way of scenic roads;
- (2) Major changes of grade;
- (3) Straightening or realignment of scenic roads;
- (4) Removal or damaging of stone walls;
- (5) Removal of mature trees;
- (6) Major drainage improvements, including reshaping of ditches and roadway side slopes; and
- (7) Paving unpaved scenic roads or portions thereof.

D. Any proposal for alteration or improvement of a designated scenic road hereunder shall be submitted to the Planning Board. Such proposal shall be accompanied by a suitable map showing the location of each proposed improvement or alteration, and, when deemed necessary by the Planning Board, a short report describing the proposed alterations, discussing the reasons for the proposed alteration and available alternatives, if any. The Planning Board shall submit such proposal to the Conservation Advisory Commission, the Highway Superintendent and the

Scenic Road Advisory Committee for review and comment and shall hold a public hearing in the manner set out in § 129-06 above. The activities listed in § 129-08(C) above shall be deemed an "action" as that word is defined in the Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations, and therefore shall be subject to the provisions of the Environmental Quality Review Act. The Planning Board shall file its decision or determination with the Town Clerk within five days of the decision or determination. Any person aggrieved by the Planning Board's decision may seek appropriate legal remedy.

§ 129-09. Review standards. The following standards shall guide Highway Department routine road maintenance and emergency repairs on or along scenic roads (or portions thereof) and shall be considered by the Planning Board in evaluating proposals identified in § 129-08(D) above:

A. Vehicular speeds. Scenic values are correlated with lower vehicular speeds. The impact of the alteration or improvement on the existing speed of vehicular traffic along the scenic road shall be determined. The lower speed limit shall be posted and suitably enforced.

B. Curves. Scenic values correlate with the existence of curves in a roadway which allow a constant unfolding or new and changing views. Curves shall not be eliminated unless they constitute a safety hazard and unless no reasonable economically practicable alternative, such as lower speed limits, could address safety concerns.

C. Grades. Hills and valleys and corresponding changes in typography and road grades are correlated with scenic values. Changing grades through cuts and fills shall not be undertaken unless necessary for road safety.

D. Widths. Narrow roads correlate with scenic beauty, especially when surrounded by natural vegetation and a canopy of trees. Scenic roads, or portions thereof, shall not be widened unless there are no other reasonable, economically practicable alternatives, such as construction of wide bypasses and turnouts at intervals where they will have the least impact on scenic values.

E. Side slopes. Existing steepness of side slopes is preferred to reduction of gradient through extensive removal of soil, rock and slope, particularly where the slope is fully stabilized and has extensive ground cover, shrubs or trees.

F. Vistas. Roadside views of near and distant scenic landscapes shall be preserved and, where possible, enhanced through vegetative management and selective cutting to maintain or open up such views.

G. Stone walls. Stone walls shall be retained wherever possible. If stone walls or portions thereof must be removed for safety reasons, they should be rebuilt in a comparable manner within the untraveled portion of right-of-way of the scenic road.

H. Road surface. Often a road surface, in combination with other scenic features, contributes to the scenic quality of a roadway. Changing the surface of a scenic road, or portion thereof, shall be authorized only after the Planning Board has examined all alternatives and determined that changing the surface is the only reasonable alternative.

I. Utility lines. Wherever possible, utility lines should be placed underground. Where they are overhead, the utility corporations should be encouraged to cooperate by implementing suitable vegetation management techniques which preserve the wildflowers and the shrubs.

J. Vegetation. Vegetation on the side of the road shall be managed in such a way as to preserve flowers, shrubs, wildlife and trees. Overarching isolated trees, and the canopy of a closed forest, are valuable scenic qualities and should be preserved wherever possible. Maintenance of scenic roads shall be done so as to minimize root damage to bordering trees.

K. Drainage ditches. Drainage swales shall be vegetated or lined with stones in areas subject to erosion.

§ 129-10. Recording of scenic roads. The official scenic road will be recorded on New York State's inventory of the Town of Stanford Highways.

Section 4: Update of Cross-References to Zoning Code.

- A. The definition of "Special Use Permit" contained in **§ 80-3 - Definitions** shall be modified to read as follows:

SPECIAL USE PERMIT: A use which is deemed permissible within a given zoning district or districts but which may exhibit characteristics or create impacts incompatible with other uses provided therein. The special use shall, therefore, be subject to approval by the Planning Board in accordance with the conditions set forth for such use, as well as the applicable procedure specified in *Article E* of Chapter 164, Zoning.

- B. The introductory language set forth in **§ 140-18(A)(7) – Flag Lots** shall be modified to read as follows:

Flag lots. Flag lots may be considered by the Planning Board as an alternative to a conventional lot configuration. In instances where the Planning Board does consider such modification of conventional lot configurations by flag lots so as to permit reasonable use of the land, protect and enhance vital natural, scenic and environmental resources, and where it is possible to do so without adverse environmental impact, conflict with the goals of the Town's Master Plan or contravene the public health, safety and welfare, certain lots of less than the minimum lot dimensional standards prescribed in *§ 164-B-6.1 and 6.2* of the Town Zoning Code may be authorized in all zoning districts for all permitted uses and deemed to be conforming lots, subject to the standards and criteria hereinafter set forth.

- C. **§ 140-18(A)(7)(b)(4) – General Standards** shall be modified to read as follows:

All yard setback requirements must be maintained in the flag portion of the flag lot. For purposes of determining front yard setbacks, the "front yard" of a flag lot shall be defined as the yard extending across the principal street side of the flag portion of a flag lot measured between the side yard lines and along a line parallel with the adjacent front lot(s)'s rear property line. The minimum depth of a front yard in a flag lot shall be the minimum front yard dimension as specified for the applicable zoning district in Chapter 164, Zoning, at *§ 164-B-6.2*, District Schedule of Area and Bulk Zoning Regulations, with measurements taken from the rear property line of the adjacent front lot(s) toward the rear of the flag lot and along a line perpendicular to the adjacent front lot(s)'s rear property line;

- D. **§ 140-18(A)(7)(d)(3) – Standard Subdivision Plan Notes** shall be modified to read as follows:

No further subdivision, nor modification of the access strip within 50 feet of the lot frontage, is permitted for any new flag lot(s) created subsequent to May 8, 2003, with 48 feet or less frontage. Unless previously restricted, existing lots of record deemed flag lots, by virtue of the definition of "lot, flag" in these adopted regulations of May 8, 2003, will not be prohibited from further subdivision nor modification of the access strip within 50 feet of the lot frontage,

subsequent to the creation of said new flag lot(s), if the remaining portion of the parent parcel has sufficient acreage and access frontage. This shall not prevent boundary line alterations designed to maintain or increase the buildable area of a flag lot, where no new lots are created and as long as the applicable minimum area and bulk regulations of Chapter 164, § 164-6.1 and 6.2 are maintained.

- E. The introductory language set forth in **§ 140-24 – Residential Subdivision Clusters** shall be modified to read as follows:

Pursuant to resolution of the Town Board, the Planning Board is empowered to modify to the extent provided within Article E, § 164-E-3.2, of the Zoning Law applicable provisions of said law in accordance with the provisions of § 281 of the Town Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands. The following shall be the standards and procedure utilized by the Planning Board in reviewing applications for approval of a cluster subdivision within the Town of Stanford.

- F. **§ 144-16 – Authority** shall be modified to read as follows:

The Town Board of the Town of Stanford adopts this article exercising the option, pursuant to the authority contained in N.Y. Real Property Tax Law § 421-P, that from and after the first day of March 2025, the exemption of capital improvements to residential new construction involving the creation of attached and detached accessory dwelling units, as defined in the Town of Stanford Zoning Code, § 164-F-3, shall be as follows.

- G. **§ 160-6(K)(3) - Special use permit application and other requirements** shall be modified to read as follows:

An assessment of the visual impact of the tower base, facilities, guy wires and accessory buildings from abutting and adjacent properties as viewed from or near scenic roads as designated by the Town of Stanford under Chapter 129, entitled "Scenic Roads," §§ 129-01 through 129-10 in the Town of Stanford Code, as may be amended from time to time, and in accordance with such legislation or regulation.

Section 5. Numbering for Codification. It is the intention of the Town of Stanford Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Stanford; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 6. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 7. Precedence. This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

Section 8. Effective Date. This Local Law shall take effect as of the date of filing with the New York Secretary of State.

AND BE IT FURTHER RESOLVED, that the Town Board finds that adoption of the proposed Local Law is a Type I action, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.4; and

BE IT FURTHER RESOLVED, that the Town Board, being the only Involved Agency for purposes of SEQRA review, declares itself Lead Agency for this Type I action; and

BE IT FURTHER RESOLVED, that the Town Board adopts and authorizes circulation of Part I of the Full EAF pursuant to the requirements set forth in 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to refer the proposed Local Law to the Stanford Planning Board for its report and recommendation pursuant to section 164-56 of the Town Code; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to refer the proposed Local Law to the Dutchess County Department of Planning & Development pursuant to New York General Municipal Law § 239-m; and

BE IT FURTHER RESOLVED, that at least ten (10) days prior to the date of the public hearing, written notice of the proposed Local Law shall be served personally or by mail on the clerk of each adjoining Town, and upon the New York State Office of Parks, Recreation and Historic Preservation (Taconic Region); and

BE IT FURTHER RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on May 14, 2026, at 7 o'clock P.M., and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Stanford by the Town Clerk, at least ten (10) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Stanford will hold a public hearing at the Town Hall, 26 Town Hall Road, Stanfordville, New York 12581, on May 14, 2026, at 7 o'clock P.M. on Proposed Local Law No. 1 of 2026, entitled "A Local Law Restructuring Chapter 164 of the Town Code and Relocating Article XIV of Chapter 164 of the Town Code to Increase Efficiency, Legibility, and Ease Future Modification."

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Town of Stanford Town Hall, 26 Town Hall Road, Stanfordville, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Stanfordville, New York
 April 9 th , 2026

RITAMARY BELL, TOWN CLERK

The foregoing resolution was voted upon with all Board members voting as follows:

Julia Descoteaux, Supervisor _____

Charles Cunningham, Councilperson _____

Eric Haims, Councilperson _____

Nathan Lavertue, Councilperson _____

Theodore Secor, Councilperson _____

Dated: April ____9th____, 2026

Stanfordville, New York

RITAMARY BELL, TOWN CLERK