

Chapter Z

2nd DRAFT ZONING CODE

Local Law #__ of__ 15 of the Local Laws of the Village of Hoosick Falls

CLEAN DRAFT of CODE UPDATE with COMMENTS REMOVED

9/1/2015

This is not an official version of the Code and is for review and comment only. Please refer to the officially adopted local laws of the Village on file with the Village Clerk.

Prepared for the Village of Hoosick Falls by Barton & Loguidice, D.P.C.

ARTICLE 1 GENERAL PROVISIONS

§ 101. SHORT TITLE.

This local law shall be known and may be cited as "The Zoning Law of the Village of Hoosick Falls, New York". These regulations and requirements are in addition to, not in place of, any other restrictions controlling the use of land which may be found in other regulations.

§ 102. [RESERVED] [VISION STATEMENT AND GOALS]

§ 103. AUTHORITY.

This local law is enacted pursuant to Article 7 (Building Zones) of Chapter 64 (Village Law) of the State of New York to protect and promote the public health, safety, morals, comfort, convenience, economy, aesthetics and general welfare.

§ 104. SEVERABILITY.

If a provision of this law is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this Local Law.

§ 105. PURPOSE.

The purpose of this local law is for the regulating and restricting of the use of land and the location, erection and occupancy of structures in the Village of Hoosick Falls and for said purposes dividing the Village into zoning districts.

§ 106. [RESERVED]

ARTICLE 2
DEFINITIONS

§ 201. WORD USAGE.

1. The present tense includes future tense, the singular number includes the plural, and the plural number includes the singular.
2. The words "must" and "shall" are mandatory; the word "should" is advisory, but strongly recommended; the word "may" is permissive. [Edited per another local code]

§ 202. [RESERVED]

§ 203. DEFINITIONS.

ABANDONMENT [Abandonment added from another local code]

1. The voluntary, absolute relinquishment and/or giving up of a known right to which one is entitled, with the intention of permanently terminating or parting with such right. "Abandonment" depends upon the concurrence of two elements or factors:
 - a. The intention to relinquish and permanently give up a known right to continue a nonconforming use; and
 - b. The cessation of such nonconforming use, and overt act or failure to act, implying that the owner intends to permanently cease from putting the premises to the nonconforming use, or such other nonconforming use as may be permitted by this chapter.
2. Whenever a nonconforming use of a structure has been discontinued for a period of one year, such discontinuance shall constitute prima facie evidence that such use has been abandoned.

ADULT DAY CARE — A licensed facility for aged, infirmed or disabled adults, which is only operated during part of the day and which provides supplementary care and protection of individuals who reside elsewhere. [Adult Day Care added from another local code]

BED & BREAKFAST ESTABLISHMENT — A dwelling having a resident host in the primary dwelling of a private single-family or two-family home with common dining and leisure rooms and lodging rooms for overnight accommodation, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained and no other commercial services are offered. The Bed and Breakfast establishment shall have not more than ten (10) occupants as lodgers in at least three (3) and not more than five (5) rooms. [Bed & Breakfast Establishment added from another local code]

BED & BREAKFAST HOME — A dwelling having a resident host in the primary dwelling of a private single-family or two-family home in which at least one and not more than two rooms are provided for overnight accommodation, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained. The Bed and Breakfast home shall not have more than four occupants as lodgers. [BED & BREAKFAST HOME ADDED FROM ANOTHER LOCAL CODE]

BILLBOARD — Permanent sign or structure which directs attention to an idea, product, business activity, service or entertainment which is conducted, sold, or offered elsewhere than upon the lot on which the sign is situated.

BOARDING HOUSE — Premises which provide living and sleeping accommodations for compensation to more than one person, with or without provision of meals or food preparation facilities and by pre-arrangement for specified periods of time. The term boarding house shall include lodging house, rooming house, furnished rooming house and dormitory.

BUILDING — Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the housing, shelter, or enclosure of persons, animals or property. See also Structure, Dwelling.

BUILDING, DETACHED — A building surrounded by open space on the same lot.

BUILDING, SEMI-DETACHED — A building attached by a party wall to one other building normally of the same type.

BUILDING, ATTACHED — One of a series of building usually of the same type having common party walls between each two adjacent building.

BULK — The size, volume and shape of structures, and the physical relation of their exterior walls or their location to lot lines, other structures, or other walls of the same structure; and all open spaces required in connection with a structure or a tract of land.

BULK, NON-COMPLYING — ~~An existing lot or structure which does not conform to the area and bulk regulations after the enactment, amendment, or district change of the local law.~~
[Revised Definition: That part of a building, structure or non-building use which does not conform to one or more of the applicable bulk requirements of this chapter.]

CAMP — Premises which provide temporary, seasonal accommodations for compensation to transient guests. The term camp shall include premises commonly called colonies of bungalows, cabins or cottages for tourists; premises used for recreations; assembly of persons and commonly called day, resort or summer camps; and premises used for parking or location of tents or other portable shelters and commonly called camping grounds.

CAR WASH — Premises regularly used for washing, cleaning or polishing motor vehicles for compensation.

CLUB, MEMBERSHIP — Premises of an organization of persons who meet periodically to promote some common non-profit social, educational, athletic or recreational object and who cater exclusively to members and their guests.

COVERAGE — That lot area or percentage of lot area covered by the structure area.

DENSITY — The ratio of lot area per family or dwelling unit on a lot.

DEVELOPMENT — The establishment of a use on a lot or in relation to structure, or the erecting or structural alteration of a structure.

DISTRICT — An area, section or zone of the village within which uniform requirements regulate the use of land and the height, bulk, density and setback of structures.

DUMP — Premises used for the collection, storage, deposit and disposal of garbage, sewage, trash, refuse, junk or waste material of any kind by abandonment, dumping, burial, burning or other means.

DUMP, JUNK YARD — A dump used for the processing, disassembly, dismantling, wrecking, demolition, conversion, salvage or resale of scrap metal or other used materials, discarded motor vehicles or machinery or parts thereof. The term junkyard shall include the deposit on a lot of two or more motor vehicles no longer intended or in condition for legal use on the public highways.

DWELLING — Any building or portion thereof designed or used as the residence or sleeping place of one or more persons.

DWELLING, ONE-FAMILY — A building designed or used for residence purposes by not more than one family, containing one dwelling unit only.

DWELLING, TWO-FAMILY — A building designed or used for residence purposes by not more than two families and containing two dwelling units, which may be attached side by side, that individually meet the floor area requirements established for single-family dwellings.

DWELLING, MULTI-FAMILY — A building or portion thereof designed to be used as a residence by three or more families and containing three or more dwelling units on one plot but which may have joint services or joint facilities, or both.

DWELLING, MOBILE HOME — A transportable, one family dwelling on a chassis, movable by being drawn by another vehicle, equipped for year-round occupancy and containing the same water supply, waste disposal, heating and electrical conveniences as immobile housing.

DWELLING, TRAVEL TRAILER — A movable living unit equipped with a chassis but lacking any of the following mechanical systems and equipment: plumbing, heating, electrical, cooking and refrigeration. See "Dwelling, Mobile Home." [DWELLING, TRAVEL TRAILER ADDED FROM ANOTHER LOCAL CODE]

DWELLING UNIT — One or more rooms constituting a separate, independent housekeeping unit for ownership or lease or rent designed for occupancy by one family and physically independent of any other group of rooms or dwelling units which may be in the same structure, containing independent cooking, sanitary and sleeping facilities.

ERECT — To excavate for, construct, build, re-erect, reconstruct, rebuild, or move a structure.

FAMILY — One or more persons who live together in one dwelling unit and maintain a common household, provided that unless all members are related by blood, adoption or marriage, no such family shall contain more than three nonrelated persons.

FARM — A farm is defined as any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the year.

FENCE — An unroofed enclosing structure erected for the purpose of preventing passage or view.

FINISHED GRADE — The elevation at which the finished surface of the surrounding lot intersects the walls and supports of a structure.

FUEL STORAGE TANKS — Premises used for the storage of fuel oil, kerosene, propane or other combustible fuel for sale by motor vehicle or other means of conveyance to purchaser at some other destination, and excluding gasoline storage tanks used at gasoline stations for retail sale.

GARAGE — Premises used for storage, display, sale, rental, service, or repair of motor vehicles.

GARAGE, PRIVATE — An accessory garage used by the occupants of the principal building for storage of one or more motor vehicles or boats and within which no business, occupation, service or industry shall be conducted for profit.

GASOLINE STATION/REPAIR SHOP — A garage which is used for the sale and delivery of gasoline or other fuel for the propulsion of motor vehicles. A gasoline station/repair shop may sell or install oil, other lubricating substances, tires, batteries and other motor vehicle repairs.

GASOLINE STATION/RETAIL SHOP — A garage which is used for the sale and delivery of gasoline or other fuel for the propulsion of motor vehicles. A gasoline station/retail shop may sell groceries, prepared food, hardware, automotive supplies, over the counter pharmacy items and other items typical of grocery stores.

GRAVEL PIT, QUARRY, SAND PIT, TOPSOIL REMOVAL — Land used for the purpose of extracting stone, gravel, topsoil or other mineral products for sale, and excluding the process of grading a lot principally for construction of a structure.

HOME OCCUPATION — Professional or business use accessory to the principal use of a lot for dwelling purposes and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL — Premises which provide health services and medical or surgical care for the diagnosis, care, treatment or therapy of human injury, infirmity, sickness or ailments. A hospital may include as an integral part of the institution accessory related facilities such as laboratories, training facilities, central service facilities and staff offices. The term hospital shall include clinic, infirmary, preventorium, sanatorium and sanitarium.

HOSPITAL, ANIMAL — Premises used for medical and/or surgical care of sick or injured animals with or without accessory boarding accommodations for convalescence. The term animal hospital shall include veterinary clinic.

HOTEL — Premises which provide temporary living and sleeping accommodations for compensation and usually on an overnight basis to transient guests who have other principal dwellings. A hotel may provide accessory hotel services such as public dining facilities, maid service, laundry or linen, telephone and secretarial or desk service and use and upkeep of furniture. The term hotel shall include motel, inn, auto court, motor hotel, motor court, motor inn, motor lodge and other similar establishments.

KENNEL — Premises used for sale, harboring, boarding, care or breeding of dogs for compensation.

LANDSCAPED, SUITABLY — Landscaped with vegetation of a type sufficient to effectively screen differing uses, enhance the quality of the environment and protect the general welfare of the community. [LANDSCAPED, SUITABLY ADDED FROM ANOTHER LOCAL CODE]

LANDSCAPING — An expanse of lawn, trees, plants and other natural materials such as rock and wood chips, and decorative features, including sculptures, walks, fountains, pools, and street furniture.

LOT — A parcel of land having defined boundaries and considered as a unit, devoted to specific use or occupied by a structure or group of structures that are united by a common interest, use, or ownership, and including the customary accessories and open spaces.

LOT, CORNER — A lot or portion of lot at the junction of and abutting on two intersecting streets. [ADDED CORNER LOT AND THROUGH LOT]

LOT, THROUGH — A lot other than a corner lot which fronts on two streets, or upon a street and a right-of-way of more than 25 feet in width. [ADDED CORNER LOT AND THROUGH LOT]

LOT LINE — A line dividing one lot from another lot, or from an established right of way.

LOT LINE, FRONT — A lot line coincident with a street line. (A lot with more than one street line shall have a front line respectively on each street).

LOT LINE, REAR — The lot line generally opposite and most distant from the street line.

LOT LINE, SIDE — The lot lines other than the front and rear lot lines.

LOT FRONTAGE — The length of the front lot line.

LOT DEPTH — The mean horizontal distance from the street line of a lot to its rear lot line, measured in the general direction of the side lot lines. (The lot depth of a lot with more than one street line shall be the greatest of the mean horizontal distances between the front lot lines and the respective rear lot lines opposite each).

LOT WIDTH — The mean horizontal distance between the side lot lines measured at right angles to the lot depth.

LOT AREA — The total area with lot lines, excluding street area.

MANUFACTURING — The fabrication, altering, finishing, processing, handling or assembly of raw materials and packaging, warehousing and storage of articles in quantity.

MOBILE DWELLING PARK — Premises used for the placement of one (1) or more occupied mobile dwellings.

MOBILE HOME — See Dwelling, Mobile.

MOTOR VEHICLE REPAIRS, MAJOR — Rebuilding and reconstruction of motor vehicles including: spray painting, welding, auto body repair; Fender, clutch, transmission, differential, axle, spring or frame repairs; major overhauling of engines or radiators requiring removal thereof; Complete re-capping or re-treading of tires.

MOTOR VEHICLE REPAIR SHOP — A premises which may provide the services of a gasoline station and which does conduct major vehicle repairs. [including but not limited to lubrication, fluid change state inspection, parts sales and installation.]

NURSERY SCHOOL — Premises which operate on a regular basis to provide daytime care or instruction for three or more children under six years of age. The term nursery school shall

include kindergarten, day nursery, day care center and family day care.

NURSING HOME — Any place or institution for the aged, infirm, senile, chronic or convalescent established to render, for compensation, domiciliary care, custody, treatment and/or lodging of three or more persons who require or receive a special diet or assistance in feeding, dressing, walking, administering medicines, or carrying out the treatment of a doctor licensed by the State of New York in any other ordinary daily activities of life or are confined to bed or a chair. This category does not include institutions for the treatment of the mentally ill, hospitals, sanitariums, and boardinghouses.

NURSING HOME, ASSISTED LIVING FACILITY — A residence for the frail elderly that provides rooms, meals, personal care, and supervision of self-administered medication. It may provide other services such as recreational facilities, financial services, and transportation. See also Adult Day Care. [NOTE: ASSISTED LIVING FACILITY ADDED FROM OTHER MUNICIPAL CODE]

PARKING LOT — Land which is open or semi-enclosed by structures and which is used to provide five or more off-street parking spaces.

PARKING SPACE, OFF-STREET — A space which is out of the public right of way and is available and adequate for the parking of one motor vehicle.

POLLUTION — The discharge into the environment of any smoke, fumes, dust, odor, glare, heat, noise, vibration, electrical interference, radiation or effluent at level harmful to health or offensive to the senses.

PLANNED UNIT DEVELOPMENT (PUD) — The site upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the Village's local zoning laws. [NOTE: PUD AND PDD DEFINITIONS ALSO ARTICLE 3.1.2.]

PLANNED UNIT DEVELOPMENT DISTRICT (PDD) — An independent, freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned unit development plan approved by the Village Board of Trustees. [NOTE: PUD AND PDD DEFINITIONS ALSO ARTICLE 3.1.2.]

PREMISES — A lot together with all the structures and uses thereon.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL REMOVAL — See Gravel Pit, Quarry, Sand Pit, Topsoil Removal.

RESIDENCE — A building or any part of a building which contains living and sleeping accommodations for permanent occupancy. "Residence," therefore, includes all one-family, multiple-family, boarding-, fraternity and sorority houses. However, "residence" shall not include the following: [ADDED RESIDENCE, RESTAURANT DEFINITIONS FROM OTHER MUNICIPAL CODE]

1. Transient accommodations, such as hotels, motels, and hospices; or
2. That part of a building containing both residences and other uses which is used for any nonresidential use, except accessory uses for residences.

RESTAURANT, FAST-FOOD — A restaurant where patrons are not customarily served at tables or sit-down counters and where all or a portion of the food is prepared and wrapped, boxed, bagged or prepackaged, or is prepared in a manner in anticipation of customers, and where the customer places an order at a common counter or drive-in facility by waiting in line or by being served through a sequential numbering system and consumes the food either at tables provided in or adjacent to the building, in vehicles on site or elsewhere. [ADDED RESIDENCE, RESTAURANT DEFINITIONS FROM OTHER MUNICIPAL CODE]

RESTAURANT, SIT-DOWN — A permanent building used for the serving of meals where customers are seated principally at a table and are waited on when seated, where a full line of meals is offered, where the main proportions of the meals are not precooked or prepackaged in anticipation of customers, and, further, where, under proper authority, alcoholic beverages may be served from a service bar only and where the meal is not customarily or occasionally eaten in vehicles. [ADDED RESIDENCE, RESTAURANT DEFINITIONS FROM OTHER MUNICIPAL CODE]

~~**RETAIL** — Sale of relatively small quantities of goods, wares commodities or services to ultimate customers for direct consumption and not for resale.~~

RIGHT OF WAY — The property of an easement permanently established for passage of persons or vehicles.

SAND PIT, GRAVEL PIT, QUARRY, TOPSOIL REMOVAL — See Gravel Pit, Quarry, Sand Pit, Topsoil Removal.

SCREENING — A properly maintained combination of fences, rows of trees, hedges and other means to buffer the view and noise generated by activities on a lot from other properties in the vicinity and from the street.

SETBACK — The minimum horizontal distance in feet from a lot line to the adjacent structure line of principal and accessory building on a lot.

SIGN — A device used to communicate visual information to persons outside a building for the purpose of identifying, informing, directing, attracting attention, advertising or promoting.

SIGN, ON-PREMISES — A sign which attracts attention to a use principally conducted on the premises.

SIGN, OFF-PREMISES — A sign which attracts attention to a use principally conducted elsewhere other than the premises.

SIGN, IDENTIFYING — A sign used solely for identifying the location of a specific use, and not for advertising or promoting purposes.

SIGN, DIRECTIONAL — A sign used solely for directing to the location of a use within two miles of the sign, and not for advertising or promoting purposes.

SIGN, ADVERTISING — A sign which may be used for identifying or directing to the location of a specific use for advertising or promoting purposes.

STREET — The suitably improved public or private right of way providing the principal means of access to abutting properties.

STREET LINE — The dividing line between a lot and a street right of way.

STRUCTURE — A static construction of building materials, the use of which requires a fixed location on the ground or attachment to an object having such fixed location. Among other things, structures include buildings, stadiums, sheds, storage bins, reviewing and display stands, platforms, radio towers, walls, fences, swimming pools, gasoline pumps, billboards, signs, and mobile home and travel trailers (whether mobile or stationary at the time). See also Building, Bulk, Dwelling, Erect.

STRUCTURE, PRINCIPAL — A structure wherein is located the principal use of the lot on which the structure is located.

STRUCTURE, ACCESSORY — A structure wherein is located a use accessory to the principal use or structure of the lot on which the structure located.

STRUCTURE, STRUCTURAL ALTERATION — A change or rearrangement in the roof framing or supporting structural parts, such as foundation, bearing walls, columns, beams or girders of a structure or any structure enlargement involving extension of any side or increase in height.

STRUCTURE AREA — The total of areas taken on a horizontal plane at the main grade level of the principal and all accessory structures, excluding uncovered steps, uncovered terraces at grade and movable awnings and canopies. (All dimensions shall be measured between the exterior faces of walls).

STRUCTURE HEIGHT — The vertical distance from the mean finished grade of the wall or other vertical surface with the lowest mean finished grade around the periphery of the structure to the highest point of the structure.

STRUCTURE LINE — The line from the vertical surface of a structure wall nearest to the adjacent lot line.

[**SUBDIVISION** — The division of any parcel of land into a number of lots, blocks or sites as specified in a law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located. (ref. Village Law 7-728)

SUBDIVISION, CLUSTER DEVELOPMENT — A subdivision plat or plats, approved pursuant to article 7-738 of Village Law, in which the applicable zoning local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

SWIMMING POOL — An outdoor pool, tank, depression or excavation used for the specific purpose of swimming, causing the retention of water to a depth greater than eighteen inches, and having a surface of water greater than 100 square feet.

TRAILER PARK — Premises used for the placement of two or more travel trailers.

TRAVEL TRAILER — A vehicle or portable structure standing on wheels, whether or not

self-propelled, and used as temporary living and sleeping accommodations for travel, camping or recreational purposes.

USE — The specific purpose or activity for which land or a structure is intended, designed arranged, occupied or maintained.

USE, PRINCIPAL — The main, primary use of the lot.

USE, ACCESSORY — A use customarily, incidental and supplemental and clearly subordinate and secondary to the principal use located on the same lot.

USE, PERMITTED — A use allowed as a matter of right in a district.

USE, CONDITIONAL — A use that is not appropriate at all locations and under all circumstances throughout a district or without restriction in all districts due to potential incompatibility with some or all permitted uses, and whose number, area, location and relationship shall be regulated by relating to individual conditions the general and specific standards established by this local law.

USE, PROHIBITED — A use which is not a permitted or conditional use in a district.

USE, NONCONFORMING — A use of land or of a building or structure, which use lawfully existed at the time of the adoption of this chapter, or of any amendment thereto, but which use does not conform to the use regulations imposed by this chapter or such amendments thereto.

VARIANCE — A modification of the use and/or bulk regulations of the local law in an individual case where, due to specific facts and conditions relating 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.

VARIANCE, USE — The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. (ref. Village Law 7-712) [NOTE: SUGGESTED REVISIONS TO VARIANCE DEFINITIONS FROM VILLAGE LAW IN BRACKETS]

VARIANCE, AREA — The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations. (ref. Village Law 7-712) [NOTE: SUGGESTED REVISIONS TO VARIANCE DEFINITIONS FROM VILLAGE LAW IN BRACKETS]

WHOLESALE — Sale of relatively large quantities of goods, wares, commodities or services to retailers for resale and not for direct consumption.

YARD — An open space located on the same lot with a building, and unoccupied by structures except as provided in this local law.

YARD, FRONT — That space on the same lot with a principal building situated between the front lot line or lines and the front line of the building projected to the side property lines. The depth of the front yard shall be measured along a line perpendicular to the front lot line or right of way from the point of the foundation of the structure or building closest from such lot line.

YARD, FRONT, CORNER LOT — A corner lot shall have more than one front yard, one yard as above and any other a yard extending across the full width of the lot and lying between any

other front lot line and the adjacent structure line. See also corner lot.

YARD, REAR — A yard extending across the full width of a lot and lying between the rear lot line and the rear structure line of the principal structure.

YARD, SIDE — A yard situated between the side lot line and the adjacent side structure line of the principal structure and extending from the front yard rear line (or from the front lot line, if no front yard is required) to the rear yard front line (to the rear lot line, if no rear yard is required).

ARTICLE 3 DISTRICT REGULATIONS

§ 301. GENERAL.

1. Application of District Regulations. [NOTE: 1 WAS FORMERLY ILE]
 - a. Except as otherwise specified by this local law, after the effective date of the local law no development shall commence except in conformance with the regulations specified for the district in which the land, structure or activity is located.
 - b. The present tense includes future tense, the singular number includes the plural, and the plural number includes the singular. [NOTE: B AND C ARE ALSO INCLUDED IN ARTICLE 2]
 - c. The words "must" and "shall" are mandatory, the word "may" is permissive. [NOTE: B AND C ARE ALSO INCLUDED IN ARTICLE 2]

§ 302. CLASSIFICATION OF DISTRICTS.

1. District Names. In order to fulfill the purpose of this local law, the Village of Hoosick Falls is divided into the following six types of zoning districts:
 - a. Residential - 1 [Single Family] (R - 1).
 - b. Residential - 2 [Single Family] (R - 2).
 - c. Residential - 3 [Single Family] (R - 3).
 - d. Downtown Commercial (DC).
 - e. Commercial - Industrial (C-I).
 - f. Industrial (I).

§ 303. OBJECTIVES.

1. R - 1: To encourage [single family] residential development compatible with the natural features of the land, such as geology and topography, within the range of available municipal services, such as adequate water supply and sewage collection, and in relation to proximity and access to the Village center and facilities.
2. R - 2 and R - 3: To preserve and enhance the character and scale of established [single family] residential neighborhoods.

3. DC: To conserve the character and promote the vitality of the Village center as the focus of the community and vicinity by providing for a compact intermingling of residential, business, service and government uses.
4. CI: To continue the mixture of small-scale commercial and industrial operations which form a transition and buffer between railroad activity and both residences and downtown.
5. I: To support the growth and development of a range of large-scale industrial and major commercial activities essential to the economic vigor of the community.

§ 304. DISTRICT BOUNDARIES.

1. Interpretation of District Boundaries.
 - a. District boundaries indicated within the lines of streets, railroads, public utility easements, or waterways shall be construed as coinciding with the centerline of these rights-of-way.
 - b. District boundaries indicated as approximately following the Village boundary line, property lines or lot lines shall be construed as coinciding with these lines.
 - c. District boundaries indicated approximately parallel to streets, railroads or public utility easements shall be construed as being approximately parallel to these rights-of-way and located at a varying distance which follows the rear lot lines of the property fronting on the right of way, or 400 feet, whichever is less.
 - d. To a reasonable extent, district boundaries shall be construed as not dividing a lot in single ownership. Where a district boundary line divides a lot in single ownership at the time the line is established, the regulations for the less restrictive portion of the lot may extend at the owner's discretion a maximum of 30 feet along street frontage into the more restricted portion of the lot.

§ 305. OFFICIAL ZONING MAP. [Incorporates Amendments Of LOCAL LAW NO. 1 OF THE YEAR 1997, AND LOCAL LAW NO. 4 OF THE YEAR 1988]

TITLE: The map officially entitled "Zoning Map, Village of Hoosick Falls" and including all explanatory matter and amendments as adopted as an integral part of this local law to indicate the location and boundaries of the zoning district.

§ 306. DISTRICT USE SCHEDULE.

1. General Requirements.
 - a. All development shall be according to one or more uses specified for the district in which the development occurs.
 - b. Only one principal structure shall be permitted on each lot.
2. Prohibited Uses.
 - a. A use not specifically designated as a permitted or conditional use in a district is prohibited in that district.

- b. The following uses shall be specifically prohibited in all districts:
 - (1) Camp.
 - (2) Quarry.
 - (3) Travel trailer park.
 - (4) Junkyard.
 - (5) Dump.
 - (6) Off-premises advertising sign.
- 3. Existing Residential Non-Conforming Uses. [AMENDMENT BY LOCAL LAW NO. 3 OF THE YEAR 1992.]
 - a. Hence forth two-family dwelling and multi-family dwelling are only allowed in the downtown commercial zone. Owner-occupied two-family dwelling will continue to be permitted where currently allowed pursuant to this Article.
 - b. Existing lawfully constituted multi-family dwellings that meet the conditions of this Article shall not be permitted to construct or otherwise add additional dwelling units. This provision shall not apply to two-family and multi-family dwelling located in the downtown commercial zone.
- 4. Use Schedule Table.

§ 307. DISTRICT BULK REQUIREMENT.

- 1. Application.
 - a. Each lot, yard and structure shall be of sufficient size and proper volume to meet area and bulk requirements specified for the district according to the following Area and Bulk Schedule.
 - b. Barns, silos and similar structures used for agricultural purposes and located on a farm shall generally be exempt from area and bulk regulations.
 - c. Land located under water shall not be counted as providing any minimum lot or yard area required by the area and bulk regulations or supplementary regulations of a related character.
- 2. Lots.
 - a. A lot being developed shall have required frontage on an approved public street.
 - b. A lot being developed shall be of a character and configuration reasonable to support the intended use or structure.
- 3. Yards.
 - a. Area required for complying with the minimum open space requirements for a principal use or structure shall not be counted as providing required open space for

any other use or structure.

- b. If existing buildings are located on adjacent lots on both sides and within the same block and district as a building to be erected, and both buildings are situated less than the required setback from the street line, the setback for the new building may be reduced to a distance equal to that of the setback of the adjacent building which is the more distant from its street line.
- c. Side yards for dwellings located in semi-detached or attached buildings shall be required only at the ends of the total structure.
- d. Except for isolated trees, structures or plantings within 20 feet of intersecting street lines on corner lots shall not obstruct visibility at street intersections.

4. Structures.

- a. Structural and architectural features projecting into or over any minimum required yard, such as bay windows, carports, porches, terraces and steps, which are integral or attached to principal structures and, shall be a minimum of 5 (five) feet from any lot line.
- b. Structural and mechanical features, such as chimneys, spires, parapets and mechanical bulkheads, which are usually carried above the roof level, may exceed height restrictions specified for the district provided that these elements shall not, in the aggregate cross-sectional area, exceed 20 percent of the roof area of the principal structures.
- c. Other structural requirements: [AMENDMENT OF LOCAL LAW #4 OF THE LOCAL LAWS OF 1977]
 - (1) Foundations: All new residential construction shall be built or placed on full foundations or a suitable frost wall built pursuant to the New York State Fire Prevention and Uniform Building Code with a maximum crawl space of twenty eight inches.
 - (2) Roofs: All new residential construction which is built in the ranch style shall have a minimum pitch ratio of 5/12 and a minimum pitch ratio of 3/12 for all new residential garages.
 - (3) Electric Meters: All new residential construction shall be built with the electric meter attached to the dwelling. If the electric meter cannot be placed directly on the dwelling, then its subsequent placement must be on a pedestal. All electric meters, wherever placed, must be approved by the building inspector.
 - (4) Propane: All new residential construction equipped with propane gas tanks must locate said gas tanks to the rear of the dwelling. The propane gas tanks must be appropriately screened with bushes or fencing which must be approved by the building inspector.
 - (5) Fuel Oil Tanks: All new residential construction equipped with fuel oil tanks must locate those fuel oil tanks within the foundation of the dwelling. Fill pipes and vent pipes for these fuel oil tanks shall be placed with the approval of the

building inspector.

- (6) Surface Water Drainage Systems: All surface water drainage systems must be approved by the building inspector prior to placement. Once installed, any surface water drainage system must be approved by the building inspector.

5. Area And Bulk Schedule Table.

§ 308. SPECIAL DISTRICTS.

1. Reserved. [Flood Zone Overlay District- FZOD]
2. Reserved. [Neighborhood Commercial Overlay District - NCOD]

§ 309. PLANNED UNIT DEVELOPMENT DISTRICTS. [HISTORY: AMENDMENT BY LOCAL LAW #2 OF THE LOCAL LAWS OF 2007]

1. Legislative Purpose.

- a. The Board of Trustees of the Village of Hoosick Falls hereby finds and determines that:

- (1) When coordinated With the Village's comprehensive plan, planned unit development can be an effective tool for guiding development in ways that support community goals and priorities.
- (2) Planned unit development provides a means by which different land uses within an area covered by a single development plan may be combined to achieve compatibility among such uses. Unattainable with traditional municipal zoning techniques, planned unit development provides flexibility in the regulation of land use development in order to:
 - (a) Encourage innovation in land use variety and design in the layout and type of new structures and in their integration with existing structures;
 - (b) Enhance efficacy in the use of land, natural resources, energy, community services and utilities;
 - (c) Encourage open space preservation and protection of natural resources, historic sites and structures;
 - (d) Facilitate the provision of housing and improve residential environments; and
 - (e) Enhance the ability of municipalities to promote business and employment opportunities.

2. Definitions used herein:

AUTHORIZED BOARD OR BODY — The Village Planning Board designated by the Village Board of Trustees to review and act on final planned unit development plans.

FINAL PLANNED UNIT DEVELOPMENT PLAN — An approved preliminary planned unit

development plan prepared With such additional detail and showing such additional information as may be required by local regulation, and the modifications, if any, required by the Village Planning Board at the time of approval of the preliminary planned unit development plan, ~~if such preliminary plan has been so approved.~~

FINAL PLANNED UNIT DEVELOPMENT PLAN APPROVAL — The signing of a final plan by a duly authorized officer of the Village Board of Trustees pursuant to a resolution by the Village Board of Trustees granting final approval to the plan or after conditions, if any, specified in said resolution granting conditional approval of the plan are completed. Such final approval qualifies the plan for filing in the Office of the Village Clerk as provided herein.

PLANNED UNIT DEVELOPMENT — A site upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the Village's local zoning laws.

PLANNED UNIT DEVELOPMENT DISTRICT — An independent, freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned unit development plan approved by the Village Board of Trustees.

PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN — A proposal for a planned unit development prepared in a manner prescribed by local regulation showing the layout of the proposed project including, but not limited to, maps, plans, or drawings relating to proposed land uses, approximate location and dimensions of buildings, all proposed facilities, including preliminary plans and profiles, at suitable scale and in such detail as is required by local regulation; architectural features, lot sizes, setbacks, height limits, buffers, screening, open space areas, lighting, signage, landscaping, parking and loading, traffic circulation, protection of natural resources, public or private amenities, adjacent land uses and physical features, and such other elements as may be required by local law or regulation.

PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL — The approval by the Village Planning board of the layout of a proposed planned unit. It would create a preliminary plan and map of the proposed district encompassing the preliminary plan. This preliminary planned unit development plan is subject to the approval of the plan in final form pursuant to the provisions of this local law.

3. Authority.

- a. In addition to any other powers and authority to plan and regulate by zoning, the Village of Hoosick Falls hereby enacts requirements for the review of planned unit development plans and the establishment and simultaneous mapping of planned unit development districts pursuant to the provisions of this local law.
 - b. The Village Board of Trustees further is authorized to enact such additional rules, procedures, and regulations governing the submission, review, and regulation of the planned unit development plans as it deems necessary.
4. Elements: The applicant for a planned unit development shall include the following elements in the application and review process:
- a. A description of the goals underlying the creation of a planned unit development

district, including the types of land uses, structures and development density permitted, as well as provisions, if any, relating to cluster development, incentives, bonuses, open space, historic structures and areas;

- b. A description of the acreage for each separate use of the proposed planned unit development district;
 - c. Provide for multi-year, phased schedule for the completion of site improvements, public and private facilities, and buildings.
5. Compliance with New York State Environmental Quality Review Act.
- a. In its review and approval of applications to create planned unit development districts pursuant to this local law, the Village Planning Board and the Village Board of Trustees shall comply with the provisions of the New York State Environmental Quality Review Act under Article Eight of the Environmental Conservation law and its implementing regulations.
6. Methods of Procedure: The procedures for reviewing and approving planned unit development applications shall be as follows:
- a. The procedures for amending final planned unit development plans, including any notice and hearing provisions for such amendments shall be those set forth in the Local Law # 4 of the Local law of 1977, as amended;
 - b. Approval of a preliminary and/or final planned unit development plan may be withdrawn upon failure of the applicant to proceed with the development within the time frame set by the Village Planning Board or otherwise fail to meet conditions of approval; and
 - c. The Village Board of Trustees shall be the authorized board that shall review and act upon final planned unit development plans.
 - d. Upon the receipt of an application and preliminary plan for the establishment of a planned unit development district, the Village Planning Board shall review the application and preliminary plan in consultation with the Village Board of Trustees;
 - e. Within ninety days of receiving the application, and prior to acting on a zoning amendment to create a planned unit development district, the Village Planning Board shall hold one public hearing on such proposed preliminary plan and amendment. Notice of the public hearing should be published ten calendar days in advance of the hearing in the official newspaper of the Village. The proposed zoning amendment and preliminary plan should be made available for public review at the Office of the Village Clerk;
 - f. At least ten days before the public hearing on the application and proposed amendment to the Zoning law to create a planned unit development district, the Village Planning Board shall mail notices thereof to the applicant and the County Planning Board, as required by Section Two Hundred Thirty of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action, as defined in Subdivision One of Section Two Hundred Thirty-Nine

of the General Municipal Law.

- g. Within one hundred twenty days of receiving the application and after holding public hearings, the Village Planning board shall act to approve, approve with modifications and/or conditions or deny the preliminary application.
 - h. A final planned unit development plan shall be submitted by the applicant to the Village Board of Trustees for review and approval, or approval with modifications and/or conditions. Review of the final planned unit development plan by the Village Board of Trustees may take into consideration the recommendation of the Village Board on the preliminary planned unit development plan. Within one hundred twenty days of receiving the application, the Village Board of Trustees shall act to approve or deny the final application. If the Village Board of Trustees approves a final application, then and at that event, the Village Board of Trustees shall move to amend its zoning laws to establish and map a planned unit development district.
 - i. The Village Board of Trustees' determination on the Final planned unit development plan shall be filed in the Office of the Village Clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.
7. Fees and Costs:
- a. Please refer to current Village Fee Schedule in effect at Time of Application.
 - b. All Costs of surveys, studies, engineering, architectural and site reports, legal and other professional services associated with any application for a preliminary or final application for a planned unit development shall be paid for by the applicant, including those reports, studies, performance bonds, or professional services required by the Village Planning Board and/or the Village Board of Trustees as part of the application and review process. Failure to promptly pay any of the fees and costs associated with the application process shall result in the rejection of the application.

§ 310. RESERVED.

§ 311. RESERVED.

ARTICLE 4 SUPPLEMENTARY REGULATIONS

§ 401. ACCESSORY USES.

1. [General Requirements]: All accessory uses except off-street parking, and all accessory structures not integral to the principal structure, except fences:
 - a. Shall not be located in any front yard, or in the minimum required side yard.
 - b. Shall have a minimum setback of 5 feet from any lot.
 - c. Shall rise only to a height necessary to accomplish the purpose they are intended to serve but in no case more than 15 feet above the projection's lowest point of contact with the roof.

- d. If roofed or covered, shall in the aggregate not occupy more than 30 percent of the yard in which the structures are located.
2. Fences: Fences may extend to or along lot lines and shall not generally exceed 4 feet in height. Fences shall not be built in the public right of way; where the limit of the full public right of way is not apparent, a minimum four foot setback from the curb, edge of the pavement or travelled way shall be observed to facilitate road maintenance.
3. Garage, Yard or Tag Sales: Periodic sales of merchandise or household goods, such as garage, yard or tag sales, shall last no more than 3 days in any 6 month period; auction or sale of on-premises household goods due to death or moving of the occupant shall not exceed 2 weeks in extent.
4. Home Occupation: Any nonresidential use that is secondary and clearly subordinate to an existing residential use, conducted within a dwelling unit or an accessory structure by a permanent resident of that dwelling unit, which does not change the residential character of the dwelling unit or vicinity and where no nonresident employees, customers or clients enter the premises and where there is no signage or exterior storage of products or equipment. Such occupation is exempt from site plan review.

§ 402. RESERVED.

§ 403. ON-STREET TRUCK PARKING.

1. Tractor-trailers or other trucks greater than 18,000 pound capacity shall not park overnight on Village streets or in other public rights-of-way.

§ 404. OFF-STREET PARKING REQUIREMENTS.

1. Provision.
 - a. Timing: At the time of the erecting of a NEW building on a lot, the minimum cumulative number of off-street parking spaces accessory to the uses and structures shall be provided and satisfactorily maintained in accordance with the attached Parking Schedule and the other standards in this section.
 - b. Excess Capacity Usage: In the DC and C-I districts, required off-street parking for uses except residential may be provided by excess capacity of public off-street parking within 500 feet of the use.
 - c. Provision as Accessory Use: If providing some or all required parking on the site is impractical, required off-street parking may be provided as an accessory use not on the same lot, and shall be subject to appropriate conditional use standards.
 - d. Staggered Usage: In the case of a combination of uses on a lot, if staggered hours of usage of the various uses permit modification, the required amount of off-street parking be reduced subject to appropriate conditional use standards.
 - e. Front Yard Encroachment in Residential: In any residential district, off-street parking shall not encroach on minimum required front yard.

§ 405. [RESERVED] PARKING LOTS.

§ 406. PARKING SCHEDULE TABLE.

§ 407. KEEPING OF ANIMALS.

1. Household pets shall be kept to reasonable number in an appropriate manner and, except in a kennel not for regular or periodic sale.
2. The raising and harboring of fowl and livestock is permitted only on farms.
3. The raising or harboring of animals not considered fowl, livestock or pets under laboratory conditions is prohibited in all districts.

§ 408. DESIGN STANDARDS.

1. PARKING LOTS.

- a. Shall be paved with a properly drained, dust-less all-weather surface.
- b. Shall be visually screened from adjoining property.

2. SIGNS.

a. General.

- (1) Maintenance: Signs shall at all times be maintained in good repair and in a clean, safe condition free from all hazards detrimental to public health and safety.
- (2) Construction: Signs shall be constructed in a manner and of materials of a durability suited to the duration of the use of the sign.
- (3) Design: Signs shall not be of such a design to create glare or undue distraction, confusion or hazard in the surrounding area or to interfere with the operation of motor vehicles.
- (4) Conflict with Regulatory Signage: Signs shall not attempt or appear to regulate, warn or direct vehicular traffic movement or to imitate or resemble official traffic signs, signals, or devices.
- (5) Moving Parts on Signs: Signs shall not exhibit animated, moving, fluttering or revolving parts.
- (6) Flashing Lights: Signs shall not display flashing lights or other intermittent illumination, except to provide valuable public information such as time and temperature.
- (7) Sign Support Structure: Signs shall not use utility poles or trees, rocks, or other natural features as a medium of communication or means of support.
- (8) Projection of Signs: Signs shall not project into or over property lines or the public right-of-way, and projection shall provide a minimum of 8' of vertical

clearance to pedestrian areas.

- (9) Sign Compatibility: Signs shall be constructed at a proportion appropriate to surrounding land use and lot and building size.
- (10) Building Mounting: Signs attached to building shall not extend above the roof or parapet of the building.
- b. Temporary On-premises Signs: If displayed only a reasonable amount of time in advance of the related activity and removed promptly upon fulfillment of its function, may be erected accessory to all uses and in all districts. These signs include:
 - (1) Real estate signs indicating the sale, lease, rental or development of the premises and not exceeding 6 square feet in aggregate total area.
 - (2) Signs indicating events of public interest, including infrequent garage sales or seasonal sales of garden produce or used in conjunction with a show, drive, election, campaign or movement of a government or community non-profit organization.
- c. Home Occupations Signs: One sign, such as a nameplate, attached to and not projecting more than 12 inches from principal building, and not exceeding 3 square feet in area may be erected to identify the following:
 - (1) Name of the proprietor or owner.
 - (2) Trade name, trademark or product sold, and/or business, service, profession or activity conducted on the premises.
 - (3) Hours of operation.
- d. General, commercial and industrial Signs: One or more signs:
 - (1) Attached to and not projecting more than 12 inches from the principal building.
 - (2) Not exceeding 1.5 square feet in aggregate area per linear foot of width of the building facade to which the sign is attached.
 - (3) Erected to identify the premises and related information.
 - (4) If the principal building is setback more than 25 feet from the front lot line, one additional sign not exceeding 12 square feet in area or 10 feet in height and set back at least 10 feet from any lot line may be erected in the ground substantially parallel or perpendicular to the principal building to identify the premises and related information.

3. ACCESS [DRIVES].

- a. Driveways and other access ways from a lot to a street shall be adequate but not excessive in number, adequate in width, grade, alignment and visibility, and not located overly close to street intersections in order to promote traffic safety.
- b. Service areas accessory to General, Commercial and Industrial uses shall be sufficiently screened and fenced to provide a buffer to residential uses in the vicinity

and the street.

4. SCREENING.

- a. Except for one- and two- family Residential Uses, trash stored accessory to uses on a lot and located outside the principal structure to facilitate regular removal shall be properly contained and enclosed on all sides by a fence or other permanent structure for health and safety purposes.

5. [RESERVED] [LANDSCAPING]

6. [RESERVED][ACCESSORY STRUCTURES]

7. [RESERVED][SWIMMING POOLS AND PONDS]

8. [RESERVED][PRIVATE RECREATION FACILITIES]

9. LIGHTING.

- a. Exterior illumination shall be so shaded and directed to prevent glare or a traffic hazard on surrounding properties or on the street.

§ 409. TRAVEL TRAILERS.

1. [Storage of Travel Trailers in Residential Districts:]

- a. A travel trailer may be stored on a residential lot provided it is not stored in the required front yard. However, travel trailers may be stored in the front yard provided that such storage does not obstruct the view of other residents of the Village.
- b. A travel trailer may not be stored in such a way that it poses a public safety hazard or hinders emergency personnel or vehicles.

2. [Temporary Occupancy of Travel Trailers in Residential Districts:] A travel trailer stored on a residential lot may be occupied for no more than two weeks in any calendar year provided the following standards are met:

- a. A temporary occupancy permit must be obtained from the Building Inspector specifying the precise dates of occupancy.
- b. No rent or other form of compensation may be collected.

§ 410. [RESERVED]

§ 411. NON-CONFORMING USES AND STRUCTURES/NON-COMPLYING BULKS.

1. Non-conforming Uses and Structures.

- a. Continuation: Non-conforming uses and structures may be continued subject to the restrictions following in this section.
- b. General Maintenance and Repairs: General Maintenance and Repairs to nonconforming uses and structures may be continued.

- c. Unsafe structure: A non-conforming structure declared unsafe by the Building Inspector may be restored to a safe condition or removed.
 - d. Restoration: A non-conforming use or structure partially or totally destroyed by fire or other cause may be rebuilt to occupy the same space and lot coverage and not exceeding the height of the totally or partially destroyed use or structure.
 - e. Extension/Addition/Alteration: Unless changed to a conforming use, neither a non-conforming use shall be extended on land or within a structure nor that part of a structure containing the non-conforming use structurally altered during its life to an extent exceeding in the aggregate 50 percent of the area of the existing use or structure.
 - f. Relocation: A nonconforming use or structure shall not be placed on a different portion of its lot or relocated to another lot unless changed to a conforming use.
 - g. Changes: A nonconforming use shall not be changed to a use of the same or other classification, except to a conforming use. Once a nonconforming use is changed to a conforming use, the land or structure shall not be permitted to revert to a nonconforming use.
 - h. Discontinuance: Except in the case of certified military duty or illness, whenever a nonconforming use or structure has been discontinued, vacated or abandoned for a continuous period of one year, the use shall not be re-established, and any further use of said land or structure shall be changed to a conforming use.
 - i. Prior Approval: No provision contained herein shall require any change in designated use, plans, or construction of a structure for which a building permit has been issued, and the construction of which shall have been diligently prosecuted within 8 months of the date of such permit.
2. Non-complying [Parcel] Bulks.
- a. Continuance: A non-complying bulk may be continued, maintained, repaired, restored or structurally altered provided such action does not increase the degree of or create any new non-compliance with regard to area and bulk regulations.
 - b. Subdivision: Existing parcels of land or contiguous lots in the same ownership shall not be divided for transfer of ownership or developed for commencement of a use to leave remaining one or more lots, yards or structures which do not meet the area and bulk requirements.
 - c. [Reserved] [Keyhole Lots].

§ 412. [RESERVED] [TEMPORARY USES]

§ 413. [RESERVED] [ADULT ORIENTED BUSINESS]

§ 414. [RESERVED] [TELECOMMUNICATIONS TOWERS]

§ 415. [RESERVED] [FORM BASED CODE]

§ 416. [RESERVED]

ARTICLE 5
CONDITIONAL USE PERMITS AND SITE PLAN REVIEW
[HISTORY: INCORPORATES LOCAL LAW]

§ 501. STANDARDS APPLYING TO ALL CONDITIONAL USES IN ALL DISTRICTS.

1. Taking into consideration the following factors, the establishment of the conditional use shall be in harmony with the orderly growth and development of the district and shall be compatible with the physical and visual environment and appearance and character of the vicinity.
 - a. The location and size of the use.
 - b. The size, configuration and topography of the site in relation to the use.
 - c. The location of the site with respect to the capacity of access streets to accommodate the volume and concentration of traffic generated by the use.
2. Taking into consideration the following factors, the location of the structures and accessory uses shall neither produce a detrimental impact upon the appearance, value or character of the neighborhood and district nor adversely affect the, appropriate development of land and structures in the vicinity.
 - a. The location and nature of the structures.
 - b. The height, bulk, density, coverage and setback of the structures.
 - c. The number, location, and design of the access.
3. The nature and intensity of operations in connection with the conditional use shall be no more objectionable to nearby properties by reason of producing nuisance or pollution than would the operation of a permitted use.

§ 502. ACCESSORY USES.

1. Home Occupations.
 - a. Only the occupants and a maximum number of 2 non-resident assistants or employees may conduct the activity.
 - b. The activity shall be conducted entirely within the dwelling and/or accessory structures.
 - c. The area devoted to the home occupation shall not exceed 50 percent of the total floor area of the principal structure, with this amount not exceeding 500 feet.
 - d. The number of home occupations per dwelling shall be limited to one.
 - e. Significant alteration not customarily to residential areas is prohibited.

- f. Maintenance of a commodities display visible outside the residence is prohibited.
 - g. The carrying or selling of goods or articles not produced on the premises is prohibited.
 - h. Storage of materials or equipment outside of the principal or accessory structures is prohibited.
 - i. The generation of traffic in greater volumes than would normally be expected in the neighborhood is prohibited.
- 2. Fences over 4 feet in height:
 - a. Fences shall be designed to prevent undue restriction of light and views of neighboring properties.
- 3. Reduced amount of off-street parking, accessory to a combination of uses on a lot:
 - a. The development shall demonstrate that on a long term basis, staggered hours of usage of the off-street parking spaces by the various uses allows a reduction in the number of required spaces.
- 4. Off-street parking, not on the same lot, in all districts:
 - a. The space shall be located within 500 feet of the use to which the parking is accessory.
 - b. The space shall be located on a lot either in the same ownership or leased for a period consistent with the nature of the use to which the parking is accessory.
- 5. Signs projecting more than 12 inches from building:
 - a. The sign shall extend out from the building no further than 3 feet.
 - b. The sign shall not exceed 9 square feet in area.
 - c. The sign shall be suspended essentially perpendicular to the building facade, except for corner building, where suspension at an angle other than perpendicular may occur to allow visibility of the sign from both streets.
 - d. Special attention shall be paid to the design of the individual sign and its relation to other nearby projecting signs to minimize the visual confusion and clutter associated with projecting signs.
- 6. Off-premises directional signs in all directions in all districts:
 - a. One sign shall be permitted per lot.
 - b. A sign shall not be located within any minimum yard required in the district and shall be erected substantially parallel or perpendicular to lot lines.
 - c. Each individual sign shall not exceed 6 square feet in area or 10 feet in height.
 - d. The aggregate total area of directional signs per use shall not exceed 24 square feet.

7. Storage of gasoline at a gasoline station in amounts greater than 10,000 gallons per lot in all districts:
 - a. The arrangement and design of the storage facilities and location in relation to adjacent residences and other uses shall be adequate to insure public safety.

§ 503. GENERAL USES.

1. Mobile home parks in residential districts:
 - a. Mobile home parks shall be subject to the "Mobile Home Park Ordinance of the Village of Hoosick Falls."
2. Boarding house in a Residential or Downtown Commercial district:
 - a. No more than 6 bedrooms may be rented on a lot.
 - b. The relative transience of the occupants shall not disrupt the residential character of residential neighborhoods.
3. Nursing home, hospital in a Residential or Downtown Commercial district:
 - a. The enforcing Board shall determine that the water supply and sewage disposal systems have adequate capacity under normal and emergency conditions to serve the number and density of units and height of the structure at the location.
 - b. Emergency access shall be adequate under year round traffic and weather conditions.
4. Nursery school in a Residential or Downtown Commercial district:
 - a. No facilities used by the children shall be located above the second floor.
 - b. Activities located outdoors or in accessory structures shall be properly screened and fenced to provide for the safety of children and to minimize disturbance to neighboring properties.
5. Church, school, membership club, recreational, facility or other community or institutional use in a Residential district:
 - a. No vending machine, merchandising or commercial activity shall be conducted except as required generally for the membership and accessory purposes of the club.
 - b. The adequacy of off-street parking during peak load shall be a special concern, and the enforcing Board shall in each case consider requiring additional space beyond that required in the Parking Schedule.
 - c. Activities located outdoors or in accessory structures shall be properly screened and fenced to minimize disturbance to neighboring properties.
 - d. Exterior lighting and public address systems shall be properly located and regulated to minimize disturbance to neighboring properties.
6. Public utility structures in all districts:

- a. The use shall be reasonably necessary for the service, convenience or welfare of the public and cannot be located in another less restrictive district.
- b. Adequate fences and other devices to promote safety shall be provided in addition to adequate screening and landscaping to buffer neighboring properties.

§ 504. COMMERCIAL USES.

- 1. Neighborhood grocery store or laundromat in a Residential district:
 - a. The use shall be designed primarily to serve the surrounding neighborhood.
 - b. The adequacy and configuration of access and off-street parking during peak load shall be a special concern to prevent disruption of residential neighborhoods.
 - c. The use shall not cause nuisance to neighboring residential uses due to noise, activities or schedule.
 - d. Adequate screening and fencing shall buffer the use from surrounding residential uses.
- 2. Radio, television, communications ~~station~~ towers in all districts:
 - a. Adequate fences and other devices to protect safety shall be provided in addition to adequate screening and landscaping to buffer neighboring properties.
 - b. The facility shall affirmatively demonstrate that the inherent danger and adverse visual impact associated with the height of the structure shall not unduly effect the surroundings.
- 3. Animal hospital in DC, C-I and I districts:
 - a. In DC and C-I districts, no animal housing or related structures shall be located outdoors.
 - b. Setbacks, screening and fencing shall be sufficient to minimize the impact of inherent nuisances such as noise and odor.
- 4. Gas stations in all districts; motor vehicle repair shops in DC, C-I, and I districts; car washes in DC, C-I and-I districts:
 - a. No gas station shall be located within 200 feet of any school, church, public library, theater, hospital, park, playground or other public gathering place designed for occupation by more than 50 people, the distance to be measured in a straight line between the nearest point of each lot.
 - b. All the premises in all districts shall be subject to the Area and Bulk Schedule applying generally to the Industrial district, except that the structure height shall be limited to one story.
 - c. Accessory structures, including fuel pump islands and underground fuel storage tanks, shall not be located within any minimum required yard.
 - d. No parking of motor vehicles shall occur within 5 feet of any lot line.

- e. Entrance and exit driveways shall have an unrestricted width of not less than 12 feet nor more than 20 feet; shall not be located nearer than 10 feet to any lot line; and shall be so laid out as to avoid the necessity of any vehicle backing into a public right of way.
- f. Gasoline or flammable oils in bulk shall be stored fully underground.
- g. All repair work and storage of equipment, materials, supplies, and parts shall be located within the structure completely enclosed on all sides.
- h. The overnight, outdoor parking of vehicles is prohibited except where such vehicle is properly registered and is undergoing active repair or where such vehicles are for sale.
- i. The permitted free standing sign may be erected less than 10 feet from the front lot line.
- j. In residential districts, minimum required side and rear yards shall be landscaped, and adjacent properties shall be buffered by a fence.
- k. In a residential district, no major motor vehicle repair shall be conducted.
- l. All stations shall clearly display, in the pump area, signs indicating that smoking is not allowed in the pump area.

§ 505. INDUSTRIAL USES.

- 1. Outside storage in an I district: The premises shall be properly screened to minimize visibility off the lot and completely enclosed with a fence at least 4 feet in height to promote safety.
- 2. Power plant, fuel oil storage in an I district: The major public safety concerns associated with the uses shall be thoroughly considered.

§ 506. SITE PLAN REVIEW. [SITE PLAN REVIEW ADOPTED BY LOCAL LAW #1 OF 1986 OF THE LOCAL LAWS OF THE VILLAGE OF HOOSICK FALLS. SEE ALSO PLOT PLAN]

1. ENACTMENT.

- a. The Village Board of Trustees of the Village of Hoosick Falls, Rensselaer County, New York do hereby ordain and enact the Village of Hoosick Falls Site Plan Review Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 7-725 of the Village Law.

2. SHORT TITLE.

- a. This local law [section] shall be known as the "Village of Hoosick Falls Site Plan Review Law." The Village of Hoosick Falls is hereinafter referred to as the "Village".

3. INTENT AND PURPOSE.

- a. Through site plan review, it is the intent of this local law to promote the health, safety, and general welfare of the Village. A clean, wholesome attractive environment

is declared to be of importance to the health and safety of the inhabitants of the Village and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Village and the general welfare of its inhabitants. It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation of resources of the Village, by regulation land use activity within the Village through review and approval of site plans. It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth in this local law.

4. AUTHORIZATION OF PLANNING BOARD TO REVIEW SITE PLANS.

- a. The Planning Board is hereby authorized to review and approve or disapprove site plans for land uses with the Village hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

5. APPLICABILITY OF REVIEW REQUIREMENTS.

- a. All land use activities within the Village shall require site plan review and approval before being undertaken, except the following:
 - (1) Construction and exterior alterations or additions to any existing structures of one family dwelling and ordinary accessory structures, and related land use activities.
 - (2) Construction and exterior alterations or additions to any existing structures of two family dwelling and ordinary accessory structures, and-related land use activities.
 - (3) Landscaping or grading, which is not intended to be used in connection with a land use under the provisions of this local law.
 - (4) Ordinary repair or maintenance or interior alterations to existing structures or uses.
 - (5) Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25% and having a cost value of less than \$5,000.
 - (6) Nonstructural agricultural or gardening uses not involving substantial timber cutting.
 - (7) Any person uncertain of the applicability of this local law to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination.

6. EFFECT ON EXISTING USES.

- a. This law does not apply to uses and structures which are lawfully in existence as of the date of this local law becomes effective. Any use which would otherwise be subject to this law, that has been discontinued for a period of one year or more shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence the same has been substantially

commenced as of the effective date of this local law and fully constructed and completed within two years from the effective date of this local law.

[NO LONGER APPLICABLE IS SECTION 2.030 — RELATIONSHIP OF THIS LAW TO OTHER LAWS AND REGULATIONS: THIS LOCAL LAW IN NO WAY AFFECTS THE PROVISIONS OR REQUIREMENTS OF ANY OTHER FEDERAL, STATE, OR LOCAL LAW, OR REGULATIONS. WHERE THIS LOCAL LAW IS IN CONFLICT WITH ANY OTHER SUCH LAW OR REGULATIONS, THE MORE RESTRICTIVE SHALL APPLY.]

§ 507. SITE PLAN REVIEW PROCEDURE.

[NOTE: PRIOR TO UNDERTAKING ANY NEW LAND USE ACTIVITY EXCEPT FOR A ONE OR TWO FAMILY DWELLING AND OTHER USES SPECIFICALLY EXCEPTED IN [SECTION 2.010] OF THIS LOCAL LAW, A SITE PLAN APPROVAL BY THE PLANNING BOARD IS REQUIRED. APPLICANTS FOR SITE PLAN APPROVAL SHOULD FOLLOW THE RECOMMENDED PROCEDURES RELATED TO THE SKETCH PLAN CONFERENCE AS HEREINAFTER SET FORTH. APPLICANTS MUST COMPLY WITH ALL OTHER PROCEDURES AND REQUIREMENTS OF THIS LOCAL LAW.]

1. SKETCH PLAN.

- a. A sketch plan conference shall be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan In order to accomplish these objectives, the applicant shall provide the following:
 - (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement, surfaces, channelization, structures and traffic controls.
 - (2) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (3) Location, arrangement, appearance and sufficiency of off street parking and loading.
 - (4) Location, arrangement, size design and general site compatibility of buildings, lighting, and signage.
 - (5) Adequacy of storm water and drainage facilities.
 - (6) Adequacy of water supply and sewage disposal facilities.

- (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise deterring buffer between the applicant's and adjoining lands, (including the maximum retention of existing vegetation.
- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) Adequacy of fire lanes and other objectionable features.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptible to ponding.
- (12) A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions) existing and proposed vegetation, and other planned features, anticipated changes in existing topography and natural features, and where applicable measures and features to comply with flood hazard and flood insurance regulations.
- (13) An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets rights way, easements, and other pertinent features within 200 feet of the boundaries of the parcel; and
- (14) A topographic or contour map of adequate scale and detail to show site topography.

2. APPLICATION REQUIREMENTS.

- a. An application for site plan approval shall be made in writing to the chairman of the planning board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the planning board at said sketch plan conference.
 - (1) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
 - (2) North arrow, scale and date;
 - (3) Boundaries of the property plotted to scale;
 - (4) Existing watercourses and buildings;
 - (5) Grading and drainage plan, showing existing and proposed contours at 10' intervals;
 - (6) Location, proposed use and height of all buildings;
 - (7) Location, design and construction materials of all parking truck loading areas, with access and egress drives thereto;

- (8) Provision for pedestrian access;
- (9) Location of outdoor storage, if any;
- (10) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, description of the method of sewage disposal and location design and construction materials of such facilities.
- (11) Description of the method of sewage disposal and location design and construction materials of such facilities.
- (12) Description of the method of securing potable water and location, design and construction of such facilities;
- (13) Location of fire and other emergency zones, including the location of fire hydrants;
- (14) Location, design, and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (15) Location, size and design and construction materials of all proposed signage;
- (16) Location and proposed development of all buffer areas, including indication of existing vegetative cover;
- (17) Location and design of outdoor lighting facilities;
- (18) Designation for the amount of building areas proposed for retail sales or similar commercial activity so that the adequacy of parking and other factors may be reviewed;
- (19) General landscaping plan and planting schedules; and
- (20) Other elements integral to the proposed development, as may be considered appropriate by the planning board, including identification of any State or County permits required for the projects execution.

3. REQUIRED FEE.

- a. ~~An application for site plan review shall be accompanied by a fee of \$100.00.~~
[Suggested Revision: Refer to the current Village Fee Schedule in effect at the Time of Application.]

4. REIMBURSABLE COSTS.

- a. Cost incurred by the planning board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan may be charged to the applicant.

§ 508. SITE PLAN REVIEW STANDARDS.

1. GENERAL STANDARDS.

- a. The Planning Board's review of the site plan shall include, as appropriate, but is not

limited to, the following general consideration.

- (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement, surfaces, channelization structures and traffic controls.
- (2) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (3) Location, arrangement appearance and sufficiency of off street parking loading.
- (4) Location, arrangement, size design and general site compatibility of buildings, lighting and signage.
- (5) Adequacy of storm water and drainage facilities.
- (6) Adequacy of water supply and sewage disposal facilities.
- (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant's and adjoining lands, including maximum retention of existing vegetation.
- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

2. WAIVERS.

- a. The Planning Board may, in its discretion, upon good and sufficient cause, waive any of the requirements as set forth in this local law, except for the payment of required fees.
- b. Any request for waivers shall be made in writing to the planning board by the applicant, or may be made by the planning board upon its own initiative.

3. CONSULTATIVE OPINIONS.

- a. The planning board, before it engages the services of professional consultants for the purposes of reviewing any application for site plan approval, shall submit either the site plan or any questions concerning the site plan to the Village Engineer, Village Attorney, Rensselaer County Planning Board, Rensselaer County Bureau of Planning, or other Rensselaer County officials or boards for their recommendation.

4. PLANNING BOARD PUBLIC HEARING.

- a. The Planning Board may conduct a public hearing on the preliminary site plan if a public hearing is considered desirable by a majority of the members of the planning board, such public hearing shall be conducted within forty-five (45) calendar days of the receipt of the application for preliminary site plan approval and shall be advertised in the official newspaper the Village at least five (5) calendar days prior to the public hearing.

5. PLANNING BOARD DECISION.

- a. Within sixty (60) days of the receipt of any application for preliminary site plan approval, the planning board shall act on it. If no decision is made by the Planning Board within said sixty (60) day period, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant, stating whether or not the preliminary site plan is approved, disapproved, or approved with modifications. A copy of the appropriate minutes of the planning board shall be a sufficient statement. The time period in which the planning board must render its decision can be extended by mutual consent of the applicant and the planning board.

6. FINAL PLAN APPROVAL.

- a. After receiving approval, with or without modification, from the Planning Board for a preliminary site plan, the applicant may prepare a final detailed site plan and submit it to the planning board for approval. If more than six (6) months have elapsed between the time of the planning board's action on the preliminary site plan and if the planning board finds that conditions have changed significantly in the interim, the planning board may require a resubmission of the preliminary site plan for further revision and possible revision prior to accepting the proposed final site plan review.
- b. The final detailed site plan shall conform substantially to revisions and other features that may have been recommended by the planning board in its preliminary review. Also such compliances shall be clearly indicated by the applicant on the appropriate submission.
- c. The following additional information shall accompany an application for final detailed site plan approval:
 - (1) Record of application for any approvals necessary and status of said approvals of all permits from State or County agencies.
 - (2) Detailed sizing and final materials specification of all required improvements.
 - (3) An estimated project construction schedule.

7. DETAILED SITE PLAN DECISION.

- a. Within forty-five (45) days of receipt of the application for final site plan approval, the planning board shall render a decision to the building inspector. If no decision is made with forty-five (45) day period, the final site plan shall be considered approved.
- b. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the Village, the planning board shall endorse its approval

on a copy of this final site plan and shall forward said copy to the building inspector who may then issue a building permit, if the project conforms to all applicable zoning law requirements.

- c. Upon disapproval of a final site plan, the planning board shall inform the applicant in writing of its decision and its reason for disapproval. The planning board shall also inform the building inspector who may deny a building permit or certificate of occupancy to the applicant.

8. APPEAL OF PLANNING BOARD DECISION.

- a. Supreme Court Review: Any person aggrieved by any decision of the planning board or any officer, department, board or bureau of the Village, may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted with thirty (30) days after the filing of a decision on the office of the Village Clerk.

9. FURTHER REGULATIONS BY PLANNING BOARD.

- a. The planning board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this local law.

10. AMENDMENTS.

- a. The Village Board of Trustees may on its own motion, on petition, or on recommendation of the planning board, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.
- b. All proposed amendments originating by petition or by motion of the Village Board of Trustees shall be referred to the planning board for a report and recommendation thereon. The planning board shall submit its report within thirty (30) days after receiving such referral. Failure of the planning board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

11. INTEGRATION OF PROCEDURES.

- a. Whenever the circumstances of proposed development require compliance with this Site Plan Review Law and with any other local law, ordinance or requirement of the Village, or State Environmental Quality Review Act, the planning board shall attempt to integrate, as appropriate, site plan review as required by this local law with procedural and submission requirements such other compliance.

12. ENFORCEMENT.

- a. Any person, corporation, partnership, association, or other legal entity who shall violate any of the provisions of this law, or any conditions imposed by a permit pursuant hereto, shall be guilty of any offense and subject to a fine of not more than two hundred fifty dollars, (\$250.) or by penalty of two hundred fifty dollars, (\$250.) to be recovered by the Village in a civil action.

- b. Every such person or entity shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue.

ARTICLE 6

ADMINISTRATION AND ENFORCEMENT

[HISTORY: INCORPORATES LOCAL LAW NO. 4 OF 1987; SECTION XII; PART A WAS REPEALED WITH LOCAL LAW NO. J OF 1985 AND AMENDED AS FOLLOWS]

§ 601. FEES.

1. The Village Board of Trustees may establish a schedule of filing fees to be charged for the application for Building Permits, Certificates of Occupancy, Appeals, [Site Plan Review], Conditional Use Permits, Variances, and other functions of the Zoning Code.

§ 602. PLOT PLAN. [NOTE: LOCAL LAW NO. 4 OF 1977; SECTION XII; PART B (PLOT PLAN) WAS REPEALED IN ITS ENTIRETY AND AMENDED BY LOCAL LAW NO. 2 OF 1986 AS FOLLOWS. SITE PLAN REVIEW IS ADOPTED AS LOCAL LAW NO. 1 OF 1986]

1. Plot Plans shall be drawn to scale and accurately dimensioned.
2. Plot Plans shall also note existing proposed uses of land and structure.
3. Plot Plans for one family and two family dwellings shall be submitted to and shall be reviewed by the Building Inspector. Site plans for one family and two family dwellings shall show the lot, the location of all existing and proposed structures and open space on the land, and all other pertinent information, such as driveways and other traffic access, interior circulation, landscaping and fencing, necessary for the appropriate agent or board to determine whether the proposed development complies with the requirements and standards of this local law.
4. Plot Plan for multi family dwelling, accessory uses (excluding home occupations), commercial uses, industrial uses, or any conditional permit uses shall be submitted to and shall be reviewed by the Building Inspector only after the Village Planning Board has approved the site plan for said use pursuant to the Site Plan Review Law of the Village of Hoosick Falls.

§ 603. PLOT PLAN REFERRAL TO THE VILLAGE PLANNING BOARD.

1. In making its report, the Planning Board shall consider the impact of the proposed change on both the vicinity and community and the consistency of the change with objectives of both the district and local law as a whole.
2. The Planning Board report shall include a full statement of the reasons for its recommendations.
3. The referring Board may act without the Planning report only if the Planning Board fails to report within a period of 45 days from the date of its receipt of the referral, or such longer period of time mutually agreed upon by both Boards.

§ 604. REFERRAL TO RENSSELAER COUNTY BUREAU OF PLANNING.

1. In accordance with provisions of paragraphs 1 and m of Section 239, Article 12-B of the General Municipal Law, all proposed Conditional Use Permits, Variances, Site Plans, Interpretations and Amendments which would change the district classification or requirements applying to land lying within a distance of 500 feet of the following locations shall be referred to the Rensselaer County Bureau of Planning for review:
 - a. Any municipality.
 - b. Any county or state park or recreation area.
 - c. The right of way of any county or state parkway, thruway, expressway, road or highway.
 - d. The right of way of any stream or drainage channel owned by the county or for which the county has established channel lines.
 - e. Any county or state owned land upon which a public building is situated.
 - f. The boundary of a farm operation located in an Agricultural District, as defined by Article 25-AA of the Agriculture and Markets Law.
2. The appropriate local Board shall take no action on such proposed Conditional Use Permit or Variance or Amendment until the Rensselaer County Bureau of Planning recommendation has been received or a period of 30 days, or a mutually agreed upon extension to facilitate more thorough review or to overcome extenuating circumstances, has elapsed after receipt by the Rensselaer County Bureau of Planning of the full statement of information pertaining to the proposed changes.
3. If the Rensselaer County Bureau of Planning recommends disapproval or substantial modification, the appropriate Board may act contrary to the recommendation only by a vote of a majority plus one of the entire Board and by adopting a resolution fully setting forth the reasons for such contrary action.
4. Within 7 days after final action by the appropriate local Board, the Board must file a report within of its action with the Rensselaer County Bureau of Planning.

§ 605. PUBLIC NOTICE.

1. All notices of public hearing shall specify the following items in clear and unambiguous terms:
 - a. The general nature of the proposed change.
 - b. The land and district affected.
 - c. The date, time and place of the public hearing.

§ 606. APPLICATION.

1. Interpretation: In interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, morals,

safety and general welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations or local laws, the most restrictive, or that imposing the higher standards, shall govern.

2. Separate Validity: Should the courts decide any term, section or provision of this local law to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any part other than the part decided to be unconstitutional or invalid.
3. Annexation: Coincident with incorporation into the Village, annexed properties shall be designated as being within a zoning district of a classification the same as or compatible with adjacent properties within the Village.
4. Penalties for Violation:
 - a. First offense of this local law shall be a violation punishable by a fine of \$50.00 or by 15 days imprisonment or by both such fine and imprisonment; second violation shall be a Class B misdemeanor.
 - b. Each month a violation continues shall constitute a separate and distinct offense.
5. Repeater: The ordinance entitled "The Village of Hoosick Falls Building Zone Ordinance" and adopted March 1947, together with all changes and amendments is hereby repealed.
6. In accordance with the procedure set forth in Section 7-706 of the Village Law this local law shall take effect on ~~December 4, 1977.~~

§ 607. RESERVED [VILLAGE PLANNING BOARD]

§ 608. ZONING BOARD OF APPEALS.

1. ESTABLISHMENT.
 - a. Pursuant to 7-712 of the Village Law and the provisions specified in this section, the Village Board of Trustees shall establish a Zoning Board of Appeals to interpret and judge the application of the provisions of this local law, and to grant or deny conditional use permits and variances.
 - b. Members. [NOTE: PART A, SUBSECTION J; SUBPARAGRAPH A WAS REPEALED WITH LOCAL LAW NO. 1 OF 1987 AND AMENDED WITH THE FOLLOWING.]
 - (1) The Zoning Board of Appeals shall consist of five (5) members, one of whom the Village Board of Trustees shall appoint Chairman for a period of 3 years.
 - (2) The current members of the Zoning Board of Appeals shall complete their terms.
 - (3) The Village Board of Trustees shall appoint succeeding members for terms of 3 years from and after the expiration of the terms of their predecessors in office.
 - (4) If a vacancy shall occur otherwise than by expiration of term, the Village Board of Trustees shall fill the position by appointment for the unexpired term.
 - (5) A member of the Zoning Board of Appeals shall not at the same time be a

member of the Village Board of Trustees.

- (6) The Village Board of Trustees shall have the power to remove any member of the Zoning Board of Appeals for cause after public hearing.

c. Operations.

- (1) Subject to Village Board of Trustees approval, the Zoning Board of Appeals shall have the power to make, promulgate and adopt written rules, procedures, by-laws or forms necessary for the proper execution of duties and for securing the intent of the ordinance.
- (2) The Village Board of Trustees shall provide necessary and proper expense for the conduct of the Zoning Board of Appeals, and the Zoning Board of Appeals shall not incur expenses beyond the amount of appropriation.
- (3) The Zoning Board of Appeals may employ duties of necessary clerical or other staff.

d. Meetings.

- (1) The Zoning Board of Appeals shall hold all meetings at the call of the Chairman or at other times that the Board may determine.
- (2) All meetings and hearings shall be open to the public.
- (3) The Chairman, or in his absence the Deputy Chairman, whom the Village Board of Trustees shall also appoint, may administer oaths and compel the attendance of witnesses.

e. Minutes.

- (1) The Zoning Board of Appeals shall keep proper minutes of its proceedings and records of its examinations and other official actions.
- (2) The minutes shall show the vote of each member on every question, and if a member is absent or fails to vote, the minutes shall indicate that fact.
- (3) The Zoning Board of Appeals shall promptly file record of every determination and action with the Village Clerk to be a matter of public record.

2. POWERS AND DUTIES.

- a. Interpretation: Considering the intent and objectives of the local law as a whole and the districts, the Zoning Board of Appeals shall interpret and judge the application of the provisions of the local law in cases where uncertainty exists.
- b. Appeals: The Zoning Board of Appeals shall hear and decide appeals and review any order, requirement, decision or determination made by the Building Inspector or forwarded by the Planning Board under this local law.
- c. Conditional Use Permits: The Zoning Board of Appeals shall grant or deny conditional use permits for conditional uses specified in the districts according to this local law.

- d. Variances: The Zoning Board of Appeals shall grant or deny variances to modify the application of any of the regulations or provisions of this local law in cases where literal application and strict enforcement would result in practical difficulty or unnecessary hardship.

3. CRITERIA: CONDITIONAL USE PERMITS.

- a. Conditional uses possess special or unusual characteristics which require that each individual use shall be permitted only upon receiving in each case a Conditional Use Permit.
 - (1) A Conditional use Permit shall not be issued for a property to authorize an existing violation of this local law.
 - (2) Each Conditional Use Permit shall authorize only for a particular use on one certain lot.
 - (3) A separate Conditional Use Permit shall be required for each change of use or structural alteration or addition to a conditional use.
- b. In addition to compliance with all use, area and bulk, and supplementary regulations applicable to the district within which the proposed use is to be situated, conditional uses shall conform to the additional general and specific standards set forth in Section VII of this local law.
- c. In accordance with the objectives of this local law, any of the standards specified in Section VII may be waived or modified.

4. CRITERIA: VARIANCES. The Zoning Board of Appeals shall base the granting of a Variance upon the following criteria and may apply any additional conditions appropriate to particular circumstances in specific cases.

- a. Use Variances.
 - (1) ~~The applicant must provide conclusive evidence that strict enforcement of the use regulations results in unnecessary hardship; that is the land cannot yield a reasonable return if used only for a permitted use in that zone or for the continuation of an existing non conforming use.~~
 - (2) ~~The Zoning Board of Appeals must determine that the granting of the use variance:~~
 - (a) ~~Is due to unique circumstances or special conditions that apply to the subject land or structures and do not apply generally to land or structures in the vicinity and district.~~
 - (b) ~~Will be in harmony with the general purpose and intent of the local law and will not alter the essential character of the locality.~~
 - (c) ~~Shall not constitute a grant of special privilege inconsistent with the limitations upon the other properties in the vicinity and district.~~
 - (d) ~~Is the minimum variance to accomplish these goals.~~

[SUGGESTED REVISION TO THE CRITERIA PER NYS VILLAGE LAW 7-712-A.2.B.:

- (1) No such use variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (d) That the alleged hardship has not been self-created.]

b. Area Variances.

- ~~(1) The applicant must demonstrate that literal application of the area and bulk regulations or related supplementary regulations would result in practical difficulty to development.~~
- ~~(2) The Board shall consider the following guidelines for granting an area variance.~~
 - ~~(a) How substantial the variance is in relation to the requirement.~~
 - ~~(b) The effect of increased population density produced on available public facilities and services.~~
 - ~~(c) Whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created.~~
 - ~~(d) Whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance.~~
 - ~~(e) Whether in view of the manner in which the difficulty arose and in consideration of all the above factors, the interests of justice will be served.~~

[SUGGESTED REVISION TO THE CRITERIA PER NYS VILLAGE LAW 7-712-A.3.B.:

- (1) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (c) Whether the requested area variance is substantial;
 - (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

- (e) Whether the alleged difficulty was self- created; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (2) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.]

5. GENERAL PROCEDURE.

a. Appeals.

- (1) The appellant shall file notice of the appeal with the Building Inspector and the Secretary of the Zoning Board of Appeals in writing within a period of time prescribed by the Zoning Board of Appeals by general rule.
 - (a) An appeal stays all proceedings in furtherance of the action under appeal.
 - (b) If the Building Inspector files a certificate with the Zoning Board of Appeals stating the facts and supporting reasons that a stay would cause imminent peril to life or property, issuance of a restraining order indicating due cause, and giving notice to the Building Inspector by the Zoning Board of Appeals or a court of record shall be required to stay proceedings.
- (2) The required filing fee shall accompany the filing of the notice of appeal.
- (3) The Building Inspector shall promptly transmit to the Zoning Board of Appeals all pertinent papers which constitute the record of the action under appeal.
- (4) The Zoning Board of Appeals shall set a reasonable date and place for a public hearing and shall give proper public notice of the hearing.
- (5) The Zoning Board of Appeals shall hear the appeal and shall vote within ~~62~~60 days following the hearing or any additional hearings which may be necessary.
- (6) If the action by the Zoning Board of Appeals is to reverse in whole the action of the Building Inspector, the filing fee shall be refunded to the applicant.

b. Conditional Use Permits and Variances.

- (1) The applicant shall file the appropriate application with the Building Inspector or Village Clerk in writing.
- (2) The required filing fee and the prescribed number of copies of the required plot plan shall accompany the application.
- (3) The Zoning Board of Appeals shall refer the application and all pertinent information to the Village Planning Board for report and recommendation to be considered by the Zoning Board of Appeals prior to its public hearing.
- (4) The Zoning Board of Appeals shall refer all applications which meet the criteria

of paragraphs l and m of Section 239, Article 12-B of the General Municipal Law to the Rensselaer County Bureau of Planning for report and recommendation to be considered by the Zoning Board of Appeals at least 10 days prior to its public hearing.

- (5) The Zoning Board of Appeals shall set a reasonable date and place for a public hearing and give required public notice of the hearing.
- (6) The Zoning Board of Appeals shall hold the public hearing vote within ~~62~~ 60 days following the hearing or any additional hearings which might prove necessary.
- (7) The Zoning Board of Appeals shall promptly file a copy of the decision with the Village Clerk and mail a copy to the applicant or appellant.
- (8) Except in the case of certified military duty or illness, a conditional use permit or variance which is not exercised within one year from the date of issuance shall be deemed revoked without further notice.
- (9) Except in the case of certified military duty or illness, a conditional use permit or variance shall expire if the variance use ceases for any reason for a period exceeding one year.

6. DETAILS OF PROCEDURE.

a. Application and Appeals.

- (1) All applications and appeals shall be in writing in a form required by the Zoning Board of Appeals.
- (2) All applications and appeals shall refer to the specific provision of the local law involved and shall exactly set forth the interpretation that is claimed or the details of the variance applied for and the grounds supporting the claim.

b. Public Notice and Hearing.

- (1) At least 15 days prior to the hearing, the Zoning Board of Appeals shall publish a notice of application of appeal in the official newspaper of the Village.
- (2) At least 10 days prior to the hearing, the Zoning Board of Appeals shall give required written notice and instructions to appear at the hearing in person or by agent or attorney to the applicant or appellant.

c. At least 10 days prior to the hearing, the Zoning Board of Appeals shall give required written notice to property owners in an affected area as may be prescribed by the Zoning Board of Appeals.

d. At least 10 days prior to the hearing, the Zoning Board of Appeals shall give required written notice to the Village Planning Board.

e. The Zoning Board of Appeals shall give required written notice to any municipal, county, regional, state, federal or other agency in a manner prescribed by law.

7. VOTING.

- a. The concurring vote of a majority of all members of the Zoning Board of Appeals shall be required to decide in favor of the applicant in granting any appeal, conditional use permit, or variance or in any matter upon which the body is required to act.
- b. For those applications or appeals which have been referred to the Rensselaer County Bureau of Planning under Section 289 of the General Municipal Law and for which the Bureau of Planning recommends disapproval or substantial modification, the Zoning Board of Appeals may act contrary to the recommendation only by a favorable vote of ~~all 5 members~~ a supermajority of the Zoning Board of Appeals and by adopting a resolution fully setting forth the reasons for such contrary action.

8. RELIEF FROM DECISIONS OF THE ZONING BOARD OF APPEALS.

- a. Any applicant or appellant aggrieved by any decision of the Zoning Board of Appeals may apply to the New York State Supreme Court for relief by a proceeding under Article 78 of the Civil Procedure Law and Rules of New York State.
- b. The proceedings shall be governed by the provisions of Article 78 and the following provisions.
 - (1) The proceedings must be instituted within 30 days after the filing of a decision the office of the Village Clerk.
 - (2) The court may take evidence, or may appoint a referee to take such evidence with his findings of fact and conclusions of law, if testimony appears to be necessary for the proper disposition of the matter.
 - (3) The court at special term shall itself dispose of the cause on the merits, determining all questions that may be present for determination.
- c. Costs shall not be allowed against the Zoning Board of Appeals unless the court determines that the Board acted with gross negligence, in bad faith, or in malice in making the decision under appeal.

ARTICLE 7
RESIDENTIAL OCCUPANCY PERMIT CODE

[HISTORY: ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HOOSICK FALLS, ORIGINALLY ADOPTED AS PART OF "THE ZONING LAW, LOCAL LAW NO. 4 OF (DECEMBER) 1977, REPEALED AND REPLACED IN ITS ENTIRELY BY LOCAL LAW NO. 7 OF 1991, REPEALED AND REPLACED IN ITS ENTIRELY BY LOCAL LAW NO. 4 OF 2002.]

§ 701. TITLE.

1. This chapter [article] shall hereinafter be known and cited as the "Residential Occupancy Permit Code."

§ 702. AUTHORITY.

1. This Local Law is hereby declared to be protective, preventive, and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes stated herein.

§ 703. PURPOSE.

1. Purpose: The Village of Hoosick Falls hereby adopts this Local Law to prescribe regulations governing dwelling units, apartments and tenements within the Village of Hoosick Falls. The purpose of this Local Law is as follows:
 - a. To protect the public health, safety, and welfare of the residents of the Village of Hoosick Falls by establishing minimum standards governing the maintenance, appearance and condition of residential dwellings.
 - b. To fix certain responsibilities upon owners, operators, occupants and other persons.
 - c. To authorize and establish procedures for the inspection of residential premises.
 - d. To fix penalties for the violations of this chapter, and provide procedures for correcting violations in those cases where municipal action is required.

§ 704. DEFINITIONS.

The following terms in this Local Law wherever used herein or referred to herein, shall have the respective meanings assigned to them, unless a different meaning clearly appears from the context.

ABSENTEE LANDLORD — Any landlord who resides outside the designated boundaries of the Village of Hoosick Falls as those boundaries may be defined at the time of regular periodic property registration.

BED AND BREAKFAST — Owner occupied one family dwelling unit used for providing overnight accommodations and a morning meal to not more than ten transient lodgers, containing at least three but not more than five bedrooms for such lodgers.

BOARDING AND SECURING OR BOARDED AND SECURED — The closing, boarding or locking of any or all exterior openings so as to prevent entry into the building or structure.

CERTIFICATE OF COMPLIANCE/OCCUPANCY — The certificate of compliance/occupancy shall acknowledge that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances, rules and regulations, and shall specify the use of, or uses of, and the extent to which the building or structure or its several parts may be put to use.

CODE ENFORCEMENT OFFICER — The staff member appointed by the Mayor, with the approval of the Village Board of Trustees, who has the responsibility of enforcement of this Local Law.

COMMERCIAL VEHICLE — All trucks, vans, construction equipment, and limousines, bearing commercial license plates which are in excess of four (4) tons net weight.

COMMON AREA — Areas of buildings or structures that are generally accessible to the public, such as, halls, foyers, staircases, and elevators.

DETERIORATION — The condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance, or excessive use.

DILAPIDATED BUILDING OR STRUCTURE — Any building or structure which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said building or structure is a hazard to the health, safety, or welfare of the general public.

EXPOSED TO PUBLIC VIEW — Any premises or part of any premises which may lawfully be viewed by the public.

EXTERIOR OF THE PREMISES — Any premises or part of any premises which are exposed to public view and the open space of any premises outside of any building erected thereon.

EXTERMINATION — The control and elimination of insects, rodents, and vermin.

FRONT YARD — That space on the same lot with a principal building situated between the front street line or lines and the front line of the building projected to the side property lines. The depth of the front yard shall be measured along a line perpendicular to the front street line or right of way from the point of the foundation of the structure or building closest from such street line.

GARBAGE — Animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HOUSING UNIT — Any single unit that is capable of housing one (1) separate household, whether a detached single family structure or building or part of a multi- household structure or building.

IMMEDIATE FAMILY — The "immediate family" of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

INFESTATION — The presence of rodents, vermin, insects, or other pests on the premises which constitutes a health hazard.

LANDLORD — Any property owner or designated agent who offers a housing unit for occupancy to persons other than members of his immediate family in exchange for a fee or compensation, whether monetary, or otherwise.

LODGER — A transient temporarily or permanent paying guest.

MULTIPLE DWELLING — Three or more dwelling units.

RENTAL PERMIT — A permit issued by the Village of Hoosick Falls stating that the referenced structure or unit conforms to the standards of this Local Law, and that the occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on that certificate.

RENTAL PROPERTY — Any housing unit or units which are occupied by persons other than the owner or his immediate family, or for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for such occupation.

RESIDENT AGENT — A representative of a property owner or landlord who resides within the designated boundaries of Hoosick Falls as defined at the time of periodic property registration.

NUISANCE

1. Any condition so defined by common law, the statutes of the State of New York, or the local laws of the Village of Hoosick Falls or has been adjudicated to be such by a court of competent jurisdiction;
2. Any condition which may prove attractive to children, but detrimental to their health and safety, whether in or on a building on the premises or the area surrounding the premises, or upon an unoccupied or unapproved lot;
3. Physical conditions dangerous to human life or detrimental to their health or welfare of persons in/on or near the premises where the conditions exist;
4. Conditions which render air, food, or drink unwholesome or detrimental to the health of human beings.

OCCUPANT — Any person having actual possession of a premise.

OPERATOR — Any person who has charge, care or control of a dwelling or premises or any part thereof, with or without the knowledge and/or consent of the owner.

OWNER — Any person or entity who, alone or jointly or severally with others, has legal or equitable title in any form to any premises, with or without actual possession thereof, or who shall have charge, care or control of any dwelling or premises as owner or agent of the owner, including but not limited to a fiduciary, executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession.

PREMISES — A lot, plot or parcel of land, including the buildings or structures thereon.

REFUSE — All non-putrescent solid wastes, including but not limited to, abandoned vehicles and recreational equipment and parts thereof, abandoned machinery and parts thereof, household furnishings, dead animals, debris, junk, appliances, rubbish, scrap lumber, stumps, tires, trash, and grass and yard clippings.

UNOCCUPIED OR VACANT BUILDING — Any structure intended for residential use which is not currently occupied or in use. For the purpose of the enforcement of this Local Law, a presumption shall exist that a structure vacant for six months is not currently occupied or in use. This does not apply to owner occupied dwellings which are seasonal for that owner.

UNSECURED BUILDING OR STRUCTURE — Any building or structure which is not occupied by a legal or equitable owner, and into which there are one or more unsecured openings, such as broken windows, broken doors, unlocked doors, holes in exterior walls, holes in the roof, broken basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the building or structure.

SUBSTANDARD — Any deficiency in a structure or housing unit as defined by this Local Law and/or by the Laws of the State of New York.

§ 705. INTER-MUNICIPAL CONTRACTS.

1. The Village of Hoosick Falls may, by board resolution, authorize the Mayor to enter into a contract with other governments to enforce the provisions of this local law.

§ 706. DESIGNATION OF CODE ENFORCEMENT OFFICIAL AS PUBLIC OFFICIAL.

1. There is hereby designated in the Village of Hoosick Falls a public official to be known as the Code Enforcement Officer who shall be appointed by Mayor with the approval of the Village Board of Trustees at compensation to be determined by it.

§ 707. DUTIES AND POWERS OF CODE ENFORCEMENT OFFICER.

1. Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Code Enforcement Officer shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code and other laws, ordinances, rules and regulations applicable to plans, specifications, or permits for the construction, alteration and repair of buildings and structures, and the installation and use of materials and equipment therein, and to the location, use and occupancy thereof.
2. All Code Enforcement Officers of the Village of Hoosick Falls shall be qualified and appointed by the Mayor with the approval of the Village Board of Trustees, and shall be furnished with appropriate official badges and identification cards.
3. Where violations of Federal, State or Local Laws exist and pose an immediate hazard or danger to the health, safety, or welfare of building occupants or to the public, the Code Enforcement Officer, or his or her assistants and/or inspectors, may issue an order citing the violation and directing such action by such Department as necessary to remove or abate the immediate hazard or danger.
4. Inspectors and assistants shall be authorized and have the right, in the performance of their duties, to enter any premises during normal business hours and in emergency whenever necessary to protect the public interests. The Code Enforcement Officer or his or her assistants and inspectors, shall have the right to inspect all or any part of a building/rental unit dwelling, including any unit or apartment or multi-residence, except that the owner, agent or person in charge thereof, shall have the right to insist upon procurement of a search warrant from a court of competent jurisdiction in order to establish such inspection. The Code Enforcement Officer, as administrator, may upon Affidavit, setting forth the facts, apply to a court of competent jurisdiction for a warrant authorizing access and, if the Court is satisfied as the matters set forth in said Affidavit, he or she shall authorize the issuance of a warrant permitting access.
5. Owners, agents, operators and occupants shall be responsible for providing access to all parts of the premises within their control to authorize Department personnel acting in the lawful performance of their duties.

§ 708. ACTING CODE ENFORCEMENT OFFICER.

1. In the absence of the Code Enforcement Officer, or in the case of his or her inability to act for any reason, the Mayor shall have the power, with the consent of the Village Board of Trustees, to designate a person to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him or her by this ordinance.

§ 709. PERMITS FOR NEW CONSTRUCTION & RENOVATION.

1. Except as herein provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement or demolition of any building or structure or any portion thereof, or install a solid fuel burning heating apparatus, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Officer.
2. No permit shall be required for:
 - a. Necessary repairs which do not materially affect structural features.
 - b. Alterations to existing buildings provided that the alterations:
 - (1) Cost less than \$10,000.00;
 - (2) Do not materially affect the structural features;
 - (3) Do not affect the fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
 - (4) Do not involve the installation or extension of electrical systems; and
 - (5) Do not include the installation of solid fuel burning heating appliances and associated chimneys and flues.
 - c. Residential storage sheds and other small non-commercial structures less than 120 square feet which are not intended for use by one or more persons as quarters for living, sleeping, eating or cooking: for example, a small storage building, provided that the structure is not greater than 8 feet high.
 - d. Non-residential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.
3. Application for a permit.
 - a. The application for a building permit and its accompanying documents shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.
 - b. The form of the permit and application shall be prescribed by resolution of the Village Board of Trustees. The application shall be signed by the owner (or his or her authorized agent) of the building or work and shall contain at least the following:
 - (1) Name and address of the owner; or
 - (2) Identification and/or description of the land on which the work is to be done.

- c. A copy of the application will be sent to the owner (or his or her authorized agent) by registered mail at the address set forth in the application for the permission of the construction of such building.
- d. Such application shall be accompanied by such documents, drawings, plans, (including plot plan) and specifications as the applicant shall deem adequate and appropriate for compliance with the local law or as the Enforcement Officer may require as being necessary or appropriate in his judgment. Applicant may confer with the Enforcement Officer in advance of submitting his application to discuss the Enforcement Officer's requirement for it.
- e. Any plans (including plot plan) or specifications which comprise a portion of the application, whether submitted subsequently upon requirement by the Enforcement Officer, shall be stamped with the seal of an architect or professional engineer or land surveyor licensed in this State and shall in all respects comply with Section 7209 of the Education Law of the State of New York as same may be amended from time to time.
- f. Applicant shall notify the Enforcement Officer of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any contained therein.

4. General Requirements.

- a. A building permit issued pursuant to this local law shall be prominently displayed on the property or premises to which it pertains.
- b. A building permit issued pursuant to this local law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any conditions attached to such permit, or if there has been misrepresentation or falsification in connection with the application for the permit.
- c. A building permit issued pursuant to the Local Law shall expire one (1) year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy) whichever occurs first. The permit may, upon written request, be renewed for successive one year periods provided that:
 - (1) The permit has not been revoked or suspended at the time the application for renewal is made;
 - (2) The relevant information in the application is up to date; and
 - (3) The renewal fee is paid.

5. Stop Work Orders: Whenever the Code Enforcement Official has reason to believe that the work on any building or structure in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of the

application, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owners agent, to suspend all work and suspend all building activities until the stop work order has been remedied. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by registered mail at the address set forth in the application for the permission of the construction of such building.

§ 710. FEES.

1. A fee schedule shall be established, and changed as needed, by resolution of the Village Board of Trustees. Such fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for safety inspections.

§ 711. CERTIFICATE OF OCCUPANCY.

1. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Code Enforcement Officer.
2. No building hereafter enlarged, extended, or altered, or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a certificate of occupancy shall have been issued.
3. No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.
4. When, after inspection, it is found that the proposed work has been completed in accordance with the applicable laws, ordinances, rules and regulations, and also in accordance with the application, the Code Enforcement Officer shall issue a certificate of occupancy. If it is found that the proposed work has not been properly completed, the Code Enforcement Officer shall not 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.
5. A certificate of occupancy shall be issued where appropriate, within thirty (30) days after written application therefore is made.
6. The certificate of occupancy shall acknowledge that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances, rules and regulations, and shall specify the use of uses and the extent therefore to which the building or structure or its several parts may be put to use.
7. Upon request, the Code Enforcement Officer may issue a temporary certificate of occupancy for building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such-portions as have been completed may be occupied safely without endangering life or public health and welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding more than three (3) months from its date of issuance. For good causes the Code Enforcement Officer may

allow a maximum of two (2) extensions for periods not exceeding three (3) months each.

§ 712. FIRE PREVENTION AND SAFETY INSPECTIONS.

1. Work for which a building permit has been issued under this local law shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating-and air conditioning. It shall be the responsibility of the owner, applicant, or his agent to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection.
2. Existing buildings not subject to inspection under [Section 701] shall be subject to periodic inspections for compliance with the Uniform Code in accordance with the following schedule:
 - a. All areas of public assembly defined in the Uniform Code, all buildings or structures containing areas of public assembly and the common areas of multiple dwellings, at least once per year, where the tenants of occupied dwelling units allow, the inspection may include such units.
 - b. One and two family rental homes will be inspected upon vacancy and prior to re-occupancy unless owner occupied or occupied by an immediate family member of the owner, or a minimum of at least once every two years.
 - c. Multiple dwellings upon vacancy and prior to re-occupancy, or a minimum of at least once every two (2) years. The Code Enforcement Official will establish a standard procedure for determining which is appropriate.
 - d. If a rental unit has previously been inspected by another comparable agency and that agency issues a certificate of compliance, said certificate will be accepted by the Code Enforcement Official in lieu of another inspection by the Village.
 - e. In addition, an inspection may be performed:
 - (1) At the request of the owner, authorized agent, or tenant;
 - (2) Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exist; or
 - (3) Other reasonable and reliable information that such a violation exists.

§ 713. RENTAL PERMITS.

1. Owners and lessors, or their respective agents, of rental housing units shall (within one year after the effective date of this local law or within ninety (90) days from the mailing date of registration forms by the Code Enforcement Officer or the Village Clerk), file with the Code Enforcement Officer on the registration forms the following information:
 - a. The name and addresses of the owner and lessor, and of their respective agents, upon whom violation- orders may be served.

- b. A description of the property, by street and number or otherwise, as will enable the Code Enforcement Officer to locate the same.
 - c. Such other appropriate information as may be required, including, but not limited to:
 - (1) Number of units;
 - (2) Number and type of units;
 - (3) Schematic diagram of typical floor layout of the units; or
 - (4) Appropriate designations and identifications of the rooms.
- 2. Rental permits will be issued pursuant to satisfactory completion of a housing maintenance inspection. Biannual inspections must be conducted before the end of the calendar month in which the expiring permit was issued.
 - 3. No rental unit may be occupied until and unless a rental permit has been issued and is in full force. It shall be unlawful and a violation of this chapter for any owner, managing agent or person in possession of a rented dwelling unit, apartment or tenement to let or allow the re-occupancy of said dwelling unit, apartment or tenement without having obtained, prior to said rental or re-occupancy, a residential occupancy permit. Furthermore, it shall be unlawful for any occupant of a rented dwelling unit, apartment or tenement to violate any of the provisions of this chapter relating to said occupancy.
 - 4. Existing conditions not in strict compliance with this local law shall be reviewed by the Code Enforcement Officer on a case by case basis and shall be permitted to continue when the Code Enforcement Officer finds that the exceptions do not constitute a hazard to life, health, or property. He or she may grant an extension to said owner with the written permission of the Mayor for a period not to exceed six (6) months.

§ 714. DEPARTMENT RECORDS AND REPORTS.

- 1. The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by him or her, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him or her with the consent of the Village Board of Trustees, and notices and orders issued. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least a minimum time period so required by State law and regulation.
- 2. The Code Enforcement Officer shall annually submit to the Village Board of Trustees a written report and summary of all business conducted by the Building Department, including approvals, permits and certificates issued, fees collected, and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.

§ 715. PERMITS.

- 1. Issuance and Specification: Upon payment of a fee hereinafter set forth in this section, permits shall be issued by and bear the name and signature of the Code Enforcement

Officer of the Village of Hoosick Falls and shall specify:

- a. The activity or operation for which the permit is issued;
 - b. The address or location where the activity or operation is to be conducted;
 - c. The name and address of the permit holder;
 - d. The permit number and date of issuance; and
 - e. The period of permit validity.
2. Transfer and Change of Permit: Permits shall not be transferable and any change in activity, operation, location, or use shall be cause for a new permit.
 3. Revocation of Permit: Permits shall continue for the period of time designated at the time of issuance, unless revoked for good cause.
 4. Permits shall be obtained for the following:
 - a. Acetylene generators: To operate an acetylene generator having a calcium carbide capacity exceeding five (5) pounds.
 - b. Bowling establishments: For bowling pin refinishing and bowling lane resurfacing operations involving the use and application of a flammable or combustible liquid or material.
 - c. Cellulose nitrate motion-picture film: To store or have on hand more than twenty-five (25) pounds of cellulose nitrate motion picture film.
 - d. Cellulose nitrate plastics (pyroxylin):
 - (1) To store, keep or have on hand more than twenty-five (25) pounds of cellulose nitrate plastics (pyroxylin).
 - (2) To manufacture articles of cellulose nitrate plastics (pyroxylin) which shall include the use of cellulose nitrate plastics in the manufacture or assembling of other articles.
 - e. Combustible fibers: To store, handle or use combustible fibers in quantities in excess of one hundred (100) cubic feet, except agricultural products on a farm.
 - f. Combustible materials: To store combustible materials, including but not limited to empty combustible packing cases, boxes, barrels or similar containers, rubber tires, baled cotton, rubber, cork, or other similar material in excess of two thousand five hundred (2,500) cubic feet volume, on any premises.
 - g. Compressed gases: To store, handle or use at normal temperatures and pressures more than:
 - (1) Two thousand (2,000) cubic feet of flammable compressed gas.
 - (2) Six thousand (6,000) cubic feet of non-flammable compressed gas.
 - h. [Hydrogen Gas:] To store, handle or use any quantity of liquefied natural or hydrogen

gas.

- i. Cryogenics: To store, handle or use cryogenic fluids, except cryogenics used as motor fuel stored in motor vehicle tanks as follows:
 - (1) Production, sale or storage of cryogenic fluids.
 - (2) Storage or use of flammable cryogenic fluids, cryogenic oxidizers or liquefied oxygen in excess of ten (10) gallons.
- j. Dry cleaning plants: To use in excess of four (4) gallons of solvents or cleaning agents classified as flammable or combustible.
- k. Dust producing plants: To operate any grain elevator, flour, starch or feed mill, woodworking plant or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur or other materials producing explosive potential dust.
- l. Explosive ammunition and blasting agents:
 - (1) Those individuals who manufacture and store for the purpose of resale.
 - (2) To use explosives or blasting agents.
 - (3) To operate a terminal for handling explosives or blasting agents.
- m. Fire alarm system: To install any fire alarm system that will transmit a signal to the Fire Department, Police Department or central answering station.
- n. Flammable and combustible liquids:
 - (1) To store, handle, or use flammable liquids in excess of six and one-half (6.5) gallons inside dwellings; or in excess of ten (10) gallons inside any building or other occupancy; or in excess of sixty (60) gallons outside any building; This provision shall not apply to liquids in the tank of a motor vehicle, aircraft, portable or stationary engine, boat or portable heating plant; or to paints, oil, varnishes or similar flammable mixtures when such liquids are stored for sale, painting, maintenance, or similar purposes.
 - (2) To store, handle or use flammable liquids in excess of twenty-five (25) gallons inside a building or in excess of sixty (60) gallons outside a building. This provision shall not apply to fuel oil used in connection with oil burning equipment.
 - (3) A permit shall be obtained for the initial installation of an oil burner and fuel tank used in connection therewith. A permit shall be required for the replacement of a fuel oil tank connected to an oil burner.
 - (4) For processing, blending or refining of flammable or combustible liquids.
- o. Flammable finishing: For spraying, coating or dipping operations that utilize flammable or combustible liquids.
- p. Fumigation and thermal insecticidal fogging: To conduct fumigation or thermal insecticidal fogging operations.

- q. Hazardous chemicals:
 - (1) To store, handle or use more than fifty-five (55) gallons of corrosive liquids; or more than fifty (50) pounds of oxidizing materials; or more than fifty (50) pounds of nitromethane; or one thousand (1,000) pounds or more of ammonium nitrate, ammonium nitrate fertilizer mixtures containing sixty percent (60%) or more ammonium or any other amount of toxic material or poisonous gas.
 - (2) To store, handle or use any quantity of air-reactive, water-reactive, or unstable materials.
 - r. Liquified petroleum gas: For each installation of liquified petroleum gas employing a container or aggregate of interconnected containers of five hundred (500) gallons or more water capacity and for each permanent installation, irrespective of size of the container, made at buildings in which twenty (20) or more persons, congregate for civic, political, social, educational, religious or recreational purposes. Installers shall maintain a record of all installations and for replacement of portable cylinders and have it available for inspection.
 - s. Lumber yards: To operate a lumber yard.
 - t. Magnesium: For melting, casting, heat treating, machining or grinding of more than ten (10) pounds magnesium per working day.
 - u. Matches:
 - (1) To manufacture matches.
 - (2) To store matches in excess of twenty-five (25) cases. (NOTE: One (1) case equals one (1) matchman's gross of fourteen thousand four hundred (14,400) matches.).
 - v. Ovens and furnaces: To operate industrial processing oven and furnaces operating at approximately atmospheric pressures and temperatures not exceeding one thousand four hundred degrees Fahrenheit (1,400 F) which are heated with oil or gas fuel or which during operations, contain flammable vapors from the material in the oven or catalytic combustion system.
 - w. Service stations and repair garages: To operate a service station or repair garage.
 - x. Welding and cutting: To operate a welding and cutting business. A record of all locations where welding and cutting operations are performed shall be maintained and kept available for inspection by the permit holder.
- 5. Consolidated permits: When more than one (1) permit is required for the same property or premises, a single permit may be issued listing all materials or operations covered. Revocation of a portion or portions of such consolidated permit, for specific hazardous material or operations, shall not invalidate the remainder.
 - 6. Location of Permits: Permits shall be kept on the property or premises covered by the permit and carried by the permit holder.

7. Revocation of permits: Permits may be suspended or revoked when it is determined that there is a violation of a condition under which the permit was issued or that there has been a misrepresentation or falsification of material facts in connection with the permit application or a condition of the permit.
8. Permit fees: Except as to bulk storage permit fees and flammable liquid transport vehicle permit fees, provided for below, whenever the code provides or requires the issuance of a permit, application therefore shall be made to the Code Enforcement Officer. Upon the filing of this application, a fee in the amount of five dollars (\$5.00) shall be paid to the Village Clerk.
 - a. Bulk storage fees:
 - (1) For the first fifty thousand (50,000) gallons: 10 dollars (\$10.00).
 - (2) For each additional one hundred thousand (100,000) gallons: three dollars (\$3.00).
 - b. Flammable liquid transport vehicle fee: five dollars (\$5.00).
9. All such permits as herein required, with the exception of fire alarms, shall be valid for a period of one (1) year and shall be renewed yearly upon application therefore, and the payment of the permit fee herein required.

§ 716. PENALTIES FOR OFFENSES.

1. Any person who shall willfully fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance herewith and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent, or their agents, or any other person taking part in assisting in the construction or use of the building who shall violate any of the applicable provisions of this chapter, or any lawful order, notice, directive, permit or certificates of the Code Enforcement Officer made there-under or in addition to any other penalties provided for in this chapter, any person who shall violate any of the provisions of this chapter, the Uniform Code, any rules or regulations adopted pursuant to this chapter or who shall violate or fail to comply with any order made there-under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there-under, shall severally for each and every such violation be guilty of a misdemeanor punishable by a fine of not less than fifty (50) dollars nor more than two hundred fifty dollars (\$250.00), or by imprisonment for not more than thirty (30) days, or both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue; and all such violations or defects within a reasonable time; and when not otherwise specified, each day that the prohibited condition(s) or violation(s) continues shall constitute a separate offense. The imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.
2. An action or proceeding in the name of the Village of Hoosick Falls, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, rule or regulation adopted pursuant to this chapter or a violation order, or to vacate the occupancy

or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

§ 717. RENTAL PROPERTY GENERAL REQUIREMENTS.

1. All landlords must register with the Village of Hoosick Falls within thirty (30) days of the date of mailing of yearly real estate tax bills. Upon adoption of this chapter initial registration will begin as soon as practicable after this Local Law is effective.
2. It is the responsibility of the property owner to register any rental property or properties. Failure to do so constitutes a violation of these regulations and is subject to the penalties set forth herein.
3. All absentee landlords must have a resident agent for each rental unit.
4. All rental properties will be inspected at minimum of at least once every 2 years. The Village Board of Trustees in consultation with the Code Enforcement Officer may opt to inspect more or less frequently based on the conditions of the housing stock. The Village Board of Trustees may consider the passage of time, the condition of the building to be inspected, and the condition of the surrounding neighborhood and community.
5. The property owner must correct any substandard condition identified during an inspection before a rental permit shall be issued.
6. No housing unit shall be let, rented, or occupied by someone other than the owner or his immediate family until a rental permit has been obtained for that unit. However, no rental permit shall be required for units which are let or rented as of the effective date of this Local Law for such time as the tenant in possession of the residence as of the effective date of this Local Law shall remain in possession or residence.
7. The owner of a property constituting a rental unit shall register the same with the Village Clerk within thirty (30) days of the effective date of this Local Law on a form approved by the Village Board of Trustees, showing the address of the rental unit, the name and address of the owner and his or her resident agent, and the full name of the tenant in possession of the unit as of the effective date of this Local Law.
8. Absentee landlords must designate a resident agent for service of process. If that agent's residence should be moved during the yearly registration period, another agent must be designated for the duration of that period.

ARTICLE 8
VACANT DWELLING AND VACANT LAND

[HISTORY: ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HOOSICK FALLS, ORIGINALLY ADOPTED AS PART OF "THE ZONING LAW, LOCAL LAW NO. 4 OF (DECEMBER) 1977, REPEALED AND REPLACED IN ITS ENTIRELY BY LOCAL LAW NO. 7 OF 1991, REPEALED AND REPLACED IN ITS ENTIRELY BY LOCAL LAW NO. 4 OF 2002.]

§ 801. TITLE.

1. This chapter [article] shall hereinafter be known and cited as the "Vacant Dwelling And Vacant Land."

§ 802. AUTHORITY.

1. This Local Law is hereby declared to be protective, preventive, and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes stated herein.

§ 803. PURPOSE.

1. If it is determined that by lack of maintenance and resulting progressive deterioration, the condition of certain properties has the effect of creating blighting conditions and that, if the same are not curtailed and removed, these conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. Timely regulations and restrictions, as indicated in this Section, will prevent the creation of blighting conditions and the maintenance of neighborhood and property values. The enhancement of neighborhoods and the public health, safety and welfare would be protected and fostered.

§ 804. GENERAL REQUIREMENTS.

1. Compliance: Each dwelling used for human habitation, garages, and other outbuildings shall comply with the provisions of this Section, whether or not such dwellings or other structure shall have been constructed, altered, or repaired before or after enactment of this Section, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of said dwelling or other structure, or for the construction or repair of the same. It is the purpose of this Section to establish minimum standards for such dwellings, and this Section does not replace or modify standards otherwise established for the construction, repair, alteration, or use of any said dwellings or other structures.
2. Conditions of structure: Every foundation, floor, wall, building, door, window, roof, or other part of a building, shall be kept in good repair and capable of the use intended by its design, and any exterior pan or parts thereof subject to corrosion or deterioration, shall be kept well painted or otherwise provided with a protective treatment sufficient to prevent deterioration.
3. Condition of Property: All vacant land, lots, and premises, with or without buildings thereon, designed for residential purposes, shall be clean and free from garbage, rubbish, and debris, as well as unsightly natural growth, and from any and all conditions which might result in a hazard to safety. All grass, hedges, and shrubbery shall be kept trimmed and shall not be permitted to become overgrown and unsightly. All fences surrounding vacant or occupied lands, herein described, shall be kept in good repair.
4. Determinations of Code Enforcement Officer: For the purpose of this Section, the Code Enforcement Officer may determine that a building or the surrounding property or vacant land, as herein described, is injurious to the health and safety of the occupants thereof, or of

neighboring buildings of other residents of the Village; such conditions may include, but without limiting the generality of the foregoing, dilapidation, disrepair, uncleanness, or conditions deleterious to the well-being of the general public with reference to vacant land not properly maintained by this Section.

§ 805. PENALTIES FOR OFFENSES.

1. Every person who shall fail to comply with the provisions of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for the first offense; a fine of not less than two hundred fifty dollars (\$250.00) nor more than four hundred dollars (\$400.00) and/or seven (7) days in jail for the second offense; and a fine of not less than four hundred dollars (\$400.00) nor more than seven hundred and fifty dollars (\$750.00) and/or 15 days in jail for a third or subsequent offense.
2. Each day that a violation continues shall be deemed a separate offense, except that the penalties shall be the same each consecutive day the first day of said violation if the Code Enforcement Officer finds that a building is unfit for habitation, use or occupancy, and/or he or she finds that conditions exist in such building which are dangerous or injurious to the health or safety of person occupying or using the same or neighboring buildings or to other residents of the Village.
3. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident or calamities; lack of adequate ventilation, light, or sanitation facilities; dilapidation; deterioration, disrepair; structural defects; uncleanness; or failure to comply with standards established by this Article.

§ 806. CHARGES AND HEARING.

1. Filing a Petition: Whenever a petition is filed with the Code Enforcement Officer by a public authority or by at least five (5) residents of the Village charging that any building is unfit for human habitation or occupancy or use, or whenever it appears to the Code Enforcement Officer that any building is unfit for human habitation or occupancy or use, the Code Enforcement Officer shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, managing agent, or occupant of such building a complaint stating the charges in that respect, and containing a notice that a hearing will be held before the Village Court or other court of competent jurisdiction not less than ten (10) days nor more than thirty (30) days after serving of said complaint, appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.
2. Failure of Owner to Comply with Order to Repair or Vacate: If the owner fails to comply with an order requiring him or her to repair, alter or improve, or at his or her option, to vacate and close the building, the Code Enforcement Officer may cause such building to be repaired, altered or improved, or to be vacated and closed, and may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the occupation of this building is prohibited and unlawful."

3. Failure of the owner to comply with an order to remove or demolish: If the owner fails to comply with an order to remove or demolish the building, the Code Enforcement Office may cause such building to be removed or demolished, or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids thereof.
4. Lien on Real Property by the Village.
 - a. The amount of the cost of the filing of legal papers, expert witnesses fees, search fees, and advertising charges incurred in the course of any proceedings taken under this Article, together with the cost of any such repairs, alterations, or improvements, or vacating and closing or removal and demolition, if any, undertaken pursuant to this Article, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of the materials derived from such building or from any contract for removal or demolition thereof, shall be a lien against the real property upon which such cost was incurred and be levied by the Village on the real property taxes of said premises.
 - b. If a building is removed or demolished by the Village, it shall sell the materials of such building, if possible. There shall be credited against the cost of the removal or demolition thereof the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits, or if the sum of such costs exceeds the total of such credits, a detailed statement (herein called the Village Lien Certificate) of the aforesaid costs and the amount so due shall be filed by the Code Enforcement Officer with the Treasurer of the Village, and a copy thereof shall be forwarded by the Code Enforcement Officer to the owner by registered mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited with the Village Treasurer, shall be secured in such a manner as may be directed by the Court and shall be disbursed according to the Order of Judgment of the Court to the persons found to be entitled thereto by final order or judgment of such Court; provided, however, that nothing contained in this Article shall be construed to limit or impair in any way the power of the Village to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. Any owner or party in interest may, within sixty (60) days from the date of the filing of the Village Lien Certificate, proceed in at summary manner in the Village Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the Village Lien Certificate.
5. Certificate of Necessity.
 - a. Where any owner, operator or occupant is required to make repairs or otherwise improve his or her property and is unable to comply with this Article without having a right of access to the premises through or across adjoining premises not owned by him or her or under his or her control, and where right to access has been refused such owner, operator or occupant required to make such repair, or where the owner, operator or occupant empowered to grant such access cannot be found or located, then upon the filing of an affidavit by such owner, operator or occupant with the Code Enforcement Officer, setting forth the facts and applying for a Certificate of Necessity, the Code Enforcement Officer shall serve written notice of a hearing on said application upon the applicant for such Certificate and upon the owner or person

empowered to grant such access.

- b. Said notice of hearing shall state the matters to be considered at said hearing and shall be served in the manner prescribed for the service of complaints and orders by the Civil Practice Law and Rules of New York State. However, the Code Enforcement Officer shall be required to record or lodge a copy of such notice with the county recording officer of the County of Rensselaer.
 - c. At least ten (10) days notice of such hearing shall be given when the address of the owner or person empowered to grant such access is known. If such address is unknown or cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence, at least thirty (30) days notice thereof shall be given, calculated from the date of the first newspaper publication thereof.
 - d. On the day fixed for hearing, the Code Enforcement Officer shall provide opportunity for the owner or person empowered to grant such access to state why such access should not be granted.
 - e. If the Code Enforcement Officer determines that such access is necessary to accomplish or complete repairs or improvements for compliance with this Article, then the Code Enforcement Officer shall issue a Certificate of Necessity granting and ordering access and setting forth the person or persons to whom the certificate shall apply, such conditions as shall be necessary to protect adjoining property, reasonable time limits during which certificate shall operate, precautions to be taken to avoid damage and where the Code Enforcement Officer deems proper, that a bond be procured at the expense of the person seeking such access to secure adjoining property owner against damage to persons on property arising out of such right of access. The set amount of bond shall take into consideration the extent, nature and duration of the repairs and improvements, the proximity thereof to the premises over which access has been sought and the potential risk of damage thereto. Said bond, if required, shall be filed with the Village Clerk.
6. Refusal to comply with certificate. Any refusal to comply with a certificate issued hereunder, or any interference with the purpose for which a certificate is issued, shall be a violation of this Article and in addition to the penalties provided hereunder, the Code Enforcement Officer may, upon affidavit, setting forth the facts, apply to the Village Court or any other court of competent jurisdiction for a warrant authorizing access and, if the Court is satisfied as the matters set forth in said affidavit, he or she shall authorize the issuance of a warrant permitting access.