

# **Town of Duanesburg Zoning Ordinance**

Adopted 12/13/001

## SECTION 1

### TITLE AND PURPOSE OF ORDINANCE

#### 1.1 Title

This ordinance shall be known as "The Town of Duanesburg, N. Y. Zoning Ordinance".

#### 1.2 Purpose

This ordinance is enacted in order to promote the health, safety, morals and general welfare of the Town of Duanesburg by dividing the Town into Districts and by regulating and restricting the location, construction and use of buildings and structures, and the use of land in these Districts. It is hereby declared to be the specific intent and purpose of this ordinance to preserve wherever possible the natural beauty and ecology of forests, streams, watercourses and bodies of water and to preserve the rural character of the Town. This ordinance shall be construed, interpreted and applied in accordance with the fulfillment of these purposes and in compliance with the latest approved version of the Comprehensive Plan adopted 1991, Resolution 154-91.

This amendment is a compilation of the original Ordinance, (adopted on May 31, 1984), updated to include all revisions up to and including this change effective 12/31/2001.

The Town Board of the Town of Duanesburg, County of Schenectady, under authority of Town Law of the State of New York hereby ordains, enacts, and publishes as follows:

## SECTION 2

### ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

#### 2.1 The Town is divided into the following districts:

1) **Higher Density Residential (R-1)**

Smaller lots may be approved within the boundaries of any sewer district, but outside the boundaries of any hamlet or village or Lake (L-1) zoning district within that sewer district. (See Section 6)

2) **Lake (L-1).**

This district is made up of properties surrounding and abutting a lake. (See Section 7)

3) **Agricultural and Residential (R-2)**

Areas are not likely to be served by public water and sewerage require large residential lots. (See Section 8)

4) **Hamlet (H)**

Hamlets are intended to develop as residential/retail business areas. Development should be in character with the historic nature of the hamlet and may be limited by availability of water and sewerage. (See Section 9)

5) **Mobile Home Park District (MP)**

Housing alternatives must be available to meet the diverse needs of the Town's residents. Such areas should be well designed and maintained so as not to affect the character of the neighborhood or the values of existing properties. (See Section 10)

6) **Commercial (C-1)**

The Comprehensive Plan specifies that commercial zones should be deep, affording the opportunity for development of off-highway centers which could share common entrances and exits, thereby minimizing the interruption of traffic on high volume roads. Strip development is discouraged. (See Section 11)

7) **Manufacturing & Light Industrial (C-2)**

The use of performance standards through the Special Use Permit procedure make it possible to accommodate light industrial development while protecting the adjoining properties. (See Section 12)

## **SECTION 3**

### **APPLICATION OF ORDINANCE REGULATIONS AND DEFINITIONS**

#### **3.1 WORD USAGE**

The present tense shall include the "future"; the singular number shall include the "plural", and the plural the "singular". The word "shall" is always mandatory. The term "person" includes a corporation, or any other legal entity. The term "lot" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used, or occupied".

#### **3.2 CONFORMITY WITH REGULATION REQUIRED**

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

#### **3.3 BUILDING PERMIT REQUIRED**

No building or structure shall be excavated for, erected, added to, or structurally altered until a building permit has been issued, as specified in Section 14.3, signifying that the building or structure and proposed use thereof complies with the provisions of the ordinance. A permit is required for construction or repair of a septic system.

### **3.4 CERTIFICATE OF OCCUPANCY OR COMPLIANCE**

No building or structure that was erected or added to or structurally altered in accordance with the issued Building Permit shall be occupied without the issuance of a Certificate of Occupancy or Compliance by the Uniform Code Enforcement Officer as specified in Section 14.4.

### **3.5 DEFINITIONS**

The following definitions shall apply to this Ordinance:

- 3.5.18 Building.** A structure wholly or partially enclosed within exterior or party walls and a roof designed to shelter persons, animals or property.
- 3.5.30 Certificate of Occupancy.** A certificate issued by the Uniform Code Enforcement Officer which states that the building is in compliance with all codes and zoning requirements.
- 3.5.68 Industrial, Heavy.** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions subject to performance standards determined by the Planning Board in a manner that does not produce odor, dust, smoke, noise, gas, fumes, cinders, vibration, glare or liquor or solid wastes which is offensive as determined by normally accepted standards.
- 3.5.69 Industrial, Light.** A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.
- 3.5.89 Nonconforming Use.** The use of a building, structure or land existing at the time of enactment or amendment of this Ordinance and which does not conform to the regulations of the district or zone in which it is situated.
- 3.5.90 Nonconforming Building, Structure.** An established building structure, lawful prior to and at the time of the adoption of this Ordinance or its Amendment which, because of its inherent nature or construction, does not conform with the provisions of this Ordinance for the district in which it is located.
- 3.5.94 Outside Storage of Material.** The unenclosed placement or deposition of natural or man-made objects or materials for future use.

**3.5.99 Principal Use.** The use that is primary and dominant to the lot.

**3.5.126 Uniform Code Enforcement Officer.** See Section 14.2.

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

**3.5.128 Use Variance.** See Section 14.5.2 A.

The NYS Building and Fire Prevention Code is adopted for all terms undefined in this Ordinance.

## **SECTION 4 NONCONFORMING USES**

### **4.1 EXISTING USES**

Except as hereinafter provided, the lawful use of any building, structure or land not contrary to laws or ordinances heretofore in effect, existing at the time of the enactment of this Amendment may be continued although such use does not conform with the provisions of this Amendment.

**4.1.1** Any natural production use, such as the excavation for, and sale or exchange or for commercial, industrial, or municipal use, sand, gravel, clay, shale, or other natural deposit or the quarrying of any kind of rock formation, must be reported to the Planning Board within ninety (90) days of enactment of this Amendment. Such mining must be conducted in accordance with such safeguards as the Planning Board and NYS DEC may deem necessary.

### **4.2 CHANGES IN BUILDING OR USE**

**4.2.1 Unsafe Buildings.** Any buildings or portion thereof containing a nonconforming use, which has been declared unsafe by any authority having jurisdiction over that structure, may be restored to a safe condition or demolished.

**4.2.2 Restoration.** Any building damaged by fire or other causes may be restored or rebuilt for the same nonconforming use, provided the area and cubic content of the building is not increased.

**4.2.3 Alterations.** A nonconforming building shall not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost one-half the replacement value of the building

unless said building is changed to a conforming use. In no event shall more than one (1) alteration be permitted unless said use is changed to a conforming use.

- 4.2.4 Extension.** A nonconforming use shall not be extended except by use variance. The extension of a lawful use to any portion of a nonconforming building that existed prior to the enactment of this Amendment shall not be deemed the extension of such nonconforming use.
- 4.2.5 Displacement.** No nonconforming use shall be extended to displace a conforming use.
- 4.2.6 Abandonment.** No nonconforming use which shall have ceased for a period exceeding one year shall be resumed except by use variance.
- 4.2.7 Changes.** A nonconforming use shall not be changed to another nonconforming use. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to a nonconforming use except by use variance.

**4.3 CONSTRUCTION APPROVED PRIOR TO ORDINANCE**

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been previously issued and building constructed according to plans, prior to the effective date of this Ordinance or any amendment affecting such Permit. The entire building shall be completed within one year from the effective date of this Ordinance or any such amendment and in accordance with such plans as originally filed.

**4.4 DISTRICT CHANGES**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing after such change.

## SECTION 5 DISTRICT REGULATIONS IN GENERAL

### 5.1 USE REGULATIONS

**5.1.1 Permitted Uses.** Permitted uses of land and buildings in this chapter shall be permitted in the districts indicated under the conditions specified. No building or tract of land shall be devoted to any use other than any uses permitted within the zoning district in which such building or tract of land is located, with the exception of the following:

- 1) Except as herein provided, uses lawfully established prior to the effective date of this Amendment.
- 2) Special use and use variance permitted in accordance with the provisions of this Amendment.

**5.1.2 Special Uses.** Special uses, as herein listed, may be permitted in the zoning district indicated, subject to the issuance of special use permits and site plan approval. Procedure is established in Section 14.6.2.

**5.1.3 Non-conforming Uses.** See Section 4.

**5.1.4 Temporary Uses.** Temporary uses are permitted by special use permit if such use requires a permit in the district in which the use is to take place.

**5.2.2 Business and Industrial Accessory Uses.** Accessory parking and loading and accessory buildings or structures incidental to the principal use may be permitted in the business and industrial districts subject to Special Use Permit and within setbacks.

### 5.3 LOT REQUIREMENTS

**5.3.1 Lot Size in General.** Lot size requirements shall be as specified under each zoning district. No building or structure shall be constructed or converted so as to conflict with the lot size requirement of the district in which such building or structure is located.

**5.3.2 Lot Coverage.** Lot coverage shall not exceed the maximum specified in this Article.

## **SECTION 11 COMMERCIAL (C-1)**

The Comprehensive Plan specifies that commercial zones should be deep, affording the opportunity for development of off-highway centers which could share common entrances and exits, thereby minimizing the interruption of traffic on high volume roads. Strip development is discouraged.

### **11.1 PERMITTED USES**

- 1) Home occupations, (Subject to public hearing and site plan review by the Zoning Board of Appeals). (see 14.5.4)

### **11.2 USES PERMITTED BY SPECIAL USE PERMIT**

- 1) Municipal parks and playgrounds.
- 2) Roadside stands.
- 3) Retail or wholesale stores or shops.
- 4) Churches and other places of worship.
- 5) Federal, state, county or town municipal buildings.
- 6) Funeral Homes.
- 7) General Offices.
- 8) Post Offices.
- 9) Professional Offices.
- 10) Banks.
- 11) Gasoline and Automobile Service Stations.
- 12) Shopping Centers.
- 13) Bowling Alleys.
- 14) Hotel or motels.
- 15) Restaurants.
- 16) Theater or concert halls.
- 17) Amusement parks.
- 18) Campgrounds.
- 19) Single and two family dwellings.
- 20) Public utility uses (See Transmission Tower Ordinance).
- 21) Bars or nightclubs.
- 22) Barber shops and Beauty shops.
- 23) Firehouses and Ambulance buildings
- 24) Clubs and organizations, including, but not limited to Health Clubs, exercise gymnasiums, thereby allowing the same by special use permit within the C-1 District in the Town.(Amended April 13, 206, Resolution #81-06.

### **11.3 MINIMUM LOT SIZE DIMENSIONS**

- 1) Minimum lot area shall be 43,560 square feet.
- 2) Minimum lot width shall be 150 feet.
- 3) Minimum lot depth shall be 200 feet.



- 4) Maximum lot coverage shall be 35%.

#### **11.4 MINIMUM BUILDING SETBACK DIMENSIONS**

- 1) Minimum front setback shall be 70 feet.
- 2) Minimum side setback shall be 20 feet.
- 3) Minimum side setback on a corner lot shall be 70 feet.
- 4) Minimum rear setback shall be 50 feet.

#### **11.5 MAXIMUM BUILDING HEIGHTS**

- 1) Maximum building height shall be three (3) stories not exceeding 42 feet.

### **SECTION 12 MANUFACTURING & LIGHT INDUSTRIAL DISTRICT (C-2)**

The use of performance standards through the Special Use Permit procedure make it possible to accommodate light industrial development while protecting the adjoining properties.

#### **12.1 PERMITTED USES**

- 1) Home occupations, (Subject to site plan review by the Planning Board). (see 14.6.3)

#### **12.2 USES PERMITTED BY SPECIAL USE PERMIT**

- 1) Manufacturing and Light Industrial.
- 2) Warehouses and Storage Units.
- 3) Health Care Facilities.
- 4) Wholesale / Retail Stores and Shops.
- 5) Utilities, (See Transmission Tower Ordinance).
- 6) Firehouses and Ambulance buildings
- 7) All uses permitted by Special Use Permit in Commercial District. (Section 11.2)

### **SECTION 13 SUPPLEMENTARY REGULATIONS**

#### **13.1 USES PERMITTED**

- 13.1.1 Business Directional Signs.** A permanent directional sign not more than five (5) square feet in area, containing only the name of the establishment having goods and services for

sale and directional guidance. A sign permit is required. Permission from the property owner is required.

**13.1.2 Natural Production Uses.** There may be allowed upon Special Use Permit issued by the Planning Board and, subject to such conditions and safeguards as deemed necessary by said Board, the excavation for, and sale or exchange or for commercial, industrial, or municipal use, sand, gravel, clay, shale, or other natural deposit or the quarrying of any kind of rock formation. (May be subject to New York State Mining Regulations.)

**13.1.3 Uses Prohibited.** Certain uses may be prohibited by the Planning Board or Zoning Board of Appeals where use is or is likely to be noxious or offensive by reason of the emission of odor, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light or injurious to public health, safety or the general welfare.

**13.5.7 Commercial District (C-1) Sign Regulations.**

- 1) Where one business occupies a building, two business signs will be permitted. One sign shall be flush with and connected to the building and shall not exceed twenty (20) square feet in area. The other may be a free standing sign of not more than thirty (30) square feet in area, and shall not stand higher than ten (10) feet to the highest point of the sign, or a pole sign shall be limited to a maximum height of 25 feet above ground level.
- 2) Where more than one business occupies a building, one sign of not more than twenty (20) square feet may be mounted on the building. The sign shall be flush with, and connected to the building. One free standing sign shall be permitted for each principal business in the building, and shall not be more than ten (10) square feet in area. Each sign may be used to identify any or all businesses in the building. Any free standing sign shall not be higher than ten (10) feet to the highest point of the sign.

**13.5.8 Light Industrial District (C-2) Sign Regulations.**

- 1) An owner or occupant may maintain a detached identification sign having an aggregate total face area of not more than 80 square feet and not more than ten (10) feet in height, provided such sign shall be designated as part of a comprehensive site and landscape plan and such sign shall be placed not closer than ten (10) feet from any property line. A pole sign shall be limited to a maximum height of twenty-five (25) feet above ground level.
- 2) Directory signs listing occupants of individual buildings may be installed on the front lawn appurtenant to such building not closer than five (5) feet from the property line, provided such sign shall be designed as part of the site and landscape plan for such building and shall not exceed four (4) feet in height. Directional signs indicating entrances, exits and parking facilities not exceeding four (4) square feet may be appropriately positioned.

**13.5.9 Projecting Signs.** Signs shall not project into a public right-of-way, nor have a clearance of less than ten (10) feet above the sidewalk or surrounding ground and less than fifteen (15) feet above any driveway.

## **SECTION 14**

### **ADMINISTRATION**

#### **14.1 INTERPRETATION AND APPLICATION**

In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the public health, safety, general welfare. If the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standards shall govern.

#### **14.2 UNIFORM CODE ENFORCEMENT OFFICER**

The Town Board shall appoint the Uniform Code Enforcement Officer who shall be charged with the general administration and the enforcement of this Ordinance and the executive administration of the New York Uniform Fire Prevention and Building Code. The Town Board shall fix the salary or remuneration of such office and shall provide for the payment thereof. The Town Board may also appoint a Deputy Uniform Code Enforcement Officer who shall be similarly empowered to act during the absence of or at the direction of the Uniform Code Enforcement Officer. It shall be the duty of the Uniform Code Enforcement Officer to:

1. Issue building permits and certificates of occupancy where compliance is made with the provisions of this Ordinance, and refuse to issue or revoke the same in the event of non-compliance. Prompt written notice of such refusal or the revocation of any permit and the reason therefore shall be given to the owner or occupant of the premises.
2. Keep the Zoning Board of Appeals and Planning Board advised of all matters, other than routine duties, pertaining to the enforcement of this law and keep all records necessary and appropriate to his office and to file them in the office of the Town Clerk, including records of all permits and Certificates of Occupancy or Compliance issued or withheld.
3. Refer appropriate matters to the Zoning Board of Appeals or the Planning Board for actions required by those Boards.
  - a) Refer applications for Home Occupation Business Permits to the Zoning Board of Appeals. With the Zoning Board of Appeal's approval, issue Home Occupation Business Permits with any conditions required by the Zoning Board of Appeals.
  - b) Refer applications for Special Use Permits to the Planning Board.
4. Schedule and conduct appropriate inspections on work sites.
5. Submit a report each month to the Town Board and Assessor enumerating the applications received, exceptions made and the action taken.
6. Initiate stop work orders and/or appropriate legal action on behalf of the Town to achieve enforcement of this Ordinance, Town Subdivision Regulations and the Uniform Fire Prevention and Building Code.
7. Maintain a list of special use permits granted after the enactment of this Ordinance.
8. Review all building permit applications for new construction or substantial improvements in

designated flood hazard areas and follow all FEMA rules and regulations. If a proposed building is in a flood hazard area, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (a) be designed (or modified) and anchored to prevent flotation, lateral movement, or collapse of the structure, (b) use construction materials and utility equipment that are resistant to flood damage, and (c) use construction methods and practices that will minimize flood damage: and require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

9. Refer all building permit applicants for permit activities impacting designated wetlands to the Region 4 Department of Environmental Conservation (DEC) office for pre-approval. No permits impacting on a designated wetland will be issued until cleared by DEC.
10. Issue summons to local Town Courts for violations of this Ordinance, Town Local Laws, and the Uniform Fire Prevention and Building Code. Such surveillance shall be the responsibility of the Uniform Code Enforcement Officer and he shall pursue these

violations

whether or not there has been a complaint, written or verbal.

### **14.3 BUILDING PERMITS**

1. Under this Ordinance, no building or structure shall be excavated for, erected, added to or structurally altered externally in the Town of Duanesburg until a permit therefore has been issued by the Uniform Code Enforcement Officer.
2. Additionally, in accordance with the NYS Uniform Fire Prevention and Building Code, a building permit is required for:
  - a) Internal alteration affecting structural integrity.
  - b) Alterations affecting fire safety features.
  - c) Alterations having a significant effect on electrical systems.
  - d) Installation of solid fuel-burning appliances.
  - e) Installation of swimming pools.
  - f) Installation of a mobile home.
  - g) Any one (1) story shed or garage larger than 144 square feet.
3. Building permits are not required for repairs to existing buildings or structures where no structural changes are involved.
4. All building permits will be issued through the office of the Uniform Code Enforcement Officer. Applications for all construction outlined in (1) above will be filed with the Uniform Code Enforcement Officer and from that point will follow one of three tracks:
  - a) For those permitted uses a building permit may be issued directly by the Uniform Code Enforcement Officer.
  - b) For those uses requiring a special use permit or use variance, the Uniform Code Enforcement Officer will refer the application to the appropriate Board. This Board, as a result of a project analysis, may establish certain conditions which must be met or

financially secured, to protect the Town before the project can be issued a permit by the Uniform Code Enforcement Officer.

- c) Lastly, for proposed uses not listed in any of the Districts, a Use Variance will be required for approval. In those cases the Uniform Code Enforcement Officer will forward the application first to the Zoning Board of Appeals for processing as a Use Variance. If the Zoning Board of Appeals finds the proposed use suitable and acceptable as a use variance, the proposal will then undergo a Site Plan Review by the Planning Board which may or may not impose conditions for design and construction. Following Site Plan Review, and appropriate authorization by the Planning Board a special use permit will be issued by the Uniform Code Enforcement Officer subject to condition(s) imposed.
- 2. There shall be submitted initially with all applications for building permits, two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon, the actual size and location on the lot of the building and accessory buildings to be erected, the general driveway location, and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. Additional copies may be required if the project requires a Site Plan Review.
- 6. One copy of a final layout or plot plan shall be returned to the applicant when approved by the Uniform Code Enforcement Officer, together with a building permit upon payment of a fee set by the Town Board.
- 7. Permits for building not on approved streets.
  - a) No permit for the erection of any building (except on existing private roads) shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official Town Map or Plan, or is there if no official Town Map or Plan, such street or highway is (1) an existing state, county or town highway, or (2) a street shown upon a plat approved by the Planning Board, and released for building, or (3) a designated rear lot (Not a subdivision) .
  - b) Where the enforcement of the provision of the section would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for such a permit may appeal from the decision of the Uniform Code Enforcement Officer to the Zoning Board of Appeals .
  - c) The same provisions are hereby applied to such appeals as are provided in cases of appeals on zoning regulations. The Zoning Board of Appeals will solicit an opinion and recommendation from the Planning Board related to conditions that will protect any future street or highway layout and the Town Comprehensive Plan. Any such decision shall be subject to review by the Supreme Court in the same manner and pursuant to the same provisions as in appeals from the decisions of such Board upon zoning regulations.
- 8. Building permits issued will be prominently displayed in a weatherproof covering on the plot involved.

#### **14.4 CERTIFICATE OF OCCUPANCY or CERTIFICATE OF COMPLIANCE**

1. Where a building permit is required, no building hereafter erected or relocated, and no addition to or structural alteration of any building, shall be used or occupied for any purpose until a Certificate of Occupancy or Certificate of Compliance shall have been issued stating that the building and proposed use thereof comply with the provisions of this Ordinance and the NYS Uniform Fire Prevention and Building Code. The Certificate of Occupancy or Certificate of Compliance shall be issued by the Uniform Code Enforcement Officer.
2. A Certificate of Occupancy or Compliance is required for each new use or change in use of any building. No such use or changed use of any building shall be undertaken and no such building shall be occupied for such use or changed use until a Certificate of Occupancy or Compliance shall have been issued stating that the building and proposed new use or change in use thereof complies with the provisions of this Ordinance.
3. A Certificate of Occupancy or Compliance shall be issued within ten (10) days after a structure is erected or added to, altered or relocated, or a proposed change in use of any building, shall be approved by the appropriate agency as complying with the provisions of this Ordinance. Any Certificate of Occupancy or Compliance voids any certificate of a prior date for the same premises.
4. A Temporary Certificate of Occupancy may be issued for a period of twelve (12) months, with the option of renewing said permit for another twelve (12) months, providing construction for a house is underway. The certificate will approve residency in a 20 x 24 foot or larger garage, a mobile home, RV, or basement or uncompleted home if proper sanitary facilities are provided for and it is intended to finish a house within 24 months. Such intent must be accompanied by sufficient evidence that such construction will be implemented. Any such temporary Certificate of Occupancy must be approved by the Zoning Board of Appeals.
5. No Certificate of Occupancy shall be required for periods of up to four (4) weeks in any calendar year for occupied visiting recreation vehicles temporarily parked upon the premises of a resident of the Town of Duanesburg.
6. Emergency Temporary Certificate of Occupancy.

The Uniform Code Enforcement Officer may issue an emergency temporary Certificate of Occupancy for the placement and use of a mobile home on premises, meeting district setbacks, whereon a residential structure in use as a residence has been substantially destroyed by fire or natural disaster and space on the premises is adequate to accommodate the mobile home and rebuilding activities. Said emergency temporary Certificate of Occupancy shall be valid for a period not exceeding one year from the date of the destruction of the applicant's residence, and shall not be extended or renewed without written approval of the Zoning Board of Appeals. The maximum extension to be one (1) additional year. The Uniform Code Enforcement Officer shall not issue said emergency temporary Certificate of Occupancy unless proof of adequate sanitary facilities is offered and will be installed by the applicant.
7. The Uniform Code Enforcement Officer will issue a mailing/911 address for each new occupied structure concurrent with or before issuing the Certificate of Occupancy. Address numbers for new structures on existing roads shall be obtained from the County

Communications Director/911 Coordinator so that the integrity of the numbering system based upon 1000 numbers per mile will be maintained. The Planning Board will establish and assign lot numbers for platted subdivisions on new roads. New road names should be coordinated with the County 911 Coordinator to avoid similar or same name streets that create confusion to emergency service agencies. In all cases, copies of the assignments will be provided to local fire and ambulance agencies, the appropriate Post Office and all local police, fire, and ambulance agencies.

## **14.5 ZONING BOARD OF APPEALS**

### **Establishment and Organization.**

A Zoning Board of Appeals is hereby created. Said Board shall consist of seven (7) members and two alternates who are residents of the Town of Duanesburg for a period of three (3) years prior to the effective date of appointment, and who are appointed by the Town Board, which shall also designate the chairperson. The five members first appointed shall serve respectively for terms of one year, two years, three years, four years and five years; thereafter each member appointed shall serve for five years. The two additional members appointed thereafter shall be first appointed for terms of two and four years respectively. Alternates shall serve for a period of two (2) years (See 14.7). The Board of Appeals shall prescribe the rules for the conduct of its affairs *not inconsistent with this Ordinance or with Section 267 of NYS Town Law*. Three successive absences from regular or special meetings or four meetings total in a calendar year will be considered cause for removal by the Town Board. The Zoning Board of Appeals shall have all the power and duties prescribed by the law and by this Ordinance.

**Meetings and Records.** *The meetings of the Board of Appeals shall be held at least once each month, at the call of the Chairperson and at such other times as the Board may determine.*

*All hearings of the Board of Appeals shall be open to the public to the extent provided in article seven of the public officers law. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.*

*Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board of Appeals shall be filed in the office of the town clerk within five business days and shall be a public record.*

**14.5.1 Interpretation.** Upon appeal from a decision by the Uniform Code Enforcement Officer, the Board of Appeals shall decide any questions involving the interpretation of any provision of this Ordinance including determination of the exact location of any district boundary, if there is uncertainty with respect to interpretation of the Ordinance.

**14.5.2 Variances.** Where there are practical difficulties or unnecessary hardships in the way of

carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals, to vary or modify in accordance with Paragraphs A) and B) below the application of any of the regulations or provisions of this Ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit and purpose of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. Two types of variances, use or area, may be granted with or without conditions by the Board.

- A) **Use Variance.** No such use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located;
1. ...that the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  2. ...that the alleged hardships relative to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
  3. ...that the requested use variance, if granted, will not alter the essential character of the neighborhood;
  4. ...that the alleged hardship has not been self-created.
- B) **Area Variance.** An area variance is one which addresses matters of practical difficulties in meeting the requirements of this Ordinance such as side lot distances, frontages, set backs, etc. In making its determination on an application for an area variance, the Board of Appeals must consider the following:
1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
  2. whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance.
  3. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
  4. whether the requested area variance is substantial.
  5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of an area variance.

#### **14.5.3 Procedure for Appeals.**

- 1) The Board of Appeals shall act in strict accordance with the procedure specified by law and this Ordinance. All applications for variances or interpretations shall be made to the Board of Appeals.
- 2) Every appeal or application shall refer to the specific provision in the Ordinance involved and shall exactly set forth the interpretation that is claimed, the use for which the special



consideration is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

- 3) Variances granted must be the minimum variance that will accomplish the purpose for which sought.
- 4) In granting any such variance, the Board may prescribe reasonable terms or conditions. As are directly related to and incidental to the proposed use of the property.
- 5) Reasons for granting or denying variances shall be fully set forth in the written findings supported by documentary evidence for or against.
- 6) Notices of public hearings, as required by law, shall be placed in the official newspaper designated by the Town at least five (5) days before the date of the said hearing.
- 7) At least ten (10) days prior to the date of public hearing as required by law, the clerk shall notify all property owners within 500 feet of the parcel where an area variance is proposed and all property owners within 1000 feet of a parcel where a use variance is proposed as measured in all direction from the property boundaries. The notice shall state the nature of the proposed variance and the place, date and time of the hearing.
- 8) The Zoning Board of Appeals shall comply with the provisions of the State Environmental Review Act under Article Eight (8) of the Environmental Conservation Law and its Implementing Regulations as codified in Title Six, part Six Hundred Seventeen of the New York codes, rules and regulations.
- 9) Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk and mailed to the applicant within five (5) business days.
- 10) Decisions by the Board of Appeals may be rendered immediately following the public hearing or in any event within sixty-two (62) days after the public hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- 11) The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant and forwarded to the Town Board, Planning Board, Assessor and the Uniform Code Enforcement Officer.

#### **14.5.4.2 Action and Timing.**

Within (62) sixty-two days of receiving the application the Board shall render its decision. The Board may approve, approve with conditions *or modifications*, *or it may disapprove*. Failure of the applicant to abide by the conditions established may result in the revocation of the permit.

#### **14.6 PLANNING BOARD**

**Establishment and Organization.** A Planning Board is hereby created. The Planning Board shall consist of seven members and two alternates (see 14.7), appointed by the Town Board, which shall also designate the Chairperson thereof, in such manner and for such terms as

provided by NYS Town Law. The Planning Board shall prescribe the rules for the conduct of its affairs not inconsistent with this Ordinance or with Section 271 of NYS Town Law. Three successive absences from regular or special meetings or four meetings total in a calendar year will be considered cause for removal by the Town Board. The Planning Board shall have all the power and duties prescribed by the law and this Ordinance.

**Meetings and Records.** The meetings of the Board shall be held at least once each month, at the call of the Chairperson and at other times as the Board may determine.

All hearings of the Board shall be open to the public to the extent provided in article seven of the public officers law. The Board shall keep minutes of its proceedings, showing the vote of each member upon every motion, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.

Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Planning Board shall be filed in the office of the town clerk within five business days and shall be a public record.

#### **14.6.1 Powers and Duties.**

- 1) While the Zoning Board of Appeals concentrates primarily on interpretation of this Ordinance, the granting of variances from this Ordinance, and interpretation of district boundaries, the Planning Board is focused broadly on review and approval of sub-divisions and commercial development, changes to streets and roads, development and maintenance of the Town Comprehensive Plan, town environmental reviews and *Special Use Permits and Site Plan Review as specified herein.*
- 2) The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article (8) eight of the Environmental Conservation Law and its implementing regulations as codified in Title (6) six, part (617) six hundred seventeen of the New York codes, rules, and regulations.
- 3) The Planning Board is authorized and empowered by the Town Board to approve Plats showing lots, blocks or sites, with or without streets or highways, and to approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk.
- 4) The Planning Board is authorized to review site plans submitted with applications for Home Occupation Business Permits. In its review, The Board may approve, or approve with conditions, or modifications, or it may *disapprove the application.*

**Site Plan Approval.** *The Planning Board is authorized and empowered by the Town Board to review, approve, approve with modifications or disapprove all sit plans as hereinafter designated.*

**Applicability.** *Site Plan approval is required in the Town of Duanesburg for:*

- a) *All uses requiring a Special Use permit*
- b) *Those uses listed in the zoning district as requiring Site Plan approval.*

**Sketch Plan.** *A sketch plan conference may 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 about the proposal prior to the preparation of a detailed site plan. And for the Planning Board to review the basic 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 should provide the following:*

- a) A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, highway access, existing vegetation, proposed landscaping and other planned and significant natural features (e.g., streams, ponds, lakes, wetlands). Anticipated changes in the existing topography and other natural features should be identified.*
- b) A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features.*
- c) A topographic or contour map of adequate scale and detail to show site topography.*

**Application.** *An application for site plan approval shall be made in writing to the Chairperson of the Planning Board on forms provided by the Uniform Code Enforcement Officer and shall be accompanied by information contained in 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. The Site Plan shall be submitted in sufficient detail and appropriate scale to accurately locate the information listed below:*

- 1) Title of drawing, including name and address of applicant and person responsible for preparation of drawing;
- 2) North arrow, scale and date;
- 3) Boundaries of the property plotted to scale. Right of ways and easements where applicable, should be shown on this plot;
- 4) Existing watercourses, wetlands, flood plains, and bodies of water;
- 5) Grading and drainage outline describing existing and proposed contours; (contour intervals as determined by Planning Board.)
- 6) Location, outline of the proposed use, size and height of all buildings;
- 7) Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site;
- 8) Provision for pedestrian access;
- 9) Location and description of outdoor storage including temporary storage areas, if any;
- 10) Location, design and construction outline of all existing or proposed site improvements, including culverts, drains, retaining walls and fences;
- 11) Description of the method of sewage and waste disposal including location, and design and construction description of such facilities;
- 12) Description of the method of obtaining water and location, design, and construction description of the water system or systems;

- 13) Location of fire and other emergency zones, including the location of fire hydrants;
  - 14) Location, design and construction description of all energy facilities, (i.e. heating, air conditioning, electrical, etc.);
  - 15) Location, size and design and construction materials of all proposed signs;
  - 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 of the amount of building area proposed for retail or similar commercial activity;
  - 19) General landscaping plan and planting schedule;
  - 20) Phased construction schedule for all elements of the project;
  - 21) Current deed.
  - 22) Other elements integral to the proposed development, as considered necessary by the Board, including identification of any State or County permits required for the project's execution.
    - a) A visual and/or noise buffer for adjoining lands, including the maximum retention of existing vegetation.
- Adequacy of fire lanes and other emergency zones.

**Review of Site Plans.** *The Planning Board's review of site plans shall include, as appropriate, but not limited to, the following general considerations:*

- a) *Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.*
- b) *Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.*
- c) *Location, arrangement, appearance and sufficiency of off-street parking and loading.*
- d) *Adequacy and arrangement of pedestrian access.*
- e) *Adequacy of storm water and drainage facilities.*
- f) *Adequacy of water supply and sewage disposal facilities.*
- g) *Adequacy, type and arrangement of trees, shrubs and other landscaping constituting*

**Action and Timing.** *Within sixty-two (62) days of the receipt of a complete application for site plan approval, the Planning Board shall render its decision. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board. The Board shall approve, disapprove, or approve the project with modifications and/or conditions. The Board's action shall be in the form of a written statement for the record along with supporting documents deemed necessary. The applicant will be notified in writing of the decision and any conditions attached thereto.*

**Performance Guarantee.** *The performance guarantee shall be the same as a special use permit. (See Section 14.6.2).*

**State Environmental Quality Review.** *The State Environmental Quality Review shall be the same procedure as that for the special use permit. (See Section 14.6.2).*

**Integration fo Procedures.** *Whenever the particular circumstances of proposed development require compliance with either the special use procedure in this Zoning Ordinance or other requirements of the town, the Planning Board shall integrate, as appropriate, Site Plan review as required by this section with the procedural and submission requirements for such other compliance.*

**14.6.2 Special Use Permits.** After due public notice and hearing and subject to appropriate conditions and safeguards, the Planning Board may issue special use permits for any of the uses for which this Ordinance requires the obtaining of such permits.

No special use permit shall be granted until the Board shall find and determine that:

- a) Such use is reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community;
- b) Such use is suitably located in relation to transportation, water and sewerage requirements of this Ordinance or, where not specifically required, that such facilities are otherwise adequate to accommodate anticipated use;
- c) The character of the neighborhood and values of surrounding property is reasonably safeguarded;
- d) Such use will comply with all other terms, conditions, requirements and standards imposed by this Ordinance.
- e) The use is consistent with the Town Comprehensive Plan.

**14.6.2.1 Requirements.** Special Use Permits are required in the Town of Duanesburg for:

- a) All new businesses proposed in the Town.
- b) Major changes in product line or services for businesses previously granted a permit or classified as non-conforming.
- c) Those uses listed in the zoning districts as requiring a Special Use Permit, including those special events not customary to the nature of the business.

**14.6.2.2 Procedure for Applying for a Special Use Permit.**

The procedure for applying for a Special Use Permit is divided into two phases: pre-submission conference and formal application.

- a) **Pre-Submission Conference.** The Uniform Code Enforcement Officer shall refer the applicant requiring a Special Use Permit to the Planning Board who shall schedule a conference for the next regularly scheduled Board meeting *or sooner if deemed appropriate by the Board.* The purpose of the pre-submission conference is to give the Board and the applicant an opportunity to gain a perspective of the use's impact on the zoning district, the neighborhood in which it is proposed, and the Site Plan Review degree of complexity. The conference is beneficial to both parties because the community will gain knowledge of the applicant's intent and the applicant will learn his or her rights and responsibilities before

either is committed to significant outlays of time of capital.

- 1) At the pre-submission conference the applicant shall provide the Board with basic data regarding the proposed project. At a minimum the applicant shall provide a map showing the important existing natural and man-made features in and around the site and a sketch plan showing the major features of the proposal.
- 2) At the conclusion of the pre-submission conference, or within ten (10) working days, the Board will provide the applicant with a check-off list describing the minimum elements of a Site Plan Review required for processing the application. This does not preclude later requests for additional information required to properly evaluate the project.

**b) Formal Application Procedure.** Following the pre-submission conference a formal application for a Special Use Permit may be presented at the next regularly scheduled Board meeting or sooner if deemed appropriate by the Board.

- 1) The application shall be submitted on forms furnished by the Uniform Code Enforcement Officer and be accompanied by a copy of the site plan. The site plan data and information shall include information drawn from a checklist provided and as determined necessary by the Board at the pre-submission conference. Depending on the scope and complexity of the project, the Board may require that the site plan be prepared by a licensed professional engineer, architect or land surveyor at the applicant's expense.

#### **14.6.2.3 Information Required.**

A general and complete description of the proposed Special Use, together with a Site Plan *prepared in accordance with Section 14.6.2 Site Plan Approval.*

#### **14.6.2.4 Planning Board Formal Review.**

The Board conducts a formal review of the site plan data prior to action on the Special Use Permit.

- a) Within sixty-two (62) days after receipt of the completed application and all required site plan data and information, the Board will conduct a public hearing. The notice of the public hearing to be published at least five (5) days prior to the date of the Hearing in a newspaper with general circulation within the Town, normally the officially designated newspaper.
- b) In addition to holding a public hearing, the Board will notify by mail at least ten (10) days prior to the public hearing all adjacent property owners within 1000 feet, as measured in all directions from the property boundaries.
- c) The Board's detailed review of the application elements for the planned use shall be in such depth and detail to ensure the following:

1. Determine whether the proposal is subject to the State Environmental Quality Review Act and, if so, to initiate the process in accordance with Section 14.6.2.7.
2. In its determination, the proposed use will not have a significant negative effect on existing adjacent land uses.
3. All requirements of this Ordinance are met *and any variances necessary have been identified*.
4. Adequacy and arrangement of pedestrian traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic control.
5. Location, arrangement, appearance and sufficiency of off-street parking and loading is satisfactory.
6. Location, arrangement, size, design and general site compatibility of buildings, lighting and signage is satisfactory.
7. Adequacy of storm water and drainage facilities.
8. Adequacy of water supply and sewage disposal facilities.
9. Adequacy of the 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 the maximum retention of existing vegetation.
10. *Compliance with Performance Standards established in Section 14.6.4 of the Zoning Ordinance to ensure protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.*
11. Adequacy of fire lanes and other emergency zones and the availability of fire water, water points or hydrants.

#### **14.6.2.5 Action Timing and Sequences.**

Within sixty-two (62) days of the public hearing on the application for a Special Use Permit, the Planning Board shall act on it. The decision of the Planning Board may be rendered immediately after the public hearing if deemed appropriate by the Board.

The Planning Board shall provide copies of the applicant notification letters to the Uniform Code Enforcement Officer, Town Clerk, and the Zoning Board of Appeals within five (5) days where applicable. A copy of the site plans will be retained as the official Town record.

**Expiration.** A special use permit shall become void one year after approval unless a building permit is issued and construction has begun within such time and diligently pursued to completion or, by conditions of the use permit, greater or lesser time is specified as a condition of approval. A special use permit may be extended for a period of no more than one year.

**Amendment.** Following completion of the development or establishment of the use is authorized by a special use permit, no such use shall be expanded unless the special use permit is amended pursuant to the procedures established herein.

#### **14.6.2.6 Performance Guarantee.**

The Planning Board may require a bond or other performance or payment guaranteed by the applicant for all or portions of any project.

The sufficiency of such performance and payment guarantee shall be determined by the Planning Board after consultation with the Uniform Code Enforcement Officer and Town Engineer as necessary.

No certificate of occupancy shall be issued for the approved use until all improvements and conditions required by the Planning Board are in place and verified by the Uniform Code Enforcement Officer, Town Engineer, and Town Attorney as necessary.

#### **14.6.2.7 State Environmental Quality Review.**

The Planning Board will cause to be completed by the applicant and the Board a Short (Section 617.21) or Long (Section 617.2, Appendix A) Environmental Assessment Form as appropriate for each site plan reviewed by the Board. This form will be maintained in the applicant's file.

#### **14.6.2.8 Fee Schedule.**

For fees, see separate schedule set by the Town Board

#### **14.6.3 Performance Standards.**

The Planning Board under its powers of site plan review and special use permit approval shall decide whether proposed uses can meet the performance standards set forth herein. Failure to operate in compliance with these standards shall be a violation of the Zoning Ordinance. Enforcement of continued compliance is the responsibility of the Uniform Code Enforcement Officer.

The Uniform Code Enforcement Officer shall investigate any purported violation of performance standards. All violations as ascertained by the Uniform Code Enforcement Officer shall be terminated within (30) thirty calendar days of notification of the user and owner. Failure to comply shall subject the violator to the penalties specified in Section 15 of the Zoning Ordinance. All uses shall operate in compliance with the following standards.

**Performance Standards.** In the Town, uses are not permitted which exceed the following standards measured at individual property lines. The Planning Board under its powers of site plan review and approval shall decide whether uses meet the standards. Uses shall meet State air and water pollution standards and shall not:

1. Emit noise in excess of 70 decibels, dba scale, of a standard sound level meter.
2. Emit odor, which is considered offensive.
3. Emit dust or dirt, which is considered offensive.



4. Emit noxious gases, which endanger health, comfort, safety, or welfare of any person, or have a tendency to cause injury or damage to property, business or vegetation.
5. Cause, as a result of normal operation, a vibration, which creates displacement of 0.003 of one inch at the property line.
6. Create glare by lighting or signs which could impair a driver's vision
7. Cause a fire, explosion or safety hazard.
8. Cause harmful waste to be discharged into sewer, streams, or bodies of water, or to be stored on said property.

#### **.4     Retention of Experts; Payment.**

The Zoning Board of Appeals and the Planning Board are hereby authorized to retain engineering consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of the duties of the respective Board relative to any matters before either Board.

## **SECTION 15**

### **Enforcement**

#### **15.1     Designation of Enforcing Official**

This section shall be administered and enforced by the Uniform Code Enforcement Officer, hereinafter referred to as the "official", duly appointed by the Town Board of Duaneburg to carry out the word and intent of this section.

#### **15.2     Duties of Enforcing Official**

- A. **Rules, regulations, and forms.** The official shall have authority to make, adopt and promulgate written rules, regulations and forms as may be necessary for administration and enforcement of the content and intent of this section. The official shall be responsible to submit such rules, regulations and forms to the Town Board, which shall move to approve, reject or modify the same within sixty (60) days after submission. Once approved by the Town Board and filed with the Town Clerk, rules, regulations and forms shall have the same force and effect as the provisions of this section and be subject to the same penalties for violation thereof.
- B. **Entry and Inspection.** The official shall have the right to enter upon, examine and inspect or cause to be entered, examined and inspected any building or property for the purpose of carrying out the provisions of this section after reasonable written notice of intent to examine or inspect has been provided to a property owner and permission of the owner has been granted. If such permission is denied, access shall be pursued by the Town Attorney, who shall be notified in writing by the official.

- C. **Referral to the Planning Board, Town Board and Zoning Board of Appeals.** The official shall inform any applicant of the appropriate town agency to whom the application should be presented prior to the issuance of a building permit, in accordance with this section and all other state, county and local law.
- D. **Retention of Experts.**
- (1) The purpose of this provision to provide for coordinated review of applications and avoid duplication of services among the Town Board, Zoning Board of Appeals, and the Planning Board.
  - (2) The Zoning Board of Appeals and the Planning Board are hereby authorized to retain engineering consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of their respective duties relative to any matters before either Board.
  - (3) Payment for the services of such consultants and/or other experts is to be made from funds deposited by the applicant with the town in escrow accounts for such purposes.
  - (4) It shall be the responsibility of the applicant to submit to the Town, prior to the start of any work associated with said application before the Board or at such other time as directed by the Board, certified check(s) in amounts equal to the estimate of the engineering consultant and/or other expert consultant for the cost of services to be rendered to the Town.  
This sum shall be released by the Town to said engineer or consultant in payment for the services rendered to it upon acceptance by the Town of said services.
  - (5) In the event that an application requires Town Board action for review or implementation, including consideration of zoning issues, contracts, bonding, financing or other associated actions required by virtue of an application under local zoning ordinances, the experts retained by the Zoning Board of Appeals and/or the Planning Board on behalf of the Town as outlined subsection (2) through (4) above shall provide to the Town Board such services as may be required by it also in connection with its review of the application and associated actions; the cost of said experts to be provided for as set forth under this section.
- E. **General Duties and Powers.** The official shall be charged with the general and executive administration of this section and shall have the following general duties and powers:
- (1) To oversee and enforce all provisions of this section and all rules, conditions and requirements adopted or specified pursuant thereto.
  - (2) To record all identifiable complaints or violations of any provision of this section
  - (3) To file a report with the Town Board at monthly intervals, summarizing his activities for the period since the most recent previous report, listing all complaints of violations and subsequent action taken on each such complaint.
- F. **Appearance Tickets.** In addition to any and all other authority vested in the official by state law and this section, the official is hereby authorized and empowered to issue appearance tickets, in a form to be approved by the Town Board, for the prosecution of all violations of this section.

Following the filing of information, the official shall have the authority to appear at any and all actions and proceedings in furtherance of said prosecution in any court of competent jurisdiction.

**15.3 Conflicts with other provisions.**

This section shall be administered and enforced in tandem with all other applicable town, county, state and federal laws.