

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village  
(Select one.)

of South Glens Falls

FILED  
STATE RECORDS

NOV 21 2019

DEPARTMENT OF STATE

Local Law No. 3 of the year 20 19

A local law A Local Law to amend and change various sections of Section 153 of the South Glens  
(Insert Title)  
Falls Village Code, Zoning which was Adopted by the Board of Trustees of the Village of

South Glens Falls on 6-12-1964 and amended as noted where applicable.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village  
(Select one.)

of Village of South Glens Falls as follows:

See Attached.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2019 of the (County)(City)(Town)(Village) of South Glens Falls was duly passed by the Village of South Glens Falls Board of Trustees on November 20 2019, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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

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

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

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

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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

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

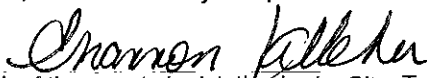
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



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

(Seal)

Date: 11/20/19

**VILLAGE OF SOUTH GLENS FALLS  
COUNTY OF SARATOGA, STATE OF NEW YORK**

**LOCAL LAW NO. 3 of 2019**

A Local Law to amend and change various sections of Section 153 of the South Glens Falls Village Code, Zoning which was Adopted by the Board of Trustees of the Village of South Glens Falls on 6-12-1964 and amended as noted where applicable.

BE IT ENACTED by the Board of Trustees of the Village of South Glens Falls, Saratoga County, New York, as follows:

**SECTION 1. Purpose, Intent, and Findings.**

For the purpose of promoting health, safety, morals or the general welfare of the Village of South Glens Falls and to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements, under and pursuant to Article VI-A of Chapter 64 of the Consolidated Laws, the height, number of stories and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures and land for trade, industry, residence or other purposes are hereby restricted and regulated as hereinafter provided.

In recognition of a growing concern among residents that an increase in development could create a number of unintended and negative consequences for not only our current residents, but also for the Village's existing infrastructure, the Village adopted a new Comprehensive Plan, dated September 4, 2019, on October 2, 2019. The Comprehensive Plan was adopted after extensive review of the prior Comprehensive Plan by the Comprehensive Plan Committee. The new Comprehensive Plan made several recommendations to update the Village's Zoning, Land Use Regulations and other Codes to incorporate current planning practices and ensure proper code enforcement., many of which are adopted herein.

**§ 2. Authority.**

The Board of Trustees of the Village of South Glens Falls is authorized to adopt this Local Law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general police power vested with the Village of South Glens Falls to promote the health, safety, and welfare of all of the residents and property owners in the Village.

**§ 3. Definitions.**

For the purpose of this Local Law, unless specified below, all terms shall be defined in the Zoning Law of the Village of South Glens Falls, New York (Chapter 153 of the Municipal Code).

**§ 4. Scope.**

This Local Law shall apply to all land and property within the Village of South Glens Falls.

**§ 5. Term.**

This Local Law shall remain in effect repealed, modified, extended, or supplemented by further local law by the Village of South Glens Falls.

**§ 7. Amended Village Code Section 153.**

Village Code Section 153, as amended, is annexed hereto. The specific sections which have been amended, together with the prior date of enactment or amendment of said section and the local law which amended said section, are set forth therein.

**§ 8. Authority to Supersede.**

To the extent that any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of the New York State Village Law, or any local law, ordinance, regulation of the Village of South Glens Falls, this Local Law supersedes, amends, and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law.

**§ 9. Severability.**

If any clause, sentence, phrase, paragraph, or any part of this Local Law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph, or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this Local Law would have been adopted had any such provisions been excluded.

**§ 10. Effective Date.**

This Local Law shall become effective immediately upon filing in the office of the Secretary of State.

## Chapter 153

# Zoning

[HISTORY: Adopted by the Board of Trustees of the Village of South Glens Falls 6-12-1964. Amendments noted where applicable.]

### GENERAL REFERENCES

Unsafe buildings — See Ch. 53.

Uniform Fire Prevention and Building Code — See Ch. 69.

Flood damage prevention — See Ch. 73.

Sewers — See Ch. 111.

Signs — See Ch. 115.

Site plan review — See Ch. 119.

Streets and sidewalks — See Ch. 127.

Swimming pools — See Ch. 131.

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**Article I**  
**Legislative Intent**

**§153-1 Purpose.**

For the purpose of promoting health, safety, morals or the general welfare of the Village of South Glens Falls and to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements, under and pursuant to Article VI-A of Chapter 64 of the Consolidated Laws, the height, number of stories and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures and land for trade, industry, residence or other purposes are hereby restricted and regulated as hereinafter provided.

**§153-2 Legislative intent.**

[Added 10-28-1992 by L.L. No. 1-1992]

The legislative intent of each zoning district is as follows:

- A. **R-1 Residential Zone.** The R-1 Residential District is intended to provide relatively low- to moderate-density single-family residential uses.
- B. **R-2 Residential Zone.** The R-2 Residential District is intended to provide single-family residential uses; conserve, maintain and allow two-family residential dwellings; and to accommodate new and existing residential development at moderately high densities with a mixture of housing types.
- C. **Commercial Zone.** The C Commercial District is intended to consolidate commercial uses with commercial services and mixed-use buildings into highway-oriented and central business district activities in designated areas of the Village. [Amended 2-15-2006 by L.L. No. 4-2005]
- D. **(Reserved)**
- E. **M-1 Industrial Zone.** The M-1 Industrial District is intended to accommodate industrial and business uses that have only light or moderate potential adverse impacts on other nearby uses.
- F. **RC-1 Resource Conservation Zone.** The Village of South Glens Falls contains within its village limits several areas of wetlands, streams, floodways and surface reservoir, shorelines which due to their unique characteristics present important constraints to development. In addition, these resource areas provide flood control, water quality, recreational, aesthetic and open space benefits to the Village. Accordingly, the intent is to provide for the proper use of these wetlands and other areas found to be a valuable resource to the Village and its inhabitants.
- G. **ARC-1 Aquifer Resource Conservation Zone.** It is the purpose of this zoning district to protect the water quality of the natural aquifer which supplies the Village's spring supply, including portions of this aquifer which presently do not feed the Village's spring supply collection boxes, and aid in the protection of the Village's deep wells. This zone covers a portion of the aquifer recharge area and areas of potential expansion of the spring supply which fall within the boundary of the Village limits. [Added 12-17-1997 by L.L. No. 4-1997; amended 9-1-1999 by L.L. No. 2-1999]
- H. **APD Aquifer Protection District.** The purpose of the Aquifer Protection District is to protect, preserve and maintain water quality of the natural aquifer which supplies the Village's spring supply, including portions of this aquifer which do not feed the Village's spring supply collection boxes. [Added 12-17-1997 by L.L. No. 4-1997; amended 9-1-1999 by L.L. No. 2-1999]

## **Article II**

### **Definitions and Word Usage**

#### **§153-3 Definitions and word usage.**

Unless the context otherwise requires, words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; the word "shall" is mandatory and not optional; and the following definitions shall be used in the interpretation and construction of this chapter:

#### **ACCESSORY USE OR STRUCTURE**

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

#### **AUTOMOBILE SALES AREA**

An open area, other than a street, used for the display, sale or rental of new or used motor vehicles in operable condition and where no repair work is done.

#### **BUILDING**

A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

#### **BUILDING HEIGHT**

The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, tanks and similar projections.

#### **BUILDING, PRINCIPAL**

A structure in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a "principal building" on the lot on which the same is located.

#### **BUILDING/STRUCTURE LINE**

A point from which the setback requirements are measured from the edge of any structure or the eaves of any building to the boundary line of the parcel or the boundary of an adjacent edge of a right-of-way, common driveway, common entryway or roadway, or any vehicular easement right-of-way or public street.

#### **CLUSTER DEVELOPMENT**

A planned development within a subdivision in which lots are plotted with less than a minimum lot size specified in the zoning district and with diminished dimensional requirements, but which have access to common open space which is part of the overall development plan.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **CLUSTERING**

A planned development, subdivision plat or plats approved pursuant to this article, 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.

[Amended 10-28-1992 by L.L. No. 1-1992; 12-17-1997 by L.L. No. 4-1997; 9-1-1999 by L.L. No. 2-1999]



#### **CONDITIONAL APPROVAL OF A FINAL PLAT**

Approval by the Planning Board of a final plat subject to conditions set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat in the office of the Saratoga County Clerk.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **CONDOMINIUM**

A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional undivided basis.

[Added 10-28-1992 by L.L. No. 1-1992]

#### **DWELLING**

Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, except a mobile home or trailer.

- A. **DWELLING, SINGLE-FAMILY** – A detached building designated for or occupied exclusively by one family and containing not more than one dwelling unit.
- B. **DWELLING, TWO-FAMILY** – A detached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors unpierced except for access to the outside or to a common cellar.
- C. **DWELLING, MULTIPLE** – A building or portion thereof used or designed as a residence for three or more apartment or dwelling units.

#### **FAMILY**

A household constituting a single housekeeping unit occupied by one or more persons.

[Added 10-28-1992 by L.L. No. 1-1992]

#### **FINAL PLAT**

A drawing prepared in a manner prescribed by local regulation that shows a proposed subdivision, containing in such additional detail as shall be provided by local regulation all information required to be shown on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary plat has been so approved.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **FINAL PLAT APPROVAL**

The signing of a plat in final form by a duly authorized officer of the Planning Board pursuant to the Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the Saratoga County Clerk.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **HOME OCCUPATION**

Any use customarily conducted entirely within the principal structure and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the principal structure and does not change the character thereof (see § 153-19B).

## **JUNKYARDS**

Junkyards shall consist of buildings, structures or premises where junk, waste and discarded or salvage materials are bought or sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment but not including the purchase or storage of used furniture and household equipment nor used cars in operable condition.

## **LOT**

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or to be utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this chapter, and having frontage on a public street.

- A. **LOT, CORNER** – A lot or parcel of land abutting upon two or more roads at their intersection, or upon two parts of the same road forming an interior angle (see Figures A and B in Attachment 1 for an illustration of a corner lot and how each yard area is classified).
- B. **LOT COVERAGE** – That percentage of the lot area covered by the combined area of all buildings, structures, asphalt, gravel, stone, paver stones, or brick pavers on the lot.
- C. **LOT DEPTH** – The mean horizontal distance between the front and rear lot lines.
- C. **LOT LINES** – The property lines bounding the lot.
  - (1) **LOT LINE, FRONT** – The line separating the lot from a street.
  - (2) **LOT LINE, REAR** – The lot line opposite and most distant from the front lot line.
  - (3) **LOT LINE, SIDE** – Any lot line other than a front or rear lot line. A "side lot line" separating a lot from a street is called a "side street lot line."
  - (4) **LOT LINE, STREET or ALLEY** – A lot line separating the lot from a street or alley.
- D. **LOT WIDTH** – The distance between the two side lot lines measured at the required setback line.
- E. **LOT AREA** – The computed area contained within the lot lines.

## **MIXED-USE BUILDING**

Any multistory structure utilizing street level interior space for retail businesses, service businesses or office spaces; used in a compatible setting within the same building with upper-level residential occupancies.

[Added 2-15-2006 by L.L. No. 4-2005]

## **MOBILE HOME**

Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

## **MOBILE HOME PARK**

Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

## **MULTIPLE-FAMILY DWELLING**

Applies to conversions of single-family residences to dwellings for two or more families.

[Added 3-15-1989 by L.L. No. 2-1989]

#### **NONCONFORMING LOT**

Includes any lot, including an approved subdivision, and any lot made nonconforming at the time of the passage of amendments to this chapter where the side yard setbacks in R-1 and R-2 Residential Zones shall remain five feet and combined 10 feet and no area variance shall be required for a single-family dwelling, accessory use or structure incidental to a single-family dwelling or a two-family dwelling, inclusive of additions or improvements made thereto.

[Added 10-28-1992 by L.L. No. 1-1992; amended 4-3-1996 by L.L. No. 1-1996]

#### **NONCONFORMING STRUCTURE**

Any structure which is lawfully in existence within a given zoning district on the effective date of this chapter, but which is not in conformance with the dimensional regulations for that zoning district.

[Added 10-28-1992 by L.L. No. 1-1992]

#### **NONCONFORMING USE**

A land use which was lawful prior to the adoption or amendment of these zoning provisions but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

[Added 10-28-1992 by L.L. No. 1-1992]

#### **PLANNING BOARD**

The Planning Board of the Village of South Glens Falls.

#### **PRELIMINARY PLAT**

A drawing prepared in a manner prescribed by local regulation showing the layout of a proposed subdivision, including but not restricted to road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **PRELIMINARY PLAT APPROVAL**

The approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this section.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **RETAIL BUSINESS, TYPE I**

The selling or rental of goods, merchandise, and/or services to the general public or to business clients, for personal use or household consumption, and the rendering of services incidental to the sale of such goods.

#### **RETAIL BUSINESS, TYPE II**

The selling or rental of goods, merchandise, and/or services to the general public or to business clients, for personal use or household consumption, and the rendering of services incidental to the sale of such goods within a building with a sales area less than 2,500 square feet in size.

#### **SETBACK**

The established line beyond which no part of any building or any projection of the building shall extend, including the eaves.

[Added 2-15-2006 by L.L. No. 4-2005]

#### SETBACK, FRONT

The shortest horizontal distance between the edge of any structure or building eave and the right-of-way, any common driveway, or common entryway or roadway, or any vehicular easement. The boundary of a right-of-way shall be considered as a front lot line and shall require a front lot line setback.

#### SETBACK, REAR

The shortest horizontal distance from the edge of any structure or building eave and the rear lot line (see Figures A and B in Attachment 1).

#### SETBACK, SIDE

The shortest horizontal distance from the edge of any structure or building eave and the side lot line (see Figures A and B in Attachment 1).

#### SIGN

[Repealed 1-12-1977 by L.L. No. 15-1977]

#### SIGN, ADVERTISING

[Repealed 1-12-1977 by L.L. No. 15-1977]

#### STREET

A right-of-way serving as access for pedestrians and vehicles, to and from common areas or adjacent private lands owned privately, or by the municipality, county or state.

#### STRUCTURE

Any object greater than 100 square feet in area installed on a building or installed or planted on land to facilitate use and development of land, such as crank out awnings, fences, signs, and any fixtures, additions and alterations thereto.

#### SUBDIVISION

The division of any parcel of land into two or more parcels, lots, blocks or sites, and that involves Village Planning Board review, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. A proposed subdivision where a plat contains one or more lots which do not conform with the strict application of the Zoning Code must first be referred to the Zoning Board of Appeals for the purpose of obtaining variances as may be required to satisfy Zoning Code compliance. In cases concerning any required area variance, a recommendation from the Planning Board to the Zoning Board of Appeals may substantiate the grounds for variance with reasonable requirements or conditions for variance approval. A survey map prepared by a New York licensed land surveyor depicting the real property approved by the Planning Board for subdivision must be endorsed by the Chairman of the Planning Board and satisfy all timely filing requirements in the office of the Saratoga County Clerk. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved by the Planning Board.

[Added 7-5-2007 by L.L. No. 5-2007]

#### SUBDIVISION APPLICATION

The administrative review process and submission by the applicant and payment of such fees with supplementation of such proofs as may be required and imposed by the specifications of Code and Article XII in support of a request for the subdivision of land with or without streets or highways and in accordance

with the requirements of the Village Code and state laws, rules and regulations. "Subdivision application" shall include, at a minimum, a completed application for review, including a copy of covenants or deed restrictions intended to cover all or part of the parcel; an actual and recent survey of the boundary lines (bearings and distances made and certified by a licensed surveyor practicing the most recent code of the NYS Association of Professional Land Surveyors; and in addition, on the survey property line, trees six inches in diameter or greater, building or fences on adjoining land and encroachment of eaves, cornices, blinds, etc., within three feet of the boundaries of the surveyed premises); subdivision name; date and North arrow, plat or plan scale, name and address of record owner and subdivider (on plan); authorized signature line on plan.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **SUBDIVISION, MAJOR**

The division of any parcel of land into three or more lots and shall require a stormwater pollution prevention plan where the potential for land disturbance is greater than one acre.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **SUBDIVISION, MINOR**

The division of any parcel of land into two lots or the alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved by the Planning Board and filed in the office of the Saratoga County Clerk. A minor subdivision requires review and prior approval by the Village Planning Board. Where the minor subdivision has the potential for a land disturbance greater than one acre, a stormwater prevention plan shall be required.

[Added 7-5-2007 by L.L. No. 5-2007]

#### **TOWNHOUSE**

A type of multi-family dwelling in a row of at least three such units in one building where each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.

[Added 10-28-1992 by L.L. No. 2-1992]

#### **USE, SPECIAL**

A use, either public or private, which because of its unique characteristics cannot be properly classified as a permitted use in any particular district. After due consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "special use" may or may not be granted.

[Added 10-28-1992 by L.L. No. 1-1992]

#### **YARD**

An open space which lies between the principal building or group of buildings and the nearest lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

#### **YARD, FRONT**

A yard that extends the full width of the lot and is situated between the lot front line and the front building line of the building projected to the side lines of the lot (see Figures A and B in Attachment 1).

#### **YARD, REAR**

A yard that extends the full width of the lot and is situated between the rear line of the lot and the building line projected to the side lines of the lot. (see Figures A and B in Attachment 1).

**YARD, SIDE**

A yard that is situated between the building line and the adjacent sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard (see Figures A and B in Attachment 1).

**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 topographical requirements of the applicable zoning regulations.

[Added 10-28-1992 by L.L. No. 1-1992]

**VARIANCE, USE**

The authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

[Added 10-28-1992 by L.L. No. 1-1992]

**VILLAGE BOARD**

The governing body of the Village of South Glens Falls.

**ZONING BOARD**

The Zoning Board of Appeals of the Village of South Glens Falls.

**Article III**  
**Establishment of Districts**

**§153-4 Districts established.**

[Amended 3-21-1984 by L.L. No. 1-1984; 6-1-1988 by L.L. No. 1-1988; 12-17-1997 by L.L. No. 4-1997; amended 9-1-1999 by L.L. No. 2-1999; 2-15-2006 by L.L. No. 4-2005]

For the purpose of this chapter, the Village of South Glens Falls is hereby divided into eight zones, differentiated according to use and building regulations, to be designated as follows:

Zoning Districts	
R-1	Residential Zone
R-2	Residential Zone
C	Commercial Zone
C-2	Mixed-use Zone
M-1	Industrial Zone
RC-1	Resource Conservation Zone
ARC-1	Aquifer Resource Conservation Zone
APD	Aquifer Protection District

**§153-5 Zoning Map.**

[Amended 1-12-1977 by L.L. No. 20-1977; 10-28-1992 by L.L. No. 1-1992; 2-15-2006 by L.L. No. 4-2005]

The location and boundaries of said zones are hereby established on a map entitled "Zoning Map of the Village of South Glens Falls," together with 34 supplementary tax maps, as it shall be adopted and amended by the Village. Said map or maps shall be on file in the office of the Village Clerk and, along with all notations, references and designations shown thereon, shall be considered a part of this chapter as if the map and all notations, references and designations were fully set forth herein. All maps referred to in this section are used to locate boundaries of said zones as accepted on the Zoning Map as part of this Chapter.

**§153-6 Interpretation of boundaries.**

- A. The zone boundary lines are intended generally to follow the boundary lines of streets, existing lot lines, the mean water level of rivers, streams and other waterways or village boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated. [Amended 10-28-1992 by L.L. No. 1-1992]
- B. In case of uncertainty as to the true location of a zone boundary line in, the Building Inspector shall request the Zoning Board of Appeals to render its determination with respect thereto.

**Article IV**  
**District Regulations**

**§153-7 Establishment.**

The restrictions and controls intended to regulate development in each zone district are set forth in the Schedules I and II, §§ 153-9 and 153-10, which are supplemented by other sections of this chapter.

**§153-8 Applicability.**

Except as hereinafter otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used, for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.
- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- C. No building shall be erected and no existing building shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

**§153-9 Schedule I: Permitted Uses.**

[Amended 10-2-1968; 1-12-1977 by L.L. No. 15-1977; 1-12-1977 by L.L. No. 20-1977; 3-21-1984 by L.L. No. 1-1984; 5-2-1984 by L.L. No. 3-1984; 6-1-1988 by L.L. No. 1-1988; 10-28-1992 by L.L. No. 1-1992]

Uses in the indicated districts shall be restricted as follows:

- A. District R-1.
  - (1) Principal permitted uses.
    - (a) One-family detached dwellings.
    - (b) Public schools.
    - (c) Public parks and playgrounds.
  - (2) Permitted accessory uses.
    - (a) Private garages and parking areas.
    - (b) Home gardening, but not the raising of poultry, livestock and other similar activities.



(c) Other accessory uses and structures customarily appurtenant to a principal permitted use.

(3) Special uses.

(a) Home occupations.

B. District R-2.

(1) Principal permitted uses.

(a) One-family detached dwellings.

(b) Two-family dwellings.

(c) Churches and parish houses.

(d) Libraries.

(e) Public parks and playgrounds.

(f) Governmental buildings and uses, including police and fire stations.

(g) Public schools and private schools offering general instruction.

(2) Permitted accessory uses.

(a) Private garages and parking areas.

(b) Home gardening, but not the raising of poultry, livestock and other similar activities.

(c) Other accessory uses and structures customarily appurtenant to a principal permitted use.

(3) Special uses.

(a) Cemeteries.

(b) Community buildings, country clubs, social halls, lodges and fraternal organizations.

(c) Public utility structures.

(d) Home occupations.

C. District C. [Amended 2-15-2006 by L.L. No. 4-2005]

(1) Uses permitted with site plan review and approval of the Planning Board.

(a) Retail business, Type I.

(b) Motels.

(c) Personal service establishments such as barber and beauty shops, shoe repair shops where such uses are necessary to supply the daily living needs of the community.

(d) Offices and banks.

(e) Eating and drinking establishments.

- (f) Governmental buildings and uses, including police and fire stations.
  - (g) Hospital, nursing and convalescing homes.
  - (2) Accessory uses allowed with site plan review and approval from the Planning Board.
    - (a) Public and private parking and loading.
    - (b) Other accessory uses customarily appurtenant to a permitted use.
  - (3) Special uses.
    - (a) Automobile sales, service, repair and filling stations.
    - (b) A mixed-use building with any combination of residential (single-family, duplex or multi-family dwellings) or commercial uses shall be permitted with front setback specified by §153-10 within the applicable zoning district in a line measured from the actual curb (and if no curb, from the apparent curb line) and shall be applicable to the construction of a new mixed-use building or applicable to the modification of any existing building which shall be appropriate as a mixed-use building so as to achieve conformity with adjacent and nearby improved properties.
- D. District C-2.
- (1) Uses permitted with site plan review and approval of the Planning Board.
    - (a) Retail business, Type II.
    - (b) Motels.
    - (c) Personal service establishments such as barber and beauty shops, shoe repair shops where such uses are necessary to supply the daily living needs of the community.
    - (d) Offices and banks.
    - (e) Eating and drinking establishments.
    - (f) Governmental buildings and uses, including police and fire stations.
    - (g) Hospital, nursing and convalescing homes.
  - (2) Accessory uses allowed with site plan review and approval from the Planning Board.
    - (a) Public and private parking and loading.
    - (b) Other accessory uses customarily appurtenant to a permitted use.
  - (3) Special uses.
    - (a) A mixed-use building (any combination of residential (single-family, duplex or multi-family dwellings) or commercial uses) shall be permitted with front setback specified by §153-10 within the applicable zoning district in a line measured from the actual curb (and if no curb, from the apparent curb line) and shall be applicable to the construction of a new mixed-use building or applicable to the modification of any existing building which shall be appropriate as a mixed-use building so as to achieve conformity with adjacent and nearby improved properties.

E. District M-1.

- (1) Uses permitted with site plan review and approval of the Planning Board.
  - (a) Light industrial or business of a kindred nature engaged in the manufacture, assemblage, treatment or packaging of products and the warehousing of products when conducted without public hazard, except those which, by reason of odor, noise, dust or smoke, constitute a nuisance to or endanger the safety of neighboring property.
  - (b) Research and related laboratory uses.
  - (c) Distribution plants.
- (2) Accessory uses allowed with site plan review and approval from the Planning Board.
  - (a) Public and private parking and loading.
  - (b) Other accessory uses customarily appurtenant to a permitted use.
- (3) Special uses.
  - (a) Outdoor storage.

F. District RC-1. [NOTE: It is the purpose of this zoning district to preserve, protect and conserve those portions of the Village with floodplains designated by the Federal Emergency Management Agency (June 5, 1985, Local Law No. 2-1987), in order to secure the benefits of these natural areas consistent with the general welfare and the economic, social and agricultural development of the Village of South Glens Falls.] To promote these purposes in Resource Conservation District RC-1, no building or other structure shall be built, or land shall be used, and no building shall be built, altered or erected to be used for any purpose other than those uses listed below.

- (1) Uses permitted with site plan review and approval of the Planning Board.
  - (a) Farm or other agricultural operation, including gardens, nurseries, greenhouses and usual farm accessory buildings, not including dwellings or buildings housing farm animals or fowl.
  - (b) Parks, playgrounds, bikeways, athletic fields, marinas, riding academies, game preserves and other similar uses, including usual accessory buildings.
  - (c) Municipal or public utility structures or facilities.

G. District ARC-1. [Added 12-17-1997 by L.L. No. 4-1997; amended 9-1-1999 by L.L. No. 2-1999]

- (1) It is the purpose of this zoning district to protect the water quality of the natural aquifer which supplies the Village's spring supply collection boxes and aid in the protection of the Village's deep wells. This zone covers a portion of the aquifer recharge area and areas of potential expansion of the spring supply which fall within the boundary of the Village limits.
- (2) To promote this purpose, no building or other structure shall be built, or no land shall be used, and no building shall be built, altered or erected to be used for any purpose other than those listed below.
- (3) Residences, with a density not to exceed one single-family dwelling per three acres. In order to promote open spaces, clustering shall be encouraged with not more one third of gross land area cleared and developed for individual residences, access roads or other site development features.

- (4) Municipal uses, including but not limited to improvements to the Village's water supply system.
- (5) Permitted principal and accessory uses. All principal and accessory uses in the ARC-1 Zone shall be restricted to that principal, permitted uses provided for in the R-1 Zone.
- (6) Special uses.
  - (a) Any parking area for more than 5 vehicles excluding driveways
  - (b) Motor vehicle repair garages.
- H. APD Aquifer Protection District (APD). The purpose of the APD is to protect, preserve and maintain water quality of the natural aquifer which supplies the Village's spring supply, including portions of this aquifer which do not feed the Village's spring supply collection boxes. Water service for all properties within the APD are required to abide by the regulations set forth in Chapter 149. [Added 12-17-1997 by L.L. No. 4-1997; amended 9-1-1999 by L.L. No. 2-1999]
- I. Use restrictions relating to ARC-1 and APD Districts. [Added 12-17-1997 by L.L. No. 4-1997; amended 9-1-1999 by L.L. No. 2-1999]
  - (1) Permitted uses.
    - (a) All uses permitted by this chapter in the underlying zoning districts, as permitted in said districts, except those uses specified by this article as requiring site plan review and approval, special permits, or as prohibited uses, shall be permitted.
    - (b) All uses, storage and application of pesticides and herbicides shall be in conformance with New York State Environmental Conservation Law 33.
    - (c) All uses in an ARC-1 Zone shall be restricted to that principal permitted uses and permitted accessory uses provided for in an R-1 Zone.
  - (2) Special permit uses. Provided that uses are permitted as of right in the underlying zoning district or provided that a special permit is obtained for any use requiring the same in the underlying zoning district, the following uses are permitted subject to the obtaining of a special permit as provided in § 153-18 and in conformity with the standards set forth in §153-18 of this chapter.
    - (a) Any parking area for more than five vehicles, including both accessory parking areas and parking areas as principal uses, but excluding driveways. Such parking areas shall be designed with oil separators and proper site grading to prevent any discharge of petroleum into the ground.
    - (b) Motor vehicle repair garage, provided that:
      - [1] All operations take place entirely within a building and upon a concrete floor designed with elevated edges and without drain so that no drainage can occur into the ground.
      - [2] There is no on-site petroleum product storage except for the following: vehicle fuel stored in vehicle tanks and petroleum storage in tanks which, regardless of size, are designed and constructed in accordance with the standards of the New York State Department of Environmental Conservation Rules and Regulations for Bulk Storage (6 NYCRR 614), and applicable tanks must meet the aforementioned requirements. Replacement tanks must meet the aforementioned requirements.
      - [3] Any area for the outside storage of motor vehicles shall be designed with oil separators and proper site grading to prevent any discharge of petroleum or other hazardous material into the ground.

J. Prohibited uses. The following uses shall be prohibited in all zoning districts:

- (1) Land application of wastewater, septage and sludge.
- (2) Open storage of manure, open storage of fertilizer, animal feedlots and confinement areas within 100 feet of any watercourse and surface water drainage from such facilities into any watercourse.
- (3) Creation or discharge of hazardous pathogenic or radioactive material, solid waste or junk, junkyards and petroleum products.
- (4) Treatment of hazardous material.
- (5) Dry-cleaning and dyeing establishments and laundries that utilize cleaning solvents.
- (6) Printing and photo processing establishments that use on-site chemical processes.
- (7) Furniture finishing and stripping establishments.
- (8) The storage of hydrocarbon products, except for the following: vehicle fuel stored in vehicle tanks; on-site storage of home heating oil; fuel for on-site use by commercial establishments, in storage tanks, provided that such tanks, regardless of size, are designed and constructed in accordance with the standards of the New York State Department of Environmental Conservation Rules and Regulations for Bulk Storage (6 NYCRR 614) and applicable federal regulations. Replacement tanks must meet the aforementioned requirements.
- (9) Automotive gasoline stations; car washes.
- (10) Open storage of road salt.
- (11) Storage of hazardous materials, except in sealed or unopened containers for resale or in containers normal for household use.

§153-10 Schedule II: Area, Lot, Yard and Height Regulations<sup>1</sup>.

[Amended 1-12-1977 by L.L. No. 2-1977; 10-19-1984 by L.L. No. 12-1984; 6-1-1988 by L.L. No. 1-1988; 7-18-1990 by L.L. No. 1-1990; 10-28-1992 by L.L. No. 1-1992; 12-17-1997 by L.L. No. 4-1997; 9-1-1999 by L.L. No. 2-1999]

The following area, lot, yard and height regulations shall apply:

		<b>District</b>						
<b>Regulation</b>		<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>C-2</b>	<b>M-1</b>	<b>RC-1</b>	<b>ARC-1</b>
Minimum lot area (square feet)		13,500	13,500	4,000	13,500	21,780	43,560	3 acres
<b>Minimum yards<sup>2</sup></b>								
Front yard (feet)		25	25	12	25	12	80	25
Rear yard (feet)		25	25	12	20	20	50	25
Side yard								
One side yard		10	10	—	—	12	25	25
Combined side yard		20	20	—	10	24	50	50
<b>Minimum lot width</b>								
Minimum lot width		90	90	40	90	100	150	200
With clustering (feet)		80	80	40	80	100	150	90
Minimum lot depth (feet)		150	150	100	150	200	200	200
Maximum lot coverage		40%	40%	60%	40%	60%	10%	10%
<b>Maximum height</b>								
Stories		2½	2½	—	—	3	—	2½
Feet		30	40	45	45	80	—	30
<b>Special notes to Schedule II are as follows:</b>								
		<sup>1</sup> See also the summary of these provisions appearing in schedule format at the end of this Chapter.						
		<sup>2</sup> All proposed uses on a parcel in the C or C-2 Districts abutting a parcel in the R-1 District shall meet the side yard setback and rear yard setback of the R-1 District.						

**Article V**  
**Supplementary Dimensional Regulations**

**§153-11 Lot regulations.**

- A. Lot frontage. The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district in which it is located.
- B. Corner lots. At all street intersections, no obstruction to vision which is a hazard to vehicular movement and which exceeds 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines 30 feet distant from their points of intersection.
- C. Required area or space cannot be reduced. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter; and, if already less than the minimum required by this chapter, said area or dimension may be continued and shall not be further reduced.
- D. Minimum lot size for dwellings for two or more families. Lots to be developed with private water supply and sewage disposal systems or private sewage disposal systems for dwelling structures for two or more families may require larger lot sizes and widths than are specified because of unusual subsoil or geological conditions found to exist on the particular location in question. In such cases, the minimum lot area otherwise required shall be increased where necessary to the extent required to allow the proposed water and or sewerage installation to operate effectively in order to protect the public health, safety and welfare. Detailed plans for such water and/or sewerage systems shall be submitted to the Building Inspector and shall be approved by him before a building permit shall be issued. The suitability of the proposed systems shall conform to the standards of the New York State Department of Health.

**§153-12 Height regulations.**

- A. Permitted exceptions. Height limitations stipulated elsewhere in this chapter shall not apply to open amusement uses, church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials, nor to parapet walls, except that no parapet wall may extend more than four feet above the limiting height of the building.

**§153-13 Yard regulations.**

- A. Front yard exception. When a vacant lot is situated between two improved lots, each having a principal building within 25 feet of any side lot line of such unimproved lot, and when both such improved lots contain principal structures which do not conform to the minimum front yard setbacks in that district, the front yard requirements of the unimproved lot may be reduced to the greater of the two front yard setbacks of the adjoining improved lots but in no case shall be less than eight feet. However, where any lot shall front on a right-of-way which is proposed, on the Official Map of the Village of South Glens Falls, to be widened, the front yard shall be measured from such proposed future right-of-way.
- B. Additional yards required where C and M-1 uses abut R-1 or R-2 Districts. All uses permitted in C or M-1 Districts which abut, at the lot line or on the same street, an R-1 or R-2 Zone shall provide yards where they abut of at least the minimum front yard requirements in accordance with such R-1 or R-2 Districts. [Amended 10-28-1992 by L.L. No. 1-1992; 2-15-2006 by L.L. No. 4-2005]
- C. No buildings or uses, including parking areas or sidewalks, are allowed in the setback area of yard of a parcel in the C or C-2 District that abuts a parcel in the R-1 or R-2 District.
- D. Parcels in the C or C-2 Districts with a yard or yards abutting a parcel in the R-1 or R-2 District shall be required to provide screening elements throughout the setback area of the abutting yard. The screening elements shall include vegetation, berming and/or fencing in a design to sufficiently and effectively screen

built elements on the parcel in the C or C-2 District from the view of adjoining residence(s) (see §153-21).

§153-14 Accessory structures (permanent or temporary).

[Amended 10-28-1992 by L.L. No. 1-1992; 7-21-2004 by L.L. No. 1-2004]

- A. Minimum yard regulations.
  - (1) Any unattached accessory structure, whether permanent or temporary, in any zone may be erected in accordance with the following restrictions:
    - (a) No accessory structure shall be located closer than five feet to the side and rear lot lines.
    - (b) No accessory structure shall be located closer to the street than the street wall of the principal structure. In the case of a property on a corner or more than one street, no accessory structure shall be located closer to the street than any street wall of the principal structure.
    - (c) No accessory structure shall be located closer to a principal structure than five feet.
  - (2) Any attached accessory structure, whether permanent or temporary, in any zone, when attached to the principal dwelling, shall comply in all respects with the requirements of this chapter applicable to the principal building.
  - (3) Any accessory structure, whether permanent or temporary, in any zone shall be exempt from the requirements of paying any fee for permission to construct or maintain such accessory structure if the overall and maximum dimensions of the footprint of the accessory structure is less than 100 square feet; however, said accessory structure shall require, before construction or placement, an accessory building permit application and shall be required to comply with minimum yard regulations specified in § 153-14A.
- B. Prior to the installation or construction of any accessory structure, an application shall be presented in writing to the Building and Zoning Department on an approved accessory building permit application and the requisite fee shall be paid for issuance of such permit. An application and permit shall be required where the installation or construction of any accessory structure is 100 square feet or less in overall dimension; however, no fee shall be imposed for the issuance of the permit.
- C. There shall be a limit of no greater than two accessory structures, whether permanent or temporary, on any one tax map parcel.
- D. There shall be a requirement that all pre-existing accessory structures, whether permanent or temporary, preexisting on the effective date of enactment hereof shall be brought into conformity with the requirements of §153-14 within the period of 12 months. This provision is in no way intended to impair, diminish or extinguish any preexisting right that any premises may enjoy with respect to a preexisting nonconforming permanent accessory structure in existence and in use on the date of enactment.
- E. Temporary cargo container units.
  - (1) Placement or utilization of any metal container storage unit or tractor-trailer cargo container unit generally utilized for transport and storage of materials shall not be maintained on any site and utilized as an accessory structure or as a storage unit in any zone, except in the M-1 Industrial Zone, and consistent with the minimum yard regulations herein provided.
  - (2) Placement or utilization of any metal container storage unit or tractor-trailer cargo container unit to be utilized for the storage of materials on any premises shall require application on an accessory building permit application and, for the purposes of an application fee, shall be deemed the equivalent of a garage and shall not be limited in number as specified in §153-14D.



**§153-15 Landscaping regulations.**

**[Amended 10-28-1992 by L.L. No. 1-1992]**

Any use which is in, abuts, is adjacent to or is less than 50 feet from the R-1 or R-2 District boundary and which is not conducted within a completely enclosed building, such as storage yards, lumber- and building materials yards, parking lots and like uses, shall be entirely enclosed by a fence or landscaping sufficient to effectively shield such uses. This section shall not apply to nurseries and the display for sales purposes of new or used cars, trucks, trailers, bicycles, motorcycles or farm equipment.

**Article VI**  
**Supplementary Regulations**

**§153-16 Residence-related uses.**

[Amended 1-12-1977 by L.L. No. 15-1977]

**A. Motels, hotels, and similar uses.**

- (1) Such uses shall have a minimum area of 150 square feet rentable for each unit exclusive of bathroom facilities.
- (2) Each rentable unit shall include a minimum of one bedroom and a shower or bathroom with toilet.

**§153-17 Facilities for automobiles and other vehicles.**

**A. Off-street parking.** In all districts, with exception of C District, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces in accordance with the requirements set forth herein. The number of required off-street parking spaces shall be the number required for the entire building structure. All land uses in the C District shall be exempt from the off-street parking requirements.

- (1) Off-street spaces for residential dwellings in the R-1 and R-2 Districts may be provided in an enclosed garage or within a driveway on the same lot on which the residential dwelling is located. Proposed single-family dwellings in the R-1 District may utilize one on-street parking space.
- (2) Size, access and location. Each off-street parking space shall have an area of not less than 200 square feet, exclusive of access drives or aisles and each parking space shall have a minimum width of ten feet. Access drives in parking lots shall be a minimum of 24 feet in width. Except in the case of one- and two-family residences, no parking area provided hereunder shall be established for less than three spaces. There shall be adequate provision for ingress and egress to all parking spaces. Access drives or driveways shall not be less than 10 feet wide. Access to off-street parking shall be limited to several well-defined locations, and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts. Access to off-street parking areas for 25 or more cars shall be so designed as to provide ingress and egress on two-way-traffic streets by right turns only. All off-street parking shall be in the side or rear yard of the lot. There is to be no parking in the front yard.
- (3) Number of parking spaces required. The number of off-street parking spaces required shall be as set forth in Subsection A(4) below in accordance with the definition of "floor area" as set forth in Chapter 69, Uniform Fire Prevention and Building Code.
- (4) Parking for churches, synagogues and houses of worship. The number of required off-street parking spaces may be eliminated or reduced if there exists, within 500 feet of the church, synagogue or house of worship, public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of Subsection A(4). The church, synagogue or house of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required by Subsection A(4). Any spaces provided in public or private lots must be shown to be legally available for worshipers on the day or days of greatest use.
- (5) Off-street parking spaces are required for the following uses in the quantities indicated: [Amended 10-28-1992 by L.L. No. 1-1992]

<b>Off-street Parking Requirements</b>	
The following requirements apply to uses in the R-1; R-2; C-2; M-1; RC-1 and ARC-1 Districts	
<b>Use</b>	<b>Minimum Required Off-street Parking Spaces</b>
Auditoriums, theaters and assembly halls	1 for each 3.5 seats
Bowling alleys	5 for each alley
Churches, synagogues and houses of worship	1 for each 10 permanent seats except as noted in Subsection A(3). When individual seats are not provided, each 20 inches of benches shall be considered 1 seat.
Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses	1 for each 200 square feet of floor area occupied by all principal and accessory structures
Motels and rooming houses	1 for each rentable unit
Hotels	1 for each 2 rentable units
Funeral homes and mortuaries	5 for each parlor
Hospital, nursing and convalescing homes	1 for each 5 beds, plus 2 for each 2 employees
Manufacturing, industrial and general commercial uses not otherwise specified herein	1 for each 1,000 square feet of floor area, plus 1 for each 4 employees in the maximum working shift
Offices	1 space for every 400 square feet of rentable floor area
Eating and drinking establishments	1 for each 3 seats
Residential dwellings	2 spaces per dwelling in the R-1 and R-2 Districts. 1.5 spaces per dwelling in the C-2 District.
Retail businesses, store groups, shops, etc.	1 for each 300 square feet of floor area where the floor area shall exceed 1,000 square feet
<b>Schools</b>	
Senior high schools	1 parking space for every 10 classroom seats
Elementary and junior high schools	1 parking space for every 15 classroom seats
Wholesale establishments or warehouses	1 for each 2 employees in the maximum shift. The total parking area shall not be less than 20% of the building floor area.

B. On-street parking.

- (1) On-street parking in all districts, with exception of the C District, shall not be used to meet the off-street requirements as listed above in §A (5).
- (2) On-street parking associated with commercial uses shall not interfere with adjoining or nearby residential uses. The type of interference that is prohibited includes, but is not limited to patrons, clients, or customers of a commercial or office use parking in front of residentially used lots.
- (3) On-street parking is never permitted in areas signed as "no parking" or "loading zone".

C. Off-street loading. In any district, in connection with every building or building group or part thereof hereafter erected which is to be occupied by manufacturing or commercial uses or which involves the distribution by vehicles of material or merchandise, there shall be provided and maintained on the same zone lot with such building off-street loading berths in accordance with the requirements of Subsection C(2) below.

- (1) Size and location. Each loading space shall not be less than 10 feet in width, 35 feet in length, shall have a minimum clearance of 14 feet and may occupy all or any part of any required yard.

- (2) Off-street loading spaces are required as follows:

Off-street Loading Requirements		
Uses	Total Floor Area (square feet)	Required Off-Street Loading Berths
Offices; hotels; retail, commercial, wholesale, manufacturing storage and miscellaneous uses	From 10,000 to 25,000	1
	From 25,000 to 40,000	2
	From 40,000 to 60,000	3
	From 60,000 to 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

- D. Joint facilities for parking or loading. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Furthermore, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Board of Appeals in accordance with the purposes and procedures set forth herein.

- E. Development and maintenance of parking areas and structures and loading areas. Every parcel of land hereafter used as a public or private parking area for five or more cars and every structure used as a parking garage or loading area, including a commercial parking lot, and is improved by 2,000 square feet of impervious cover, shall be developed and maintained in accordance with drainage design standards and erosion control standards (hereinafter specified) and upon the following requirements. Plans for such areas shall be reviewed by the Planning Board to ensure compliance with these regulations. [Amended 10-28-1992]

- (1) **Screening and landscaping.** Off-street parking areas and structures for five or more vehicles and off-street loading areas shall be effectively screened by a fence or hedge if located within 50 feet of an R-1 or R-2 District. Such hedge or fence shall not be less than six feet in height and shall be maintained in good condition without any advertising thereon. Any space between such fence or hedge and the side lot line adjoining premises, or the front lot line facing premises, in any R-1 or R-2 District shall be landscaped with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.
- (2) **Minimum distances and setbacks.** No off-street loading area or parking area, or part thereof, for five or more vehicles shall be closer than 10 feet to any dwelling, school, hospital or institution for human care located on an adjoining or adjacent lot.
- (3) **Lighting.** Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multifamily structures containing four or more families shall be adequately lighted.
- (4) **Grading and drainage for stormwater management objectives.** Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
- (a) **Drainage design standards.**
  - [1] Supplementary use project descriptions with parking lot projects of five or more spaces or nonresidential project descriptions that propose improvements resulting in the creation of 2,000 square feet of new impervious surfaces or land disturbances of 10,000 square feet but less than one acre shall be considered a minor stormwater management project or activity. The standards of stormwater treatment for these projects are as follows. Stormwater shall be required to be managed on site and shall be calculated at a flat rate of 1.3 gallons of stormwater for every square foot net increase in impervious area.

$$\text{Stormwater Volume} = \text{SF} \times .56 \text{ Gal./SF} = \text{Required Gallons Stored}$$

- [2] Management plans shall propose and capture impervious surface runoff and direct it to any drainage system [NOTE: Drainage system: pipes, swales, natural features, and constructed improvements designed to detain and or carry to storage/treatment facilities, including retention trenches and basins.], depressions or drywell structures for infiltration and located in compliance with any associated horizontal and vertical separation standards. Drywell capacities compute as follows:

<b>Stormwater Infrastructure Sizing Requirements</b>		
<b>Size</b>		
<b>Diameter (feet)</b>	<b>Height (inches)</b>	<b>Capacity (gallons)</b>
4	48	651
6	48	1,204
8	24	1,107
8	48	2,005

- [3] Any combination of infiltration trench, infiltration basin or dry well [NOTE: "infiltration trench," "infiltration basin" and "drywell" are described in New York State Stormwater Management Design Manual, Table 5.1: Stormwater Management Practices Acceptable for Water Quality.] which exceeds the calculated gallon capacity is acceptable.

- [4] Prior to any excavation, the contractor shall verify any existing utilities.
- (b) Erosion control standards.
- [1] Whenever practical, excavation work shall be done in phased work zones so as not to expose large areas of unvegetated ground at any time. Excavated slopes shall be brought to rough grade, top-soiled and immediately seeded and mulched.
- [2] Immediately after grading, disturbed areas which will not receive paving or other permanent cover shall be top soiled (four-inch minimum depth) and seeded by hand or hydroseeding.
- [3] Slopes shall typically be graded at a maximum of three horizontal to one vertical within all cut or fill areas, unless otherwise designated on plans.
- [4] Temporary applications of rye grass and mulch shall be applied unfinished for extended periods of time, which are scheduled for landscaping.
- [5] Seeded areas shall be fully covered with a lean straw or mulch material. If ordered by the engineer or municipality, a biodegradable netting shall be anchored over seeded areas which demonstrate "rilling" or other erosion processes.
- [6] Topsoil and seed shall be reapplied to any areas which fail to establish as a result of initial application.
- [7] Erosion control blankets shall be applied to any area displaying erosion due to concentrated stormwater runoff.
- [8] Silt fence barriers shall be placed within all areas of exposed slopes to control soil erosion during and after construction.
- [9] The center line of lawn area drainage swales shall receive an application of erosion control blankets, where shown Blankets shall be Curlex® Excelsior, Quick GRASS® /Quick Mow™, as manufactured by American Excelsior Company, or equal. Blankets shall be affixed to ground with metal staples as provided by manufacturer.
- [10] Barriers shall remain in place until new seeding has sufficiently grown to stabilize completed extra work.
- [11] Erosion control blankets, Ero-Mat or approved equal (an organic fiber protective mat, half-inch layer of chopped straw, knitted into a rugged mat with a thin netting of photodegradable polypropylene) shall be installed on all slopes greater than 3:1 or as otherwise shown on site plans. Secure mat to slope with six-inch steel U-shaped staples, two staples per square yard.
- [12] Maintenance program. All erosion control measures shall be inspected daily for proper functioning. Any damaged or nonfunctioning devices shall be replaced immediately. No erosion and sediment control devices shall be removed without approval of site inspector.
- [13] The contractor shall follow erosion control procedures during construction as outlined in the New York State Guidelines for Urban Erosion and Sediment Control.
- [14] Erosion control devices are illustrated on the site plan in a schematic manner based on N.Y. State Guidelines for Erosion and Sediment Control. It may be necessary to adjust the actual location and quantity of erosion control devices depending upon field conditions. The contractor shall be responsible for implementing these measures as required to protect the site.
- [15] Erosion control devices may be waived if construction of all improvements is completed within a storm-less period of 48 hours and sod is installed to disturbed soil areas and sod stapled to all disturbed slopes greater

than 3:1.

- (5) **Maintenance.** All basins, swales, sumps of catch basins and/or area wells shall be inspected and maintained as needed or as agreed upon by the designated review authority.
- F. **Additional requirements for service stations, parking areas and garages.** [Amended 10-28-1992 by L.L. No. 1-1992; 7-5-2007 by L.L. No. 5-2007]
  - (1) **Location of exits and entrances.** No gasoline filling station, commercial parking area or garage for 25 or more motor vehicles shall have an entrance or exit for vehicles within 200 feet of a school, public playground, church, hospital, public library or adult- or child-care facility located on the same side of the street, except where such property is in another block or on another street on which the lot does not abut. Such access shall not be closer than 50 feet to the intersection of any two streets.
  - (2) **Location of oil-drainage pits and hydraulic lifts.** No oil-draining pit or hydraulic lift shall be located closer than 25 feet to any R-1 or R-2 District, except when such pit or lift is within a building. Storage tanks are to be located underground.
  - (3) **Work area.** In any gasoline filling station or other establishment where motor vehicles are serviced or repaired, all repair operations shall be conducted within a building.

**§153-18 Special uses.**

- A. **Special uses, as enumerated in §153-9, shall be permitted only upon authorization by the Zoning Board of Appeals, provided that such uses shall comply with the following requirements and other applicable requirements as set forth in this chapter:**
  - (1) That the use is a special use as set forth in §153-9 hereof.
  - (2) That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience of the citizens will be protected.
  - (3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
  - (4) That the use will be compatible with adjoining development and the proposed character of the zone district in which it is to be located.
  - (5) That adequate landscaping and screening is provided as required in §153-15 and as otherwise provided herein.
  - (6) That adequate off-street parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- B. **Regulations governing certain special uses. The special uses enumerated below shall be governed by the following specific requirements in addition to the ones presented above:** [Amended 10-28-1992 by L.L. No. 1-1992]
  - (1) **Community buildings, country clubs, clubs, social halls, lodges, fraternal organizations and similar uses:** [Amended 2-15-2006 by L.L. No. 4-2005]
    - (a) All of the foregoing uses shall require that the building maintain a minimum of 50 feet from the centerline of the road. This setback requirement shall apply in the R-1, R-2, C and C-2 Districts.
  - (2) **Hospitals, nursing homes and convalescing homes:** [Amended 10-28-1992 by L.L. No. 1-1992]

- (a) All of the foregoing uses shall require that the building maintain a minimum of 50 feet from the centerline of the road. This setback requirement shall apply in the R-1, R-2, C and C-2 Districts.
- (3) Mobile home parks. Mobile homes and trailer units shall comply with the provisions of the Building Code of the Village of South Glens Falls.

§153-19 Conversions; home occupations; fences and junkyards.

[Amended 1-12-1977 by L.L. No. 15-1977]

A. Conversions. [Amended 3-15-1989 by L.L. No. 2-1989; 10-28-1992 by L.L. No. 1-1992]

- (1) Non-dwelling structures. No commercial or manufacturing structure originally designed for other than residential use shall be converted to a dwelling structure, nor shall any such structure which was so converted prior to the adoption of this chapter be further converted to provide for additional dwellings.
- (2) Conversions to two-family and multiple-family dwellings in R-2 Districts are hereby authorized, subject to the requirements and specifications hereinafter set forth, as follows:
  - (a) Site plan. A precise site plan must be presented to the Village Building Inspector that is scaled as follows: engineer scale of one-inch equals 10 feet or an architect scale of 1/8 inch equals one foot or 1/4-inch equals one foot. The site plan must show the location of trees and shrubs, the location and dimensions of any appurtenant structures, provisions for unpaved open space, outline and dimensions of all buildings on the property, provisions for handling storm runoff and snow removal, vehicular and pedestrian circulation, designated driveways and parking areas and provisions for sound and site buffers and preservation of view, light and air.
  - (b) Off-street parking. Off-street parking must be provided with 1 ½ parking spaces for each dwelling unit at a minimum size of 10 feet by 20 feet per parking space. Parking areas for five or more cars and areas improved by 2,000 square feet of impervious cover shall be developed and maintained in accordance with §153-17D(4). Design application shall be in accordance with the most current Appendix in the Blue Book for Erosion and Sediment Control Plan for Small Home Site Construction. [Amended 7-5-2007 by L.L. No. 5-2007]
  - (c) Habitable dwelling space. There shall be at least 500 square feet of habitable dwelling space per dwelling unit.
  - (d) Driveways, parking spaces and walkways. All driveways, parking spaces and walkways shall be paved areas to provide a dust-free, all-weather surface. No parking spaces shall be permitted on a front yard.
  - (e) Lot size. The minimum lot size shall be 7,000 square feet.
- B. Home occupations. Permitted home occupations may be conducted in any dwelling unit only under the following conditions:
  - (1) Where permitted. A home occupation shall be permitted within a single-dwelling unit or accessory structures thereto only by the person or persons residing therein. These home occupations shall not provide employment for more than two nonresident employees.
  - (2) Evidence of use. The home occupation does not display or create outside the building any evidence of the home occupation, except that one unanimated, nonilluminated flat or window sign having an area of not more than one square foot shall be permitted on each street front of the lot on which the building is situated.
  - (3) Extent of use. The home occupation does not utilize more than 20% of the floor area of the dwelling unit



(except foster family care), and the offices of the learned professions may not utilize more than 40% of the floor area of the dwelling unit.

- (4) Permitted home occupation includes not more than one of the following uses on a lot: professional offices, rooming and boarding houses and tutoring, excluding dance studios and custom tailoring or dressmaking. Application may be made to the Zoning Board of Appeals for any other uses not creating excessive nuisances.
- C. Fences. Solid and opaque fences shall not exceed six feet six inches in height from ground level.
- D. Junkyards. No junkyard shall be operated or maintained within the Village of South Glens Falls.
- E. Property maintenance. [Added 1-19-2000 by L.L. No. 1-2000]
  - (1) General.
    - (a) Scope. The provisions of this subsection shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
    - (b) Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupied or permit another person to occupy premises which are not in a satisfactory and safe condition and which do not comply with the requirements of this subsection. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.
    - (c) Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
  - (2) Exterior property areas.
    - (a) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
    - (b) Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
    - (c) Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254mm) in height measured from the natural ground level. All noxious weeds shall be prohibited. "Noxious weeds" shall be defined as all uncultivated grasses, annual plants and vegetation, other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens.
    - (d) Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
    - (e) Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant.
    - (f) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

- (g) Gates. Gates which are required to be self-closing and self-latching in accordance with any federal, state or local law or building code shall be maintained such that the gate will positively close and latch.
- (3) Exterior structure.
  - (a) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the public health, safety or welfare.
  - (b) Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather-resistant and watertight.
  - (c) Street numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way.
  - (d) Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
  - (e) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents or other pests.
  - (f) Exterior walls. All exterior walls shall be free from holes, breaks, loose, or rotting materials and maintained weatherproof and properly surface-coated where required to prevent deterioration.
  - (g) Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
  - (h) Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
  - (i) Overhang extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
  - (j) Stairway, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
  - (k) Chimney and towers. All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
  - (l) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
  - (m) Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight. All glazing materials shall be maintained free from cracks and holes. Every

window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

- (n) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
- (o) Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, pests and rain and surface drainage water.
- (4) Rubbish and garbage.
  - (a) Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
  - (b) Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
  - (c) Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
  - (d) Disposal of garbage. Every occupant of a structure shall dispose of his garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
  - (e) Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit or an approved, leakproof, covered, outside garbage container and covered recyclable containers.
  - (f) Containers. The operator of every establishment producing garbage shall provide at all times and cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for proper disposal.

§153-20 Restrictions on mobile homes.

[Added 4-4-1984 by I.L. No. 2-1984]

Mobile homes and the use and occupation of the same are hereby restricted to duly designated mobile home parks within the Village of South Glens Falls. It shall be unlawful to use or occupy a mobile home for any purpose at or on any site within the Village of South Glens Falls other than on a site located in a mobile home park.

§153-21 Landscaping, Buffering and Screening Requirements

- A. Purpose. The purpose of this section is to:
  - (1) Establish requirements for landscaping, including the preservation of existing trees, the replanting of trees lost due to development and to provide requirements for minimum landscaping on site; as well as within the Village rights-of-way.
  - (2) Establish requirements for buffering between uses and districts.
  - (3) Establish requirements for screening, including screening of trash receptacles and dumpsters.
- B. Landscaping requirements.
  - (1) Only trees, plants and shrubs from the list provided in this section or alternates approved by the Planning Board will be considered to meet the requirements of this chapter. Tree caliper shall be measured 4.5 feet from the base of the tree. The developer/owner shall make every effort to preserve and protect significant trees over 18 inches in caliper.
  - (2) The requirements of this section shall apply to all vacant undeveloped property and all property to be redeveloped, including additions and alterations.

- (3) A landscape plan must be submitted as part of the site plan review process. To qualify for final approval, a tree schedule must also accompany the final plat. Evergreen landscape materials must be included to achieve at least a 1:3 ratio between evergreen and deciduous plants, except that the Planning Board may, at its discretion, require a greater ratio of evergreen to deciduous plants where it determines that such a greater ratio would be desirable.
- (4) Where the location of existing overhead or underground utility lines conflicts with the required landscaping strip and tree planting, the Planning Board may approve an alternative plan to meet the intent of this section.
- (5) Required landscaping must always be permanently maintained in a healthy growing condition . The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other permanent maintenance of all plantings as needed. A one-year warranty must be provided for all planted trees and shrubs, from the plant supplier, prior to the issuance of a certificate of occupancy.
- (6) The landscaping requirements of this section shall be applied by the Planning Board as part of any site plan review. A site plan review affecting only a portion of a site triggers the landscaping requirements of this article. The Planning Board may waive some or all the requirements of this section, at its discretion.
- (7) Tree List
  - (a) Plant species shall generally be selected from the following list of species. Substitutions may be made at the discretion of the Planning Board.
  - (b) Suggested Trees

Suggested Deciduous Shade Trees	Suggested Evergreen Shade Trees
1. Red Maple ( <i>Acer rubrum</i> )	1. Spruce varieties [ <i>Picea</i> (varieties)]
2. Hackberry ( <i>Celtis occidentalis</i> )	2. Cedar/Juniper varieties [ <i>Juniperus</i> (varieties)]
3. Ginkgo/Maidenhair ( <i>Ginkgo biloba</i> )	3. Pine varieties [ <i>Pinus</i> (varieties)]
4. American Plane ( <i>Platanus occidentalis</i> )	4. Yew varieties [ <i>Taxus</i> (varieties)]
5. Red Oak ( <i>Quercus rubra</i> )	5. Arborvitae varieties [ <i>Thuja</i> (varieties)]
6. White Oak ( <i>Quercus alba</i> )	6. Hemlock varieties [ <i>Tsuga</i> (varieties)]
7. White Oak ( <i>Quercus alba</i> )	
8. Pin Oak ( <i>Quercus palustris</i> )	
9. Little Leaf Linden ( <i>Tilia cordata</i> )	

- (8) Multifamily and nonresidential landscaping requirements.
- (a) Applicability. These standards shall apply to all commercial, industrial, and multifamily residential zoning districts and uses. These standards may be met by saving existing trees on the site or by planting new trees from the above list.
- (b) Landscaped strips along streets.
- [1] A landscaped strip shall be provided adjacent to all public and private streets. The landscaped strip shall be a minimum of 8 feet wide, exclusive of the street right-of-way. Within the landscaped strip, one shade tree (three-inch caliper minimum) shall be provided per every 100 linear feet, or any portion thereof, of landscaped strip. Required shrubbery shall be no higher than four feet above existing street grades, nor shall any tree with foliage extend below 10 feet above the established street grades. All landscaping (trees, shrubs, planted beds) shall be maintained within 20 feet of any street intersection or 10 feet of driveway/street intersections. This restriction is for purposes of maintaining visibility at all times.
- [2] Where parking lots and drives abut the landscaped strip along the street right-of-way, evergreen shrubs selected from the list below must be provided for screening. The screening must be a plant species that grows a minimum of three feet high and extends along the entire street frontage of the parking lot, exclusive of driveways and visibility clips. A landscaped berm may be provided in lieu of required shrubs. The berm must be 18 inches to 40 inches above the average grade of the street and parking lot curbs with a slope not to exceed 3:1. If a parking lot is located 50 feet or more from the street right-of-way line, no screening shrubs or berm will be required.

Suggested Evergreen Low Screening Shrubs	Suggested Evergreen Tall Screening Shrubs
1. Oregon Grape ( <i>Mahonia aquifolium</i> )	1. Spruce [ <i>Picea</i> (varieties)]
2. Rhododendron [ <i>Rhododendron</i> ("compacta" varieties)]	2. Juniper [ <i>Juniperus</i> (varieties)]
3. Dwarf Holly [ <i>Ilex</i> ("compacta" varieties)]	3. Yew <i>Taxus</i> [(varieties)]
4. Dwarf Hinoki False Cypress ( <i>Chamaecyparis obtusa</i> "Nana Gracilis")	4. The Blue Hollies ( <i>Ilex meservae</i> )
5. Spruce [ <i>Picea</i> (varieties)]	5. Mountain Laurel ( <i>Kalmia latifolia</i> )
6. Juniper [ <i>Juniperus</i> (varieties)]	6. Fire Thorn ( <i>Pyracantha</i> )
7. Yew [ <i>Taxus</i> (varieties)]	7. Rhododendron ( <i>Rhododendron</i> )
	8. Leatherleaf Viburnum ( <i>Viburnum rhytidophyllum</i> )

- (9) Visibility. Street-level landscaping shall not interfere with visibility of vehicular and pedestrian traffic
- (10) General landscaping requirements for all parking lots.
- (a) Parking lot landscaping shall be met for all customer and employee parking; and storage and standing parking spaces incidental to uses such as sales and rental of motor vehicles, recreational vehicles, boats, trailers, or other similar uses if such storage is visible from any public rights-of-way.
- (b) Exterior parking lot landscaping. A landscaped strip shall be provided around the perimeter of the site, exclusive of driveways. The landscaped strip shall be a minimum of five feet wide for sites 10,000 square feet or greater and three feet wide for sites less than 10,000 square feet. Within the perimeter landscaped strip, one shade tree (three-inch caliper minimum) shall be provided per every 100 square feet, or any portion thereof, of landscaped strip
- (c) Interior parking lot landscaping. Interior parking areas shall be landscaped in addition to the required landscaped strip. Trees must be provided in each parking lot at a minimum average density of one shade tree (three-inch caliper) for each 15 parking spaces, or any fraction thereof. Additionally, 10 percent of the interior parking lot area shall be pervious and landscaped.
- (d) To calculate the total parking area and the subsequent percentage of required interior lot landscaping, total the square footage of parking spaces, planting islands, curbed areas, and all interior driveways and aisles, except those with no parking spaces located on either side. Landscaped areas located outside the parking lot may not be used to meet the interior landscape requirement.
- (e) To the extent practicable, the required landscaping for parking lots shall be distributed throughout the parking lot. Adjustments may be approved by the Planning Board reviewing the landscape plan, where shape or size of the parking lot, the location of existing trees, or other natural constraints reasonably prevent such distribution.
- (11) All landscaped areas, including permeable areas and drip lines around trees and planting beds used for visual screening, which abut any parking lot or vehicular travel area shall be protected with curbs, parking blocks, or similar barriers sufficient to protect them from vehicular intrusion. Landscaped islands will be a minimum of five feet in dimension and must be a minimum of nine feet wide to accommodate the door swing of vehicles parked in adjacent when adjacent to parking spaces where a car door would open into the island.

C.

Purpose and description of buffer types and requirements for screening.

- (1) The purpose of buffer zones is to dimensionally separate land uses. Within the buffer area, visual screening elements (vegetation and/or fencing) between uses that may not be compatible can be utilized. The level of general compatibility dictates the level of screening. Three different types of buffers are specified. The buffer types are designated as Type A, Type B and Type C buffers. The following table illustrates the types of buffers required between adjacent use
- (2) Buffer types are illustrated in Figure C and D in Attachment A. Each buffer type contains certain minimum requirements, which are outlined in the table below. The buffer shall apply to both sides of the property line to which it is applied. Trees and shrubs are to be from the lists in this section. An opaque fence may be substituted for trees or shrubs. If a fence is utilized, the height and position of the fence is at the discretion of the Planning Board.

<b>Buffer Types</b> (see Figures C and D in Attachment A)			
Buffer Area Type	Minimum Landscaped Buffer Area (feet)	Number of Trees Required per 100 Linear Feet of Buffer	Minimum Height of Required Trees (feet)
A	10	1	NA
B	20	3	6
C	50	5	10

Buffer Requirements Between Adjacent Uses						
Land Uses	Single-Family	Two family or Multi-family	Office	Commercial/ Retail	Recreation	Industrial
Single-family residential	None	B	A	C	C	C
Two family or Multi-family	B	None	A	A	B	C
Office	A	A	None	A	B	C
Commercial/ Retail	C	A	A	None	B	C
Recreation	C	B	B	B	None	C
Industrial	C	C	C	C	C	None
<b>NOTE:</b> Any use not specified above is considered a commercial use, unless otherwise determined by the Planning Board.						

- (3) The vegetation existing in or added to buffer areas are in addition to landscape requirements outlined in this section and may not be used as a substitution for any part of the required landscaping. Where the use and area tables of this chapter specify a fifty-foot buffer, the requirements of a Type C buffer shall apply.
- (4) Parking or storage of vehicles of any kind or objects associated with the use of the property are not permitted within the buffer area.
- (5) Screening requirements.
  - (a) Screening may consist of naturally occurring trees and plants, planted trees and plants to supplement or establish a vegetative screen, additional trees or plants with a berm to improve the elevation of the visual screen, and/or fencing in areas where there is not sufficient depth for an effective vegetative screen
  - (b) When the buffer area is not sufficiently inhabited with natural woody plants (i.e., trees and shrubs) to sufficiently screen adjoining uses, the Planning Board, at its discretion may require additional vegetation, berming and/or fencing.

- (c) Trash receptacles and dumpsters shall be screened with vegetation and/or fencing to adequately block the view of such structures from neighboring property owners or a public right-of-way. The type and style of plantings/fencing shall be at the discretion of the Planning Board.

§153-22 Architectural and site design guidelines.

A. Streetscape elements.

- (1) Building height. A height limit should be maintained for the entire corridor. Roof pitches, turrets, and flagpoles may be exempted. Rooftop mechanical equipment should be hidden from view and screened with a facade or other architectural treatment if possible.
- (2) Delivery access. In order to facilitate fewer curb cuts, a rear drive should be provided to access loading docks and employee parking spaces behind the buildings.
- (3) Trees. Trees lining the streets are essential to good urban design. They provide continuity and break up the built environment with greenery.
- (4) Sidewalks. Where sidewalks are not already present, sidewalks shall be five feet wide and ADA-compliant. They are to be placed between the building and the planting strip when possible. New sidewalks that are to connect to existing sidewalks located adjacent to the street shall be curved or angled to create a continuous walkway. In cases where the existing sidewalk is immediately adjacent to the street (or separated by a very narrow, less than 24 inches, planting strip), the required landscape strip shall be located between this sidewalk and the retail/commercial parking lot.

B. Site design issues.

- (1) Buildings should offer attractive and inviting pedestrian-scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Transit stops and drop-off/pick-up points should be considered as integral parts of the configuration. The features and spaces should enhance the building and the center as integral parts of the community fabric.
- (2) Each commercial establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing direct connection with the public sidewalk, a pedestrian area with benches, transit stops and other adjoining area of public relevance (e.g. park, library, municipal building). Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- (3) If the area is served by a transit service, areas shall be designed to accommodate existing or possible (future) bus service.

C. Architectural elements.

- (1) Variations in rooflines should be used to add interest to and reduce the massive scale of large buildings. Roof features should complement the character of adjoining neighborhoods.
- (2) Rooflines shall be varied with a change in height every 50 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.



- (3) Buildings should have architectural features and patterns that provide visual interest, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.
- (4) Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically. Elements subject to these requirements include:
  - (a) Color change.
  - (b) Texture change.
  - (c) Material module change.
  - (d) Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.
  - (e) Predominant exterior building materials shall be high-quality materials. These include, without limitation:
    - [1] Brick.
    - [2] Wood.
    - [3] Sandstone or other type of native stone.
    - [4] Tinted, textured, concrete masonry units.
    - [5] Facade colors shall be low-reflectance, subtle, neutral, or earth tone colors.
  - (f) The following materials and elements are prohibited:
    - [1] The use of high-intensity colors, metallic colors, black or fluorescent colors.
    - [2] Building trim and accent areas which feature brighter colors or neon tubing.
    - [3] Smooth-faced concrete block or concrete panels.
    - [4] Prefabricated steel panels.
  - (g) Entryway design elements.
    - [1] Entryway variations should give orientation and aesthetically pleasing character to the building.
    - [2] Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following: Canopies or porticos; overhangs; recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; and integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
    - [3] Architectural details such as tile work and moldings which are integrated into the building structure and design.
    - [4] Large retail buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience

where certain entrances offer access to individual stores, or identified departments in a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

- [5] All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one customer entrance.
- [6] The number of entrances for the principal building shall be addressed at the preliminary development plan stage. Should additional stores be in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.
- (h) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

**Article VII**  
**Nonconforming Uses and Structures**

§153-23 Continuation.  
[Amended 2-5-1970]

A use, building or structure, lawfully in existence at the effective date of this chapter, which shall be made nonconforming by the passage of this chapter or any applicable amendment thereto may be continued except as otherwise provided in this article and Article VIII.

§153-24 Limitations on alterations.  
[Amended 2-5-1970]

No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use or except when authorized by the Zoning Board of Appeals in accordance with the provisions, procedures and conditions prescribed under Article VIII herein, and no nonconforming use shall hereafter be enlarged or extended, except that, when authorized by the Zoning Board of Appeals, a building containing a nonconforming use may be enlarged to an extent not exceeding 50% of the gross floor area of the existing building or buildings devoted to a nonconforming use at the effective date of this amended article and chapter or at the time of its amendment making such use nonconforming, or when required to do so by law and as follows:

- A. Restoration. Any damaged nonconforming structure may be restored, reconstructed or used as before, provided that the floor area of such damaged use, building or structure may be restored, reconstructed or used as before, and provided that the floor area of such use, building or structure shall not exceed the floor area which existed prior to such damage. All repairs shall be completed within one year after the damages occurred, or such use shall not be rebuilt except as a conforming use.
- B. Displacement. A nonconforming use shall not be extended to displace a conforming use, except as permitted under this section and §153-27 of Article VIII herein, as amended.
- C. Change of use.
  - (1) A nonconforming use or structure shall not be changed into a use which is permitted in a less restrictive district, except as permitted under this section and §153-27 of Article VIII, as amended.
  - (2) A nonconforming use may be changed into a conforming use.
  - (3) A nonconforming use which is not permitted in any district or which is permitted only as a special use may only be changed into a conforming use, except as permitted under this section and §153-27 of Article VIII herein.
- D. Repairs. Normal maintenance, repair and incidental alteration of a structure containing a nonconforming use is permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of dwelling units.
- E. Prior approval. Nothing herein contained shall require any change in the plans, construction or designated use of a building complying with existing laws, a permit for which shall have been obtained before the date of adoption of this chapter or any applicable amendment thereto and the ground story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall have been completed, according to such plans as have been filed, within one

year of the date of adoption of this chapter or any applicable amendment thereto.

**§153-25 Abandonment.**

The discontinuance of a nonconforming use for a period of one year and/or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof and such nonconforming use shall not thereafter be revived. An intent to resume active operations shall not affect the foregoing.

**§153-26 Nonconforming industrial uses.**

- A. The provisions of this article shall not apply, except as noted herein specifically, to any nonconforming industrial use located in a residential zone, which use exists on the effective date of this chapter; provided, however, that no change is made in the basic type of industrial operation or no additions are made to the existing operation which are noxious, offensive, hazardous or detrimental to the comfortable enjoyment of life or which are injurious to human, plant or animal life and property or to the health, safety and general welfare of the community.
- B. No land devoted to a nonconforming industrial use shall be extended beyond its property boundaries as they existed at the effective date of this chapter. A nonconforming industrial use may be changed into a conforming use.

**Article VIII**  
**Zoning Board of Appeals**

§153-27 Establishment; membership; appointments.

[Amended 10-28-1992 by L.L. No. 1-1992; 2-6-2008 by L.L. No. 3-2008; 3-19-2014 by L.L. No. 1-2014]

There is hereby established a Zoning Board of Appeals having the powers authorized under the Consolidated Laws of the State of New York. Said board shall consist of five members nominated in the sound discretion of the Village Mayor and appointed with the approval of the Village Board of Trustees.

§153-28 Organization and procedures.

[Amended 10-28-1992 by L.L. No. 1-1992]

- A. Appointment of officers; meetings. The Board of Trustees shall appoint a Chairman. The Zoning Board shall adopt rules and regulations consistent with law or ordinance. Meetings of the Zoning Board shall be held at the call of the Chairman and at such other times as the Zoning Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.
- B. Meetings, minutes and records. Meetings of such Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. Such Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions.
- C. Filing requirements. Every rule and regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be a public record.
- D. Assistance to the Board of Appeals. Such Board shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village.
- E. Hearing appeals. Unless otherwise provided by local law, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding from and reviewing any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of any local law, including Chapter 153, Zoning, of the Village Code. Such Board shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Board of Trustees. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance. The concurring vote of the majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved or by any officer, department board or bureau of the Village.
- F. Time of appeal. Such appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such local law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal.
- G. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law from whom the appeal was taken certifies by the Board of Appeals, after the notice of appeal shall have been filed with the administrative

official, that by reason of the fact stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a board of appeals or by a court of record on the application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

- H. Hearing on appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the Village of a notice of such hearing, at least five days prior to the date thereof.
- I. Time of decision. The Board of Appeals shall decide upon the appeal within 62 days after the conduct of said 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.
- J. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the office of the Village Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- K. Notice to Park Commission or planning agency. At least five days before such hearing, the Board of Appeals shall mail notice thereof to the parties, to the regional State Park Commission having jurisdiction over any state park or parkway within 500 feet of the property affected by such appeal and to the county, metropolitan or regional planning agency as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.
- L. Compliance with the State Environmental Review Act. The Board of Appeals shall comply with the provisions of the State Environmental Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617, of the New York Codes, Rules and Regulations.
- M. Quorum; voting. The presence of three members shall constitute a quorum. The Zoning Board shall act by resolution. The concurring vote of a majority of the members of the Zoning Board shall be necessary to reverse any order requirement, decision or determination of the Building Inspector or any administrative official charged with the enforcement of Chapter 153, Zoning, of the Village Code to decide in favor of the applicant any matter upon which it is required to pass under this chapter or to grant any variation from the requirements of this chapter. [Amended 11-15-1995 by L.L. No. 3-1995]

**§153-29 Permitted actions by Board of Appeals.**  
[Amended 2-5-1970; 10-28-1992 by L.L. No. 1-1992]

- A. Interpretations, requirements, decisions and determinations. The Board of Appeals may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision or determination the appeal is taken, as follows:
  - (1) Hold public hearings: to hold public hearings as required and as may be permitted by this chapter.
  - (2) Approve special uses: to authorize building permits and to authorize the Building Inspector to issue a building permit for a special use.
  - (3) Permit building in bed of mapped streets: after due notice and hearing as provided for in the consolidated laws of the State of New York and in accordance with the provisions set forth therein, to grant a permit for a building in the bed of a mapped street or a highway shown upon the Official Map or Plan of the Village of South Glens Falls, as it may be adopted and from time to time amended.

- (4) Interpret chapter and boundaries: upon appeal from a decision by the Building Inspector to decide any question involving the interpretation of any provision of this chapter and, where uncertainty exists as to the boundary of any zone district, upon written application or upon its own motion, to determine the location of such boundaries of such districts as are established in Article III hereof and as designated on the Zoning Map or 34 supplementary tax maps of the Village of South Glens Falls.
- (5) Authorize temporary uses: to grant, after due notice and hearing, the temporary occupancy and use of a structure in any district for a purpose that does not conform to the district requirements, provided that such occupancy and use are truly of a temporary nature and subject to any reasonable conditions and safeguards which the Zoning Board may impose to minimize any injurious effect upon the neighborhood or to protect contiguous property. The approval of the Zoning Board and any permit based thereon for such temporary occupancy and use shall not be granted for a period of more than 12 months and shall not be renewable more than once, and then for a period of not more than 12 months.

**B. Grant of use variances.**

- (1) The Board of Appeals, on appeal from a decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the local law.
- (2) No such use variance shall be granted by the 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 Board of Appeals for each and every permitted use under the zoning regulations for the particular district where the property is located that: [Amended 11-15-1995 by L.L. No. 3-1995]
  - (a) The applicant can not realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - (b) *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) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - (d) The alleged hardship has not been self-created.
- (3) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the Village.

**C. Grant of area variances.**

- (1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with enforcement of such local law, to grant area variances from the area of dimensional requirements of such local law.
- (2) 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 whether:
  - (a) An undesirable change will be proceeded in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (b) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue,

other than an area variance;

- (c) The requested area variance is substantial;
  - (d) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
- (3) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the Village.
- (4) Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of Chapter 153, Zoning, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or village.



**Article IX**  
**Administration and Enforcement**

**§153-30 Enforcement official designated.**

The Building Inspector is hereby given the duty, power and authority to enforce the provisions of this chapter. He shall examine all applications for permits for new construction, alteration, enlargement and occupancy of all uses to ensure compliance with the requirements of this chapter, and he shall record and file all applications for permits with accompanying plans and documents and make such reports as may be required. Building permits for a variance from the requirements of this chapter and for such special uses as may be enumerated in Article IV hereof shall be issued only upon the written order of the Zoning Board of Appeals.

**§153-31 Building permits.**

- A. Purpose. To ensure compliance with the provisions of this chapter, no person shall erect, alter or convert any structure or building, or part thereof nor alter the use of any land, subsequent to the adoption of this chapter, until a building permit has been issued by the Building Inspector. Building permits may be valid for a limited period of time for special uses of a temporary nature as set forth herein and for other uses as may be regulated by the Zoning Board.
- B. Water supply and sewage disposal. All water supply and sewage disposal installations shall conform to the New York State Department of Health regulations. No site plan in any district shall be approved by the Building Inspector unless such conformity is certified on the plan.
- C. For principal permitted uses. All such applications shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and location of any building sign, parking or loading area or other physical feature existing; the intended use of each building or part of a building; the number of families, dwelling units, employees, offices or other appropriate units of occupancy which the building is designed to accommodate; and such other information as may be necessary to determine compliance with this chapter. One copy of such plans shall be returned to the owner when such plans shall be approved, and one copy of all applications, with accompanying plans and documents, shall become a public record after a permit is issued or denied.
- D. For special uses. All such applications shall be accompanied by plans and such other information as may be required by the Zoning Board.
- E. Issuance of permits.
  - (1) It shall be the duty of the Building Inspector to issue a building permit, provided that he is satisfied that the structure, building, sign, parking area and the proposed use conforms to all the requirements of this chapter and other applicable ordinances and that all other reviews and actions, if any, called for in this chapter have been complied with and all the necessary approvals have been secured therefor.
  - (2) All building permits shall be issued in accordance with the Building Code of the Village of South Glens Falls and the rules and regulations of the Building Inspector. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation has been obtained as required by this chapter, nor shall they perform building operations of any kind after notification of the revocation of said building permit.
- F. Denial of permits. When the Building Inspector is not satisfied that the applicant's proposed development will meet the requirements of this chapter, he shall refuse to issue a building permit, and the applicant may appeal to the Zoning Board of Appeals for a reversal of the Inspector's decision.
- G. Revocation of permits. If it shall appear at any time to the Building Inspector that the application or accompanying plan is in any respect false or misleading or that work differing materially from that called for

in the applications filed with him under existing laws or ordinances is being done upon the premises, he may forthwith revoke the building permit whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to said Building Inspector. After the building permit has been revoked, the Building Inspector may, in his discretion, before issuing a new building permit, require the applicant to file an indemnity bond in favor of the Village of South Glens Falls with sufficient surety conditioned for compliance with this chapter and all laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building or structure if it does not so comply.

**§153-32 Occupancy permits.**

- E. For new uses. After completion of the whole building or structure and upon the sworn application by the owner or his duly authorized agent setting forth such facts as the Building Inspector may require, and after actual inspection of the premises by the Building Inspector or his duly authorized assistant, the Inspector shall, upon finding the facts to be as represented, issue, in duplicate, an occupancy permit certifying that the premises complies with the provisions of this chapter and may be used for the purposes set forth in the permit, which purposes shall conform to the requirements of this chapter. No change of use shall be made in any building, structure or premises now or hereafter erected or altered which is not consistent with the requirements of this chapter. Any person desiring to change the use of his premises shall apply to the Building Inspector for an occupancy permit. A copy of the occupancy permit shall be kept at all times upon the premises affected and shall be displayed upon a request made by any building inspector or police officer. A record shall be kept of all occupancy permits issued, and the original applications therefor shall be kept on file in the same manner as applications for building permits. No owner, tenant or other person shall use or occupy any building or structure thereafter erected or altered, the use of which shall be changed after the passage of this chapter, without first procuring an occupancy permit, provided that an occupancy permit, once granted, shall continue in effect so long as there is no change of use regardless of change in the personnel of tenants or occupants.

**§153-33 Appeals procedure.**

**A. Appeal from Building Inspector.**

- (1) Procedure for appellant.
- (a) An appeal to the Zoning Board from any ruling of any administrative office administering any portion of this chapter may be taken by any person aggrieved or by an officer, department, board or bureau of the Village affected thereby. Such appeal shall be taken by filing with the officer from whose action the appeal is taken and with the Zoning Board by filing with the Secretary thereof a notice of appeal specifying the grounds therefor.
- (b) All applications and appeals made to the Zoning Board shall be in writing on forms prescribed by the Building Inspector. Every application or appeal shall refer to the specific provision of this chapter and shall exactly set forth the interpretation that is claimed, the plans for a special use or the details of the variance that is applied for, in addition to the following information:
- [1] The name and address of the applicant or appellant.
  - [2] The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
  - [3] A brief description of and the location of the zone lot to be affected by such proposed change or appeal.
  - [4] A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
  - [5] A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected

indicating the location and size of the lot and the size of improvements thereon and proposed to be erected thereon.

(2) *Procedure for Building Inspector.*

- (a) The notice of appeal, in any case where a permit has been granted or denied by the Building Inspector, shall be filed within such time as shall be prescribed by the Zoning Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Building Inspector shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken or, in lieu thereof, certified copies of said papers.
- (b) It shall be competent for the Building Inspector to recommend to the Zoning Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he has not himself the sufficient authority to grant the relief sought.
- (3) *Procedure for the Zoning Board.* The Zoning Board shall decide each appeal within a reasonable time. Upon the hearing, any party may appeal in person or be represented by an agent or attorney. The Zoning Board's decision shall be immediately filed in its office and shall be a public record. In the exercise of its functions upon such appeals or upon exceptions, the Zoning Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order or requirement or may make such order, requirement, decision or determination in accordance with the provisions hereof.
- (4) *Expiration of appeal decision.* Unless otherwise specified by the Zoning Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary building permit or to comply with the conditions of said authorized permit within six months from the date of authorization thereof.
- (5) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies for the Zoning Board, after the notice of appeal shall have been filed, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board, or by the Supreme Court on application, on notice to the Building Inspector and on due cause shown.

B. *Article 78 hearing. [Amended 10-28-1992 by L.L. No. 1-1992]*

- (1) *Application to the Supreme Court by aggrieved persons.* Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the Village may apply to the Supreme Court for the review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision of the Board in the office of the Village Clerk. The Court may take evidence or appoint a referee to take such evidence as it may direct and report the same with his or her findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter. The Court at Special Term shall itself dispose of the cause on the merits, determining all questions which may be presented for determination.
- (2) *Costs of appeal.* Cost shall not be allowed against the Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- (3) *Preference of appeal to Court.* All issues in any proceeding under this subsection shall have preference over all other civil actions and proceedings.
- (4) *Power of Court.* If, upon the hearing at a Special Term of the Supreme Court, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the

Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

**§153-34 Public hearings and notice.**

[Amended 11-19-1997 by L.L. No. 3-1997]

The Zoning Board shall fix a reasonable time for the hearing on the appeal or application and shall give due notice to the following officials, persons and owners of property not less than five days prior to the day of the hearing:

- A. When appealing action of the Building Inspector. In the case of an appeal alleging error or misinterpretation in any order or other action by the Building Inspector, the following persons shall be notified: The Inspector, the appellant and the person or persons, if any, who benefit from the order, requirement, regulation or determination.
- B. When appealing for a variance or special use. In the case of an appeal for a variance or in the case of an application for a special use, as provided for in this chapter, the following persons shall be notified: all owners of property within 200 feet of the nearest line of the property for which the variance or special use is sought and such other property owners as the Chairman of the Zoning Board may direct.
- C. Adjournment of hearing. Upon the day for hearing any application or appeal, the Zoning Board may adjourn the hearing for a reasonable period of time for the purpose of causing such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal.
- D. Required interval for hearings on applications and appeals after denial. Whenever the Board, after hearing all the evidence presented upon an application or appeal, under the provisions of this chapter denies the same, the Zoning Board shall refuse to hold further hearings on said or a substantially similar application or an appeal by the same applicant or his successor or assign for a period of one year, except and unless the Zoning Board shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified.

**§153-35 Public hearings and notice.**

[Amended 9-15-1965; 1-22-1977 by L.L. No. 20-1977]

- A. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and immediately investigate and report thereon to the Board of Trustees.
- B. Procedure for abatement of violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or in case any building, structure or land is used in violation of this chapter or of any local law, ordinance or regulation made under authority conferred hereby, the Board of Trustees or the Building Inspector, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- C. Any owner, lessee, contractor, agent or other person who uses or maintains, or permits or causes to be used or maintained, any building or premises or any part thereof in the Village for any purpose other than the uses permitted therefor in this chapter; or who erects, enlarges, alters or maintains, or permits or causes to be erected, enlarged, altered or maintained, any building or structure or any part thereof in the Village except in conformity with the provisions of this chapter; or who uses or maintains, or permits or causes to be used or maintained, any building or any part thereof in the Village which has been erected, enlarged or altered other than in conformity with the provisions of this chapter; or who otherwise violates any provision

of this chapter shall be subject to a penalty for each violation thereof of a fine of not more than \$250 or imprisonment for a term not exceeding 15 days, or to both such fine and imprisonment.

- D. Any violation of this chapter may also be enjoined pursuant to law.
- E. In addition to any other remedies or penalties that may be imposed, a violation of this chapter shall entitle the Board of Trustees to undertake to remedy or repair the conditions constituting the violation at the premises owner's expense in order to bring the premises into conformity and compliance with this chapter, and the actual disbursements and expenses therefor shall become a charge and a lien upon the premises, and the same shall be added to the premises next annual Village tax bill to be collected in accordance with the provisions of law and procedure for the payment of Village taxes with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Village for enforcement of this chapter. [Added 1-19-2000 by L.L. No. 1-2000]

**§153-36 Parks, open spaces and natural features; recreation fees/land dedication.**

- A. Purpose. The purpose of this section is to establish and provide for an equitable and effective development standard for securing adequate land and funding for parks, playgrounds and open space recreation areas in the Village of South Glens Falls.
- B. Recreation fees.
  - (1) The Planning Board shall require, as condition of approval of a final site plan that includes dwelling units, the payment of recreation fees for each dwelling unit in such amount to be set by the Village Board as required in §153-37. The recreation fees per dwelling unit are established and amended by resolution of the Village Board. Such fees shall be paid to the Village at the time of final site plan approval, and no such final site plan shall be approved by the authorized officer of the Planning Board until such payment is made. Such payments shall be held by the Village of South Glens Falls in a special fund for acquisition and development of recreation land and related improvements. All money in this fund is to be used only for:
    - (a) The purchase of land that is suitable for new or enlarged parks, playgrounds or open spaces and located so as to serve the inhabitants of the Village's residential neighborhoods.
    - (b) The improvement of new or existing park, playground and open space lands which serve the Village's residential neighborhoods.
  - (2) In any case, the Planning Board shall be satisfied that required recreation land will be maintained and will not be used for other than recreation purposes.
- C. Land dedication in lieu of fees.
  - (1) In cases where the Village Board finds that due to the size, shape or location of the final site plan, land dedication for a park, playground or other recreational purpose is preferable to the payment of a recreation fee, the Village Board may waive the fee and require as a condition of approval the dedication of land for recreational purposes.
  - (2) The owner/developer shall then file with the Village Board a plan detailing the sites for the development of a park, playground or other recreational facility. Recreation space shall be provided by the owner/developer on the basis of at least 1,000 square feet per dwelling unit, but in no case shall the amount be more than 10% of the total area of the final site plan. Such area or areas may be dedicated to the Village by the owner/developer if the Village Board approves such dedication. All lands designated on the final site plan as park, playground or other recreation areas not in Village ownership shall be subject to such conditions as the Planning Board may establish, such as hours of operation, access to the general public, use and maintenance of such lands as deemed necessary to assure the preservation of such land for its intended purpose. Such

conditions shall be shown on the final site plan prior to approval and filing. The Planning Board shall consider the following in determining the suitability of the served land for recreational purposes:

- (a) The size and shape of the reserved land.
- (b) Whether the land is usable land, which for purposes of these regulations shall be taken to mean land that is relatively level and dry.
- (c) The location of the reserved land, i.e., whether the land is:
  - [1] Located in an area which is heavily populated.
  - [2] Near other recreation areas.
  - [3] Near other recreation areas providing the same type of recreation.
  - [4] In a location which will provide a safe and accessible recreation area for Village residents.
- D. Nothing in this section will be construed as prohibiting an owner/developer from reserving land for recreation purposes in addition to the requirements of this section.
- E. The Planning Board shall not at any time authorize the waiver of both the fee and land dedication in lieu thereof requirements.

**§153-37 Fees.**

[Amended 1-12-1977 by L.L. No. 20-1977; 10-28-1992 by L.L. No. 1-1992; 6-19-2002 by L.L. No. 5-2002; 3-21-2007 by L.L. No. 1-2007]

Any fee imposed by any process or proceeding under this chapter shall be established by resolution of the Village Board and collected by the Village Clerk.

**Article X**  
**Amendments**

§153-37 Amendments authorized.  
[Amended 10-28-1992 by L.L. No. 1-1992]

The Board of Trustees may from time to time on its own motion, on petition or on recommendation of the Planning Board amend, supplement or repeal the regulations and provisions of this chapter.

- A. *Hearing.* No such supplement or repeal of restrictions and the boundaries of such districts shall become effective until after a public hearing. At least ten-day notice of the time and place of such hearing shall be published in the designated paper of the Village.
- B. *Additional requirements.* The procedural requirements set forth herein shall be in addition to the requirements of the provisions of §§ 239-l and 239-m of the General Municipal Law relating to review by a county, metropolitan or regional planning board, the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations which are codified in Title 6, Part 617, of the New York Codes, Rules and Regulations and any other general laws relating to land use and any amendment relating thereto.
- C. *Filing.* Every zoning law and every amendment (excluding any map incorporated therein) adopted shall be entered in the minutes of the Village Board and the copy, summary or abstract shall be published once in the official newspaper and a copy of such local law or amendment, together with a summary abstract of any map incorporated therein, shall be posted conspicuously at or near the main entrance to the office of the Village Clerk and affidavits of the publication and posting thereof shall be filed with the Village Clerk. Such minutes shall describe and refer to any map adopted in connection with such local law or amendment.
- D. *Effective date.* Such local law shall take effect upon filing in the office of the Secretary of State, but such local law or amendment shall take effect from the date of its service as against a person served personally with a copy thereof certified by the Village Clerk and showing the date of its passage and entry into the minutes.

§153-38 Review by Planning Board.

Every such proposed amendment or change, whether initiated by the Board of Trustees or by petition, shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. If the Planning Board shall fail to file such a report, it shall be conclusively presumed that the Planning Board has approved the proposed amendment, supplement or change.

§153-39 Public hearings and notice.

The Board of Trustees, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendments and shall cause notice to be given as follows:

- A. *Public notice.* By publishing a notice at least 10 days in advance of such hearing in at least one newspaper of general circulation in the Village of South Glens Falls. Such notice shall state the date, time and place of such hearing, the general nature of the proposed amendment in such reasonable detail as will give adequate notice to its contents and shall name the place or places where copies of the proposed amendment may be examined.
- B. *Personal notice.*
  - (1) By mailing a copy of such notice to every association of residents of the Village which shall have registered its name and address for this purpose with the Village Clerk.
  - (2) A written notice of any proposed change or amendment affecting property within 500 feet of the

boundaries of the Town of Moreau shall be given to the Clerk of the Board of Supervisors at least 10 days prior to the date of such hearing.

- C. Opportunity to be heard at hearing. At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

**§153-40 Adoption over protest.**

In case of an adverse recommendation by the Planning Board against any proposed amendment or in case of a protest signed by the owners of 20% or more of the assessed valuation of the land included in such proposed change; or the land immediately adjacent and extending 500 feet therefrom; or the land directly opposite thereto and extending 500 feet from the street, road or highway frontage of such opposite land, such amendment shall not become effective except by favorable vote of at least four members of the Board of Trustees.



**Article XI**  
**Interpretation and Applicability**

**§153-41 Interpretation of provisions.**

In the interpretation and the application of the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided that where this chapter imposes greater restrictions upon the use of buildings or premises or upon the height or bulk of a building or requires larger open spaces, the provisions of this chapter shall apply.

**§153-42 Higher standards to prevail.**

When a provision of this chapter is found to be inconsistent with any provision of a local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.

**Article XI**  
**Powers of Planning Board**

[Amended 12-17-1997 by L.L. No. 4-1997; 9-1-1999 by L.L. No. 2-1999; 7-5-2007 by L.L. No. 6-2007]

**§153-43 Approval of plats.**

- A. Statutory authority; powers granted by the Board of Trustees. Pursuant to the provisions of Village Law of the State of New York, the Planning Board of the Village of South Glens Falls, Saratoga County, New York, is hereby appointed and shall be constituted of membership specified by Village Law and in addition thereto, the Board of Trustees shall have authority in its discretion to appoint one alternate member to the Planning Board. The alternate member shall have full authority to vote in any matter before the Planning Board when called upon by the Chairman of the Planning Board to fill a seat of a vacant or absent Planning Board member. The Planning Board shall be authorized and empowered to consider and approve subdivision plats for the subdivision of lands with or without streets or highways as well as those subdivision of lands within the municipality showing new streets or highways. The Planning Board shall have all authority accorded to it by the Village Law of the State of New York. [Amended 2-6-2008 by L.L. No. 2-2008]
- (1) Subdivision review; purpose. For the purpose of providing for the future growth and development of the Village and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population, this article authorizes the Planning Board to consider and, where appropriate, approve preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways.
  - (2) Authority. The Planning Board is authorized to approve the development of plats, entirely or partially undeveloped, to be filed in the office of the Clerk of Saratoga County specifying the terms and conditions of land subdivision in the municipality.
  - (3) *Definitions. When used in this article, the definition of terms shall be the same respective meanings as set forth in Article II of this chapter.*
  - (4) Approval of preliminary plats.
    - (a) *Submission of preliminary plats. A plat marked "preliminary plat" accompanied by an application for preliminary plat review shall be submitted to the Planning Board for consideration. Such submission shall conform to the requirements of this code.*
    - (b) *State Environmental Quality Review compliance. The applicant and the Planning Board shall comply with the provisions of the State Environmental Quality Review Act as specified pursuant to state law, including all regulations appropriate thereto.*

- (c) Receipt of a complete preliminary plat. A preliminary plat shall be complete upon a finding of a negative declaration after appropriate Planning Board review and determination, which, in appropriate cases, may require the submission of a State Environmental Quality Review Act short form, long form or draft and final environmental impact statement. The time periods imposed upon Planning Board review shall not commence until such time as the preliminary plat is deemed complete.
  - (d) Planning Board as lead agency. Under the provisions of the State Environmental Quality Review Act and its regulations, the Planning Board shall determine its own status as lead agency, determine whether the application is appropriate for coordinated review, whether the application shall require a public hearing upon notice, and make appropriate findings of fact and conclusions of law with respect to a decision on matters of environmental concern, including determinations of a negative declaration or positive declaration.
  - (e) Public hearing on preliminary plats and time limits applicable to consideration, review and determination. Wherever the Village Law of the State of New York or the State Environmental Quality Review Act and its regulations shall impose a time frame and standard for review and determination, the Planning Board shall conform to such requirement.
  - (f) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the clerk of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner.
  - (g) Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution stating the decision of the Board on the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Village Clerk.
  - (h) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.
- (5) Approval of final plats.
- (a) Submission of final plats. Final plats shall conform to the definition provided by Article II of this chapter.
  - (b) Final plats in conformity with the approved preliminary plat and specifications of approval mandated by the Planning Board shall be submitted to the Planning Board for a final review and for consideration by the Planning Board by resolution, which may conditionally approve the final plat with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within 62 days of its receipt by the Chairman of the Planning Board.
  - (c) Final plats when no preliminary plat was required. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration under the State Environmental Quality Review Act has been determined constituting a basis for the Planning Board to consider the submission complete.
  - (d) Final plats not in conformity with Planning Board approvals. Whenever the applicant submits a final plat that fails to conform to the requirements of this article or substantially deviates from the requirements of the Planning Board's prior review and preliminary approvals, any timetables or deadlines imposed upon the Planning Board shall be suspended until such time as a conforming submission marked "final plat" is submitted by the applicant.
  - (e) Procedure upon submission of a satisfactory final plat. Submission of a satisfactory final plat meeting the

following minimum criteria shall be acted upon in the following manner:

- [1] A survey map prepared by a New York licensed land surveyor specifying "final plat," including all conditions, requirements and notations that may have been imposed upon the applicant by the Planning Board in any preliminary plat approval and in conformity with all requirements of Article VI of this chapter.
- [2] Public hearing on final plats and time limits applicable to consideration, review and determination. Wherever the Village Law of the State of New York or the State Environmental Quality Review Act and its regulations shall impose a time frame and standard for review and determination, the Planning Board shall conform to such requirement.
- [3] Certification and filing final plat. Within five business days of the adoption of the resolution granting approval of a final plat, such plat shall be certified by the Chairman of the Planning Board as having been granted final approval and a copy of the final plat and resolution shall be filed in the Village Clerk/Treasurer's office. A copy of the approval resolution shall be provided to the applicant.
- [4] Filing of decision on final plat. Within five business days from the date of the adoption of the resolution stating the decision of the Planning Board on the final plat, the Chairman or designee member of the Planning Board shall cause a copy of such resolution to be filed with the office of the Village Clerk/Treasurer.
- [5] Certification of final plat. Within five business days of the Planning Board receiving the approved "final plat" in the form of a mylar copy and two paper copies, the Chairman of the Planning Board being satisfied that such submission is in substantial conformity with the final plat approval resolution, properly incorporating all specifications and conditions thereon, said Chairman shall provide a signature authorizing the filing of the final plat subdivision map by the applicant with the office of the Saratoga County Clerk, to be filed at the applicant's expense within the period specified by New York State statute.
- (6) Approval of final plat in sections. In appropriate cases and so long as an applicant's project has been considered cumulatively and without segmenting a project so as to avoid any requirements imposed by statute, code, rule or regulation, the Planning Board shall be authorized to exercise sound discretion in granting conditional or final approval of a plat in final form which allows development in two or more sections or phases. In granting a segmented or phased approval of a final plat, consideration shall be given to requiring the developer to proceed in such a manner that there will be orderly development of lots, sites, interior roads, etc. The Planning Board, in its discretion, may impose time limits reasonable and appropriate for phased development and may give consideration to requiring the developer to post a financial guarantee, bond or adequate security for the purpose of assuring completion of all phases and stages of an approved final plat.
- (7) Notice to county and state agencies, adjacent property owners and adjacent municipalities. Wherever a notice requirement is imposed upon the Planning Board by statute, rule or regulation specifying an obligation to provide notice to any county or state agency, adjacent property owners or adjacent municipalities, such notice, including notice by publication as may be provided for by statute, shall be satisfied by the Planning Board. The cost of distribution of notice shall be deemed a reasonable charge that may be imposed upon the applicant in addition to any fee imposed by Village Code or resolution.
- (8) Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of § 560 of the Real Property Tax Law.
- B. The Board of Trustees of the Village of South Glens Falls hereby authorizes the Planning Board to approve a cluster development simultaneously with the approval of a final plat within an ARC-1 Zone. The Planning Board is hereby authorized to require the owner to submit an application for cluster development within an ARC-1 Zone subject to the criteria contained in the applicable sections of the Village Law of the State of New York, this chapter and in accordance with cluster review procedures and criteria adopted by the Planning Board.

- C. The combination or aggregation of existing Tax Map parcels for the purpose of joining adjacent and independent Tax Map parcels for common ownership into one unified parcel shall require prior review and approval of the Planning Board before the Assessor shall be permitted to aggregate or combine existing Tax Map parcels. Planning Board approval shall be contingent upon determined factors, including uniformity of ownership and mortgage lien(s), and proof that all taxes are paid on each parcel proposed for merger. The Assessor and Mapping Department shall only act upon a merger of tax parcels upon and after Planning Board approval. Any merger of existing Tax Map parcels undertaken without prior review and approval of the Planning Board shall constitute a nullity. [Added 3-19-2008 by L.L. No. 4-2008]

**Article XIII**  
**Alternate Board Membership**

[Added 3-19-2014 by L.L. No. 1-2014]

**§153-44 Definitions.**

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

**ALTERNATE MEMBER**

An individual nominated by the Village Mayor to serve on the Village Planning Board or the Village Zoning Board of Appeals and appointed by the Village Board of Trustees when a regular member is unable to participate on an application or matter before the respective board.

**MEMBER (I.E., REGULAR MEMBER)**

An individual nominated by the Village Mayor to serve on the Village Planning Board or the Village Zoning Board of Appeals and appointed by the Village Board of Trustees pursuant to the provisions of existing law which first established such Planning Board or Zoning Board of Appeals.

**PLANNING BOARD**

The Planning Board of the Village of South Glens Falls as established by the Village Board of Trustees by local law, pursuant to the provisions of Village Law §7-718.

**ZONING BOARD OF APPEALS**

The Zoning Board of Appeals of the Village of South Glens Falls as established by the Village Board of Trustees by local law, pursuant to the provisions of Village Law of §7-712.

**§153-45 Alternate membership to be available.**

- A. Alternate membership to a Zoning Board of Appeals or a Planning Board shall be available in the event of conflict or absence of a regular board member. There shall be no more than two alternate members appointed to each board. The Village Board shall not be required to appoint any alternate members to each board. Such appointments, if any, shall be made at the convenience and in the sound discretion of the Village Mayor with the approval of the Village Board of Trustees. Each alternate member would serve when regular members are absent or otherwise unable to participate on an application or matter before the respective board.
- B. Alternate members of the Planning Board or Zoning Board of Appeals shall be nominated by the Village Mayor with the appointment by the Village Board of Trustees, for a term of five years.
- C. The chairperson of the Planning Board or the chairperson of the Zoning Board of Appeals may designate the alternate member to substitute for a regular member when such regular member is unable to participate due to unavailability or in any event where the regular member would have a conflict of interest in participating on their respective board. When so designated, the alternate member shall possess all the powers and responsibilities of such regular member of the board. Such designation shall be entered into the minutes of the Planning Board or Zoning Board of Appeals meeting in which the substitution and designation of the alternate member is made. The alternate member when serving at a meeting will be compensated at the same per diem rate as any other regular member.
- D. All provisions of state and local law relating to Planning Board/Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office, service on the board, training, continuing education, compensation and attendance, shall also apply to alternate members.

Attachments:

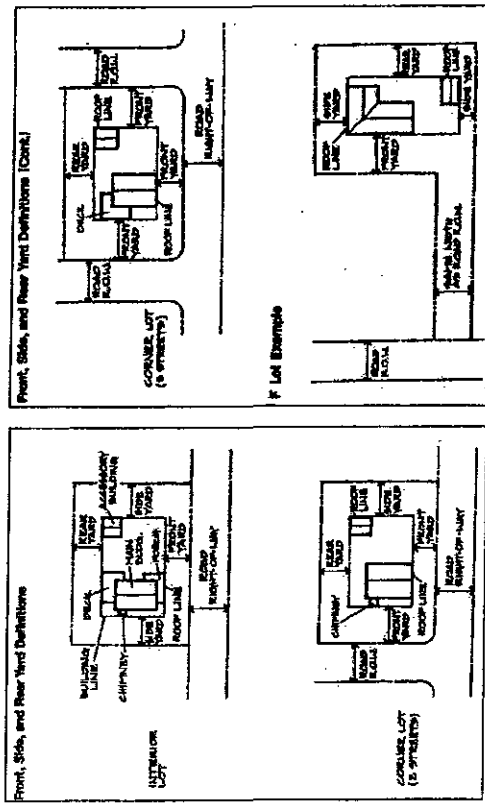
## **Attachments**

**153 Attachment 1 – Illustrations of Yard Types**

**153 Attachment 2 – Illustrations of Buffer Types**

**153 Attachment 3 – Schedules I and II Permitted Uses and Area, Lot, Yard and Height Regulations**

ATTACHMENT 1: Illustration of Yard Types



ATTACHMENT 2: Illustrations of Buffer Types

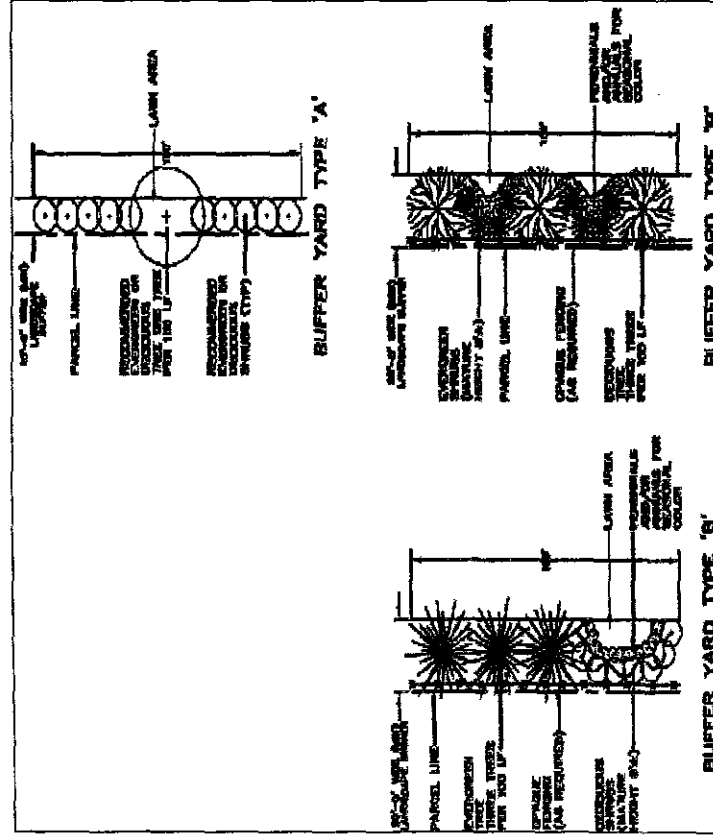


Figure A: Buffer Types



ATTACHMENT 2: Illustrations of Buffer Types

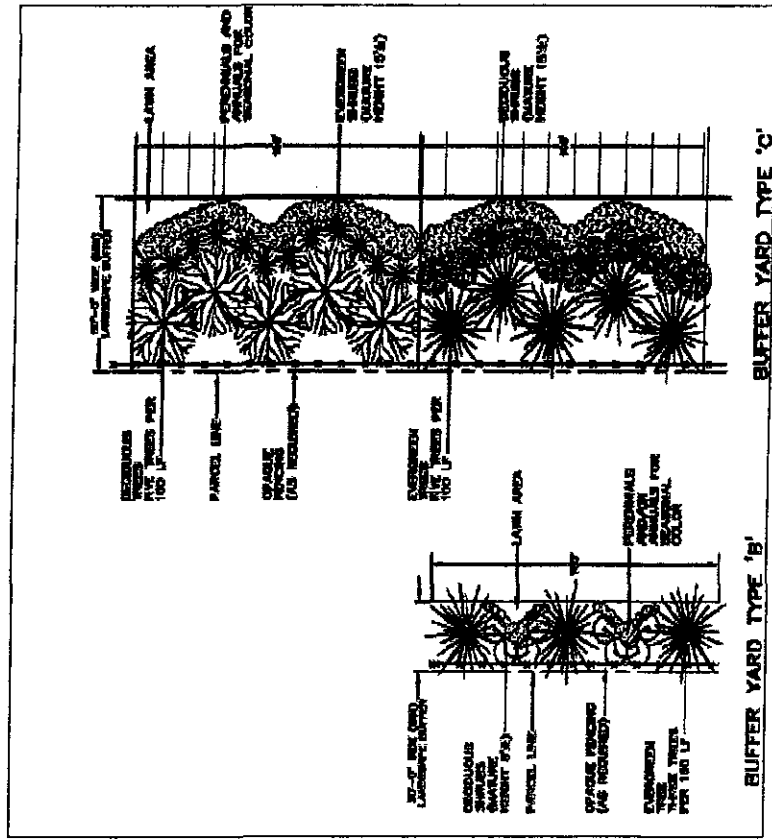


Figure B: Buffer Types

ATTACHMENT 3: Schedules I and II Permitted Uses and Area, Lot, Yard and Height Regulations

153 Attachment 1

VILLAGE OF SOUTH GLENS FALLS  
Schedules I and II  
Permitted Uses and Area, Lot, Yard and Height Regulations  
Part 1

[NOTE: This is intended to be a summary of the regulations included in §§ 153-9 and 153-10 and is included for reference purposes only. It is not part of Ch. 153, Zoning. For definitive information as to the regulations in effect, consult §§ 153-9 and 153-10 and the rest of Ch. 153.]

District	Principal Permitted Uses	Permitted Accessory Uses	Special Uses	Minimum Yards (feet)			Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage	Maximum Height (feet)
				Minimum Lot Area (square feet)	Front	Rear				
R-1 Residential Zone (a)	One-family detached dwelling (b) Public schools and playgrounds	(a) Private garages and parking areas (b) Home gardening, but not the raising of poultry, livestock and other similar activities (c) Other accessory uses and structures customarily appurtenant to a principal permitted use	(a) Home occupations	13,500	25	25	80	150	40%	30

R-2 Residential Zone	(a) One-family detached dwelling (b) Two-family dwellings (c) Churches and parish houses (d) Libraries (e) Public parks and playgrounds (f) Governmental buildings and uses, including police and fire stations (g) Public schools and private schools offering general instruction	(a) Private garages and parking areas (b) Home gardening, but not the raising of poultry, livestock and other similar activities (c) Other accessory uses and structures customarily appurtenant to a principal permitted use	(a) Community buildings, country clubs, social halls, lodges and fraternal organizations (c) Public utility structures (d) Home occupations	13,500	25	25	80	150	40%	40
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153 Attachment 2

VILLAGE OF SOUTH GLENS FALLS  
Schedules I and II  
Permitted Uses and Area, Lot, Yard and Height Regulations  
Part 2

[NOTE: This is intended to be a summary of the regulations included in §§ 153-9 and 153-10 and is included for reference purposes only. It is not part of Ch. 153, Zoning. For definitive information as to the regulations in effect, consult §§ 153-9 and 153-10 and the rest of Ch. 153.]

Minimum Yards

District	Uses Permitted with Site plan Review and Approval	Permitted Accessory Uses	Special Uses	Minimum Lot Area (square feet)	Front	Rear	Side (one/combined)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage	Maximum Height (stories/feet)
C Commercial Zone (a)	Retail business, Type I (b) Motels (c) Personal service establishments such as barber and beauty shops, shoe repair shops where such uses are necessary to supply the daily living needs of the community (d) Offices and banks (e) Eating and drinking establishments (f) Governmental buildings and uses, including police and fire stations (g) Hospital, nursing and convalescing homes	(a) Public and private parking and loading (b) Other accessory uses customarily appurtenant to permitted use	(a) Automobile sales, service, repair and filling stations (b) Mixed-use buildings	4,000	12	12	—/—	40	100	60%	45

## 153 Attachment 2

**VILLAGE OF SOUTH GLENS FALLS**  
**Schedules I and II**  
**Permitted Uses and Area, Lot, Yard and Height Regulations**  
**Part 3**

[NOTE: This is intended to be a summary of the regulations included in §§ 153-9 and 153-10 and is included for reference purposes only. It is not part of Ch. 153, Zoning. For definitive information as to the regulations in effect, consult §§ 153-9 and 153-10 and the rest of Ch. 153.]

District	Uses Permitted with Site plan Review and Approval	Permitted Accessory Uses	Special Uses	Minimum Yards (feet)				Side (one/combined)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage	Maximum Height (stories/feet)
				Front	Rear	Minimum Lot Area (square feet)	Minimum Lot Width (feet)					
C-2 Commercial Zone	(a) Retail business, Type II (b) Motels (c) Personal service establishment such as barber and beauty shops, shoe repair shops where such uses are necessary to supply the daily living needs of the community (d) Offices and banks (e) Eating and drinking establishments (f) Governmental buildings and uses, including police and fire stations (g) Hospital, nursing and convalescing homes	(a) Public and private parking and loading (b) Other accessory uses customarily appurtenant to permitted use	(a) Mixed-use buildings	25	20	13,500	90	—/10	150	40%	45	

## 153 Attachment 3

## VILLAGE OF SOUTH GLENS FALLS

Schedule I and II  
Permitted Uses and Area, Lot, Yard and Height Regulations  
Part 4

[NOTE: This is intended to be a summary of the regulations included in §§ 153-9 and 153-10 and is included for reference purposes only. It is not part of Ch. 153, Zoning. For definitive information as to the regulations in effect, consult §§ 153-9 and 153-10 and the rest of Ch. 153.]

District	Principal Permitted Uses with Site plan Review and Approval	Permitted Accessory Uses	Special Uses	Minimum Lot Area (square feet)	Minimum Yards (feet)			Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage (percent)	Maximum Height	
					Front	Rear	Side (one/combined)				(stories)	(feet)
M-1 Industrial Zone	(a) Light industrial or business engaged in the manufacture, assembly, treatment or packaging of products and the warehousing of products when conducted without public hazard, except those which, by reason of odor, noise, dust or smoke, constitute a nuisance to or endanger the safety of neighboring property (b) Research and related laboratory uses (c) Distribution plants	(a) Public and private parking and loading (b) Other accessory uses customarily appurtenant to a permitted use	(a) Outdoor storage	21,780	12	20	12/24	100	200	60%	3	80
RC-1 Resource Conservation Zone	(a) Farm or other agricultural operations, including gardens, nurseries, greenhouses and small farm accessory buildings, not including dwellings or buildings housing farm animals or fowl (b) Parks, playgrounds, bikeways, athletic fields, marinas, riding academies, tennis preserves and other similar uses, including small accessory buildings (c) Municipal or public utility structures or facilities	—	—	43,560	80	50	25/50	150	200	—10%	—	—

## 153 Attachment 4









**VILLAGE OF SOUTH GLENS FALLS**  
**Schedules I and II**  
**Permitted Uses and Area, Lot, Yard and Height Regulations**  
**Part 5**

[NOTE: This is intended to be a summary of the regulations included in §§ 153-9 and 153-10 and is included for reference purposes only. It is not part of Ch. 153, Zoning. For definitive information as to the regulations in effect, consult §§ 153-9 and 153-10 and the rest of Ch. 153.]

District	Principal Permitted Uses	Permitted Accessory Uses	Special Uses	Minimum Yards (feet)				Minimum Lot Area (square feet)	Minimum Lot Width (feet)			Maximum Lot Coverage (percent)	Maximum Height (feet)
				Front	Rear	Side (one/combined)	Minimum Lot Depth (feet)		Minimum Lot Width (feet)	Minimum Lot Depth (feet)			
ARC-1 Aquifer Resource Conservation Zone	(a) All principal permitted uses in an ARC-1 Zone shall be restricted to those principal permitted uses provided for in a R-1 Zone	(e) All permitted accessory uses in an ARC-1 Zone shall be restricted to those permitted accessory uses provided for in an R-1 Zone	(a) Any parking area for more than 5 vehicles, excluding driveways (b) Motor vehicle repair garage	25	25	25/50	200	3 acres	90 with clustering/ 200 without clustering	200	10%	2 1/4	30

CITY OF  
GLENS FALLS



- Zoning Districts**
-  ARC1: Aquifer Resource Conservation
  -  APD: Aquifer Protection District (Overlay)
  -  RC1: Resource Conservation
  -  M1: Industrial
  -  C2: Commercial
  -  C1: Commercial
  -  R2: Residential
  -  R1: Residential

TOWN OF  
MORAU



0 500 1,000 Feet  
1 inch = 400 feet

Project: 2019082  
Date: 10/21/2019

# Update of the Village Comprehensive Plan

Village of South Glens Falls, Saratoga County, New York

## Draft Village Zoning Map (2019 Update)

PREPARED FOR:  
Village of South Glens Falls  
46 Saratoga Avenue  
South Glens Falls, NY

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