

INTRODUCTORY LOCAL LAW NO. 1 OF 2017

ZONING LAW OF THE TOWN OF BRUNSWICK

SUMMARY OF CHANGES TO PROPOSED LOCAL LAW

In response to the comments received at the public hearing and during the written comment period concerning the proposed Brunswick Zoning Law (originally introduced on September 8, 2016 as Introductory Local Law No. 4 of 2016), changes have been made to the proposed law. A summary of the changes to the proposed Brunswick Zoning Law, now introduced as Introductory Local Law No. 1 of 2017, is presented below.

1. Section 160-8, addressing the effect of existing violations, has been clarified.

2. Section 160-12, providing Definitions, has been changed as follows:
 - A definition for “Chickens and/or Domesticated Birds” has been added (see also Section 160-32);
 - The definition for “Clear Cutting” has been deleted, and a definition for clear cutting is now included under “Timber Harvesting, Commercial”;
 - The definition of “Front Face of Building” has been clarified, adding the following provision – “Through lots located on two public streets shall have only one front face of a building; the front face of the building shall be the one located on the principal street or road providing access to the building”;
 - The definition of “Group Home” has been clarified;
 - The definition of “Home Occupation” has been clarified;

- The definition of “Solar Collector System – Commercial” has been modified to include community-type systems by replacing “rather than” with “or co-owners” in the third line and “on” has been replaced with “off” before “the site”;
- The definition of “Timber Harvesting, Commercial” has been modified – the phrase “1,600 cubic feet of wood or 10,000 board feet of timber as measured by the International Log Rule” has been replaced with “19,200 board feet of timber as measured by the International Log Rule in any one year, or clear cuts more than one (1) acre of land that is not part of an approved site development plan.”

3. Section 160-24, addressing corner lots, has been clarified with respect to obstructions at street intersections – “on any lot within the sight triangle formed as follows:” has been added to the end of subsection (B), and #1-4 have been added for clarification.

4. Section 160-32, addressing the keeping of farm animals on properties not containing farm operations, has been modified to clarify the regulation of farm animals on properties not containing a farm operation, and the regulation of chickens and/or domesticated birds has been replaced, and a new subsection (B), including subsections 1-15, has been added.

5. Section 160-41, subsection 11, addressing lighting regulations, has been clarified – “intended to be” has been added before the word “visible” and “in” has been replaced with “from” before the word “outdoor.”

6. Section 160-41, subsection 12, addressing lighting regulations, has been clarified – “ATMs” has been made plural and “banking machine” has been deleted.

7. Section 160-44, addressing off-street parking and loading standards, has been modified – “four” has been replaced with “five (5)” in subsection (L) (2). Also, subsection (L) (5), providing “Pedestrian networks should create connections to sidewalks and trails where they exist,” has been added.

8. Section 160-48, subsection (C) (2), addressing small-scale ground-mounted racks and freestanding solar collectors, has been clarified – subsections (a) and (b) have been deleted, and a new subsection (a) has been added and all subsequent subsections have been renumbered.

9. Section 160-49, addressing commercial solar collector systems, has been modified as follows:

- The words “utility scale” have been deleted and “– commercial” has been added to the end of the title of the section. Throughout Section 160-49, “utility scale” has been deleted and “– commercial” has been added after “collector system”;
- In subsection (B) (2), 200 feet has been changed to 100 feet;
- subsection (B) (3) has been clarified regarding percentage of lot coverage – “utilize a maximum of 20% impervious lot coverage” has been replaced with “cover not more than 20% of a lot with impervious surfaces;” and prior subsection (B) (3) (b) has been deleted;
- subsection (C) (8) has been modified to include “or memorandum of said lease recorded in the Rensselaer County Clerk’s office”;

- subsection (C) (12) has been modified to include the words “and/or the system owner” to the first line;
- subsection (C) (13) has been labelled “Removal” and the words “or the system owner” have been added to the fourth line.

10. Section 160-52, addressing temporary events, has been modified as follows:

- subsection (A) – the line “to invite the public in general or some portion thereof and which is intended” has been deleted from the second line and the phrase “public or private” has been added;
- subsection (C) – the lines “by NYCCR Section 225.1 as amended, in which” and “and such items that are able to be sold. Temporary sale of sparkling devices shall be sold per New York General Business Law Section 392-i as amended in” have been deleted. The lines “excepting the sale of sparkling devices as defined,” “in New York Executive Law, as may be amended from time to time, in which case New York State law shall define the duration of days” and “in which sparkling devices may be sold by a temporary seasonal retailer” have been added.

11. Section 160-53, addressing commercial timber harvesting, has been modified as follows:

- A new subsection (B) has been added and the subsequent subsections have been renumbered;
- In the new subsection (C), “commercial shall require a” and “or any harvesting or clearcutting not outlined above in Section 160-53 B” have been added. Also “a timber

harvesting” has been changed to just “timber harvesting” in the first line and “1,600 cubic feet” has been changed to “19,200 board feet.” Finally, an editor’s note has been deleted;

- The new Subsection (D) (2) has been clarified by deleting the phrase “designated in yellow on the map adopted with this chapter,” and replaced with “20% or greater shall be considered critical slopes and;”
- The new subsection (D) (8) has been added and the subsequent subsections have been renumbered;
- In the new subsection (E) (4), the word “to” has been deleted and replaced with the line “and repair of any roads as.”

12. Section 160-54, addressing wind energy conversion, has been modified as follows:

- subsection (E) (15) (a) has been clarified by deleting the phrase “not been in active” from the first line and adding the word “ceased.” Also, “12 months” has been modified to “twelve (12) consecutive months”;
- In subsection (F) (2) (c), the final lines “and the cost of removing the WECS and accessory structures shall be placed as a lien on the property owner’s tax bill” have been deleted;
- subsection (F) (2) (d) has been clarified by adding the line “within the timeframe provided in this article” to the last sentence.

13. Section 160-64, addressing special use permit application procedure, has been clarified by deleting the words “or building permit” in subsection (I) (2).

14. Section 160-85, addressing sign regulations, a new subsection (B) has been added and all subsequent subsections have been renumbered.

15. Section 160-85, addressing sign regulations, in subsection (G) (4) (b), “per foot” has been changed to “per square foot” and “building front” has been changed to “building area front.”

16. Section 160-103, addressing Planned Development Districts, has been renamed by eliminating the word “Revocation,” and the section has been modified as follows:

- subsection (B), “Planning Board” has been changed to “Town Board” in two spots, “shall have the approval revoked unless” has been deleted and replaced with “will expire and the property shall revert to previous zoning district(s) at the time of PDD approval, unless,” and the final sentence has been added;
- subsection (C), the word “issuance” has been replaced with “establishment” in the second line, the word “subsection” has been replaced with “Article” in the third line, and the final sentence has been added.

17. Section 160-105, addressing administration matters, has been modified as follows:

- “Establishment of the” has been added to the title of subsection (A);
- subsection (B) (1), the phrase “had at least five years’ experience as a licensed professional engineer, or architect, building inspector, building contractor or supervisor of building construction” has been deleted and replaced with “such experience and qualifications as may be prescribed and established by the Rensselaer County Department of Civil Service.” Also, the line “to enforce Uniform Fire Prevention and Building Code”

has been deleted and replaced with “of New York as a Code Enforcement Official or have completed a code enforcement basic training program as prescribed by section 1208-2.2 of Part 1208 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York within the first 18 months of employment”;

- subsection (B) (2), the lines “the Supervisor with the consent of,” “for the term of one year,” and “for cause, after a public hearing on specific charges before the Town Board” have been deleted. Also, “provided for by law” has been added to the final sentence;
- subsection (C) (1), “Buildings and Code Inspector, with the consent of the” has been deleted and “and fix compensation of” has been added;
- subsection (C) (2), the phrase “who has had at least three years of practical experience in the design or construction of buildings or the design, construction or installation of plumbing, heating or electrical equipment” has been deleted and replaced with “having the same experience and qualifications as hereinabove prescribed for the position of Buildings and Code Inspector;”
- subsection (D) has been clarified to identify the Town Board power to appoint Building Department employees and fix compensation.

18. Section 160-107, subsection (B) (5) has been added.

19. Section 160-117, subsection (B) (1) has been clarified regarding civil penalties for violations.

20. Section 160-123, subsection (A) (2) (a), addressing amendments to the Zoning Law, has been clarified regarding referral to the Rensselaer County Department of Economic Development and Planning, by adding the phrase “or the boundary of an New York State established agricultural district, excepting area variance applications within 500 feet of said agricultural districts.”