Town of Day
Zoning Law

Adopted _____

Prepared June 25, 2012

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ARTICLE 1 - SHORT TITLE, AUTHORITY AND PURPOSE

Section 1.1 Short Title

This Law shall be known and cited as the Town of Day Zoning Law. The Town of Day is hereinafter referred to as the Town.

Section 1.2 Authority

Enactment of this Law by the Town is pursuant to Article 16 of the Town Law and Article 27 of the Executive Law of the State of New York.

Section 1.3 Legislative Purpose and Intent

A. The purpose of this law is to ensure that land use within the Town is consistent with the goals and recommendations of the Town of Day Comprehensive Plan adopted September 2010, and with the plan's vision statement: "The vision of the future of the Town of Day is grounded in the past, and in the present. Simply put, 20 years from now, the Town of Day should look and feel as it does now – rural, rustic, quiet and unspoiled with woods and lake and mountain views."

B. It is the further purpose of this law to:

   1. Promote the health, safety, and general welfare of the community, provide for variety of housing opportunities and densities and protect the property values and aesthetics of the community by regulating the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yard, courts and other open spaces, then density of population and the location and use of buildings, structures and land for trade, industry, agriculture, residence and other purposes, to the extent permissible within the proper exercise of power delegated by the Town Law.

   2. Ensure optimum overall conservation, protection, development and use of the scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Town.

   3. Satisfy the criteria for approval by the Adirondack Park Agency of a local land use program pursuant to Section 807(2) of the Adirondack Park Agency Act.

C. Nothing in this law shall be deemed to supersede, alter, enlarge, or impair the jurisdiction of the Adirondack Park Agency pursuant to the New York State Wild, Scenic and Recreational Rivers System Acts or the New York State Freshwater Wetlands Act.

D. Nothing in this law shall be construed to compromise the Adirondack Park Agency's sole authority to enforce, amend, or administer its permits, or to exercise continuing review authority pursuant to outstanding permits, when such authority regarding Class A and B projects is retained therein.

Section 1.4 Prior Law

This law shall replace and supersede the prior existing "Town of Day Zoning Law" as amended June 27, 2006, and any subsequent amendments thereto.

ARTICLE 2 – REGULATED USES

Section 2.1 Regulated Uses

A. All new structures, and/or changes in existing structures, that change exterior dimensions must be reviewed by the Town of Day Code Enforcement Officer to ensure compliance with existing land use laws.

B. No person shall undertake any of the following unless a Building Permit has been issued by the Town of Day Code Enforcement Officer.

1. Construction of any new building or structure one hundred (100) square feet or larger in ground coverage, including swimming pools.
2. Expansion or enlargement of any existing structure, if the completed structure is one hundred (100) square feet or greater in ground area.
3. Any other project for which a Building Permit is required pursuant to the New York State Fire and Building Code or other applicable law.

C. No person shall establish a use of land unless it is in compliance with this law and all applicable laws.

D. The following activities are not regulated by this law.

1. Interior structural alterations, or routine maintenance and improvement, which does not expand the exterior dimensions of a structure.
2. Landscaping or grading, excluding retaining walls, which is not intended to be used in connection with a land use reviewable under the provisions of this law.
3. Temporary yard sales, porch sales, garage sales and sales of a similar nature.
4. Timber harvesting not governed by Section 8.16 herein.

ARTICLE 3 - ESTABLISHMENT OF DISTRICTS

Section 3.1 Establishment and Purpose of Districts

For the purpose of promoting the public health, safety, morals and general welfare of the Town of Day, the Town is hereby divided into the following types of districts.

Development in each district should be consistent with the Town Vision Statement as stated in the Town of Day Comprehensive Plan of 2010: "The vision of the future of the Town of Day is grounded in the past, and in the present. Simply put, 20 years from now, the Town of Day should look and feel as it does now – rural, rustic, quiet and unspoiled with woods and lake and mountain views."

LR Lakefront Residential Districts
Lakefront Residential districts provide for residential use of the Great Sacandaga Lake shorefront while protecting water quality and use of the Lake. They are intended to be primarily residential in character, but to allow for the establishment of businesses seeking a lakeshore location, such as restaurants and marinas, provided that they are designed to be compatible with the scenic environment and neighboring residential properties and do not create a significant traffic hazard.

NC Neighborhood Commercial Districts
Neighborhood Commercial districts are intended to house small stores or service businesses that serve the local population.

RMD Residential Moderate Density
Residential Moderate Density districts are envisioned as rural residential neighborhoods with moderate size lots. It is intended that future development protect the rural residential character and natural environment, but allow for compatible businesses. Consolidation of vacant undersized lots should continue to be encouraged so as to be in conformity with the minimum lot size required in these districts.

RLD Residential Low Density
Residential Low Density districts are envisioned as rural residential neighborhoods that retain their forested low density character. It is intended that these districts protect the rural residential character and the natural environment while allowing for compatible business uses. Construction on steep slopes should be discouraged.

RRC Residential/Resource Conservation
Residential/Resource Conservation districts are envisioned to remain much as they have been, characterized by large tracts of open space used for managed forest, recreation, and resource protection, with some sparse, scattered development near existing town highways.

VPA ***Viewshed Protection Area (an overlay district)***
The Viewshed Protection Area is intended to protect the many landscape features, geologic features, and other resources within the Town that have special aesthetic, scenic, or historic value, and are visible from the Great Sacandaga Lake, North Shore Road, Kathan Road, or South Shore Road.

Section 3.2 Zoning Map

The boundaries for each zoning district listed as part of this Law are shown on the map entitled

"Zoning Map of the Town of Day" adopted ~~and certified~~ by of the Town of Day Town Board, which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this Law, and which is hereinafter known as the "Zoning Map".

Section 3.3 Interpretation of District Boundaries

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

A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines of maps filed in the Saratoga County Clerk's Office for residential developments, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be constituted as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

D. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Day unless otherwise indicated.

E. Where district boundaries are so indicated that they approximately follow shorelines, such boundaries shall be construed as following shorelines; and in the event of change in the shoreline, such boundary shall be construed as moving with the actual boundary.

F. Whenever any street or other public way is vacated in the manner authorized by law, the district adjoining each side of such street or public way shall automatically be extended to the center of the former right-of-way and all the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

G. Building rights may not be transferred from contiguous districts.

H. In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

Section 3.4 Adirondack Park Land Use and Development Plan Map

The boundaries within the Town of the land use areas established by the official Adirondack Park Land Use and Development Plan Map, as may be from time to time amended, pursuant to Subdivision 2 of Section 805 of the Adirondack Park Agency Act, are indicated by the separate map entitled, "Adirondack Park Land Use and Development Plan Map of the Town of Day," dated with the effective date of the Law which map accompanies this Law, and which is hereby adopted and declared to be part of this Law, and hereafter known as the "Park Plan Map". Any change of the boundaries within the Town of a land use area by an amendment of the official Adirondack Park Land Use and Development Plan Map pursuant to Subdivision 2 of Section 805 of the Adirondack Park Agency shall take effect for the purposes of this Law concurrently with the amendment without further action, and the Park Plan Map shall be promptly changed in accordance with the amendment. The amendment provisions of this Law do not apply to the Park

Plan Map, which is amended only pursuant to the provisions of the Adirondack Park Agency Act. Copies of the Park Plan Map which may from time to time be published and distributed are accurate only as of the date of their printing and shall bear words to that effect.

ARTICLE 4 - DISTRICT REGULATIONS

Section 4.1 Use Regulations

A. The Permitted Use Chart (Section 4.2) shall govern the types of land uses that are allowed within each Zoning District.

B. Permitted Uses. Land uses designated by an "x" on the Permitted Use Chart are allowed uses within the zoning district.

C. Site Plan Review Uses. Uses designated by “S” on the Permitted Use Chart are allowed after Site Plan Approval by the Planning Board as set forth in Article 6.

D. A use is prohibited within a zoning district if it is not designated on the Permitted Use Chart as a Permitted Use nor as a use allowed after Site Plan Approval within that district.

E. If a use is deemed to be a Class A Regional Project (See Appendix A), a permit from the Town of Day and Site Plan Approval by the Town of Day Planning Board is not required as indicated on the Permitted Use Chart. Rather, a permit is required from the Adirondack Park Agency, and the Town of Day Planning Board shall submit an advisory recommendation on the application pursuant to Article 7.

Section 4.2 Permitted Use Chart

	NC	Neighborhood Commercial
	LR	Lakefront Residential
	RMD	Residential Moderate Density
x = Permitted Use	RLD	Residential Low Density
S = Permitted after Site Plan Approval	RRC	Residential Resource Conservation

Residential Uses	**LR**	**NC**	**RMD**	**RLD**	**RRC**
Dwelling, One Family	x	x	x	x	S
Dwelling, Multi Family or Apartment House			S	S	
Hunting or Fishing Camp and Cabin			S	x	x
Travel Trailer or Recreational Vehicle	x	x	x	x	x
Senior Citizen Housing Development		S	S	S	
Assisted Living Facility for Seniors		S	S	S	
Accessory Structure or Use	**LR**	**NC**	**RMD**	**RLD**	**RRC**
Boat Storage, Private	x	x	x	x	x
Boathouse			x	x	x
Dock, Private	x	x	x	x	x
Garage, Private	x	x	x	x	x
Greenhouse	x	x	x	x	x
Home Occupation	x	x	x	x	x
Sign	x	x	x	x	x
Storage Shed	x	x	x	x	x
Swimming Pool	x	x	x	x	x
Telecommunications Antenna, Private	x	x	x	x	x
Wind Power Generating Facility, Small	S	S	S	S	S
Any other accessory structure or use customarily incidental to the principal use.	x	x	x	x	x
Other Uses	**LR**	**NC**	**RMD**	**RLD**	**RRC**
Adult Entertainment Establishment				S	
Agriculture (1) -see also Section 8.17 Keeping of Animals			S	x	x
Automotive Repair		S	S	S	
Barber Shop, Beauty Shop		S	S	S	
Bed and Breakfast	S	S	S	S	
Boat Storage, Commercial		S	S	S	
Campground or Recreational Vehicle Park	S	S	S	S	S
Cemetery	S	S	S	S	
Club or Lodge	S	S	S	S	S
Day Care Facility	S	S	S	S	
Dock, Commercial	S	S	S	S	
Forestry Use	S	S	x,S (2)	x,S(2)	x
Fuel Sales, Retail		S			
Funeral Home		S	S	S	
Garage for Government Vehicles		S	S	S	
Golf Course			S	S	S

Other Uses (continued)	LR	NC	RMD	RLD	RRC
Group Camp			S	S	S
Hospital		S	S		
Industrial Use, Light			S	S	
Junkyard			S	S	
Kennel			S	S	
Laundromat		S			
Marina, Dockominium	S	S	S	S	
Mining and Quarry Operations			S	S	S
Motocross					S
Museum		S	S	S	
Nursing or Convalescent Home		S	S	S	
Office Building		S	S	S	
Place of Worship	S	S	S	S	S
Public Utility Structure or Use, Major		S	S	S	S
Public Utility Structure or Use, Minor		S	S	S	S
Recreation Facility or Use, Lake Related	S	S	S	S	S
Recreation Facility or Use, Not Lake Related		S	S	S	S
Restaurant	S	S	S	S	
Retail Business		S	S	S	
Roadside Stand	S	S	S	S	S
Sawmill			S	S	S
School		S	S	S	
Shopping Center		S			
Tavern	S	S	S	S	
Telecommunication Tower	S	S	S	S	S
Tourist Accommodation		S	S	S	
Tourist Attraction			S	S	S
Veterinary Clinic or Hospital		S	S	S	
Warehouse			S	S	

(1) Home gardens are permitted in all zones, and incidental sale of vegetables and home grown produce are permitted subject to the regulations governing roadside stands.

(2) Site Plan Approval is only required for areas within 528 feet of centerline of South Shore Road or Kathan Road.

Section 4.3 Lot Size and Dimensional Regulations

The Lot Size and Dimensional Chart (Section 4.4) shall govern minimum lot sizes, setbacks and other dimensional requirements within each Zoning District.

Section 4.4 Lot Size and Dimensional Chart

	Zone: LR	NC	RMD	RLD	RRC
Minimum Lot Area	60,000 square ft	60,000 square ft	3.2 acres	8.5 acres	42 acres
Minimum Lot Width	150 ft	150 ft	200 ft	300 ft	400 ft (a)
Maximum Building Coverage (percent of lot area)	25%	25%	25%	25%	25%
Front Yard Setback	50 ft	50 ft	75 ft	75 ft	100 ft
Side Yard Setback	20 ft	20 ft	40 ft	50 ft	75 ft
Rear Yard Setback	50 ft	50 ft	50 ft	50 ft	75 ft
Accessory Structure Setback	15 feet in all zones (except that accessory structures are subject to shoreline setbacks if they are 100 square feet or larger, and except that accessory structures of any size are subject to the same front yard setback as principal buildings).				
Fences	Boundary/perimeter fences may be constructed within the setback area and shall not exceed six (6) feet in height, except that within shoreline areas the provisions of Section 8.2C shall apply.				
Stream Setback from the mean high water mark of navigable lakes, ponds and streams	50 ft	50 ft	75 ft	75 ft	100 ft
Shoreline Setback from the mean high water mark of the Great Sacandaga Lake	75 ft	75 ft	75 ft		
Minimum Floor Area (square feet)	600 sf	600 sf	600 sf	600 sf	600 sf
Maximum Structure Height (feet)	30 ft	30 ft	30 ft	30 ft	30 ft

(a) Except for hunting and fishing camps.

Section 4.5 Green Space Buffer

The following shall apply in all zoning districts.

A. A minimum thirty (30) feet green space buffer adjacent to side and rear property lines is required for all non-residential uses that border upon an existing residential property.
B. The green space buffer must be maintained as a vegetated area. No driveways, parking lots, or storage of materials or vehicles are permitted, nor shall the buffer be used as a work area.
C. For purposes of this section, an existing residential property means any lot 10 acres or less in size for which the principal use is residential and the principal structure lawfully exists.
D. At the time of Site Plan approval the Planning Board may reduce the minimum required width of the green space buffer on any side without the issuance of a variance, provided that it is found that the future development or use of the adjacent property is not impaired.

Section 4.6 Viewshed Protection Area

The Town of Day Viewshed Protection Area is the area designated on the Town of Day Zoning Map, a copy of which is hereby incorporated into this Zoning Law. The Town of Day Viewshed Protection Area is an overlay district; for areas included in the Town of Day Viewshed Protection Area, the provisions of this Section 4.6 apply as well as the provisions applicable to the district in question (Sections 4.1 through 4.5) and the other provisions of this Zoning Law.

The Town Board of the Town of Day finds that many landscape features, geological features and other resources of the Town of Day and the Adirondack Park have special aesthetic, scenic or historical value. Many of these resources are located in this Town of Day Viewshed Protection Area. Great Sacandaga Lake is a significant resource of the Town, and many of the resources located in the Town of Day Viewshed Protection Area are visible from Great Sacandaga Lake, or from public roads. In order to protect and preserve those resources and to prevent or diminish the loss of those irreplaceable resources, the Town Board hereby declares it to be the public policy of the Town of Day to protect, perpetuate and enhance those resources. Accordingly, the purpose of this Section 4.6 is as follows:

1. To protect the Town of Day's scenic resources and aesthetic and historical heritage.
2. To stabilize and improve property values, and to stabilize and enhance the quality of life in the Town of Day, for residents and visitors to the Town.
3. To foster civic pride in the beauty of the Town of Day.
4. To protect and enhance the Town of Day's open space and scenic beauty.
5. To promote the scenic, aesthetic and historic resources of the Town of Day for the education, pleasure and welfare of the people of the Town.
6. To preserve the rural character of the Town of Day.
7. To implement the objectives and policies of the Town of Day Master Plan and the Adirondack Park Agency Law.
8. To reduce the adverse impacts of soil erosion.

A. <u>Site Plan Approval Required</u>:

1. No person shall undertake any of the following projects in the Town of Day Viewshed Protection Area without first obtaining Site Plan Approval as set forth in Article 6 of this Zoning Law.

   (a) Any new land use, subdivision or development.
   (b) Any alteration to or improvement of existing development, if same requires a building permit.
   (c) Excavation of earth or filling in a way which will be visible from any point off the property

on which filling or excavation is to occur.

2. The Planning Board may waive this requirement if it determines that the proposed development is minor, consistent with applicable law, and will not be visible from Great Sacandaga Lake, South Shore Road, Kathan Road or North Shore Road.

B. Additional Information Required. In addition to the information required by Article 6 of this Zoning Law, the Planning Board may require any or all of the following items, as it determines appropriate for the nature and scale of the proposed project:

1. Plans showing the location, footprint, height, physical characteristics and architectural drawings of all existing and proposed structures, driveways, paths or trails on the development site, including building envelopes, and proposed exterior materials of any proposed structure, including the colors and reflectivity thereof.

2. A vegetation inventory extending at least 200 feet beyond any area proposed for clearing. That inventory shall be made prior to any cutting, shall depict all vegetation greater than four inches D.B.H., and shall include a vegetative cutting plan based upon said inventory, including a narrative describing the types of vegetation to be removed, the type of removal (i.e., cutting, stumping, trimming, thinning, etc.) and the methods of removal (i.e., hand harvest, mechanical, herbicide, etc.) Said plan shall describe the objectives of the vegetative removal (i.e., sunlight, recreational space, building, view, fire protection and safety). Said plan shall also include a description of the methods to be employed by the Applicant to ensure that the proposed vegetative removal will not result in undue adverse impacts to the scenic and aesthetic resources of the Town of Day and the Adirondack Park, and shall include all proposed mitigative measures.

3. A proposed vegetative cutting and vegetative planting plan, including the size and species of all vegetation proposed to be cut and planted, and the impact thereof on the view of the project from any place from which the project will be visible.

4. Plans showing proposed locations of wells, septic systems and utilities.

5. The following inventory and analysis methodology is to be employed to determine the extent of visibility of a structure from public use areas and to allow the Town to access the impacts of such visibility. Public use areas include highways, roads, trails, vistas, public or semi-public buildings, lakes, rivers, campgrounds, parks, beaches, recreation areas, historic sites, natural and man-made attractions and other areas where public use is evident. The Town of Day Code Enforcement Officer or his representative should be present during the in-field analysis to verify the results of the field assessment. The Town of Day Code Enforcement Officer shall be contacted by the applicant to schedule the visual analysis field assessment.

   (a) Delineate the following viewsheds from the proposed development's location on a 7.5 minutes topographic map: Foreground (0 to 0.5 mile), middleground (0.5 to 3.5 miles) and background (3.5 to 5 miles).

   (b) Delineate line of sight profile transects every 15 degrees or less on the above map.

   (c) Prepare separate and scaled line of sight profiles for each transect. These profiles should be drawn on graph paper at a scale of 1 inch to 1,000 feet (horizontal) and 1 inch to 100 feet (vertical) depicting both existing topography, public use areas and the overall height of proposed structures.

   (d) Delineate by shading all areas on the map within a 5 mile radius of the proposed development where it could be visible based on topography alone using the line of sight profiles.

   (e) Assess the nature and extent of the development's actual visibility from each identified

public use area. This step is to include identification of any screening of the structure provided by intervening vegetation, structures, etc. It can best be determined by inventorying each public use area delineated (shaded) pursuant to subparagraph (d) and sighting back on a readily identified target located at the height of the proposed structure. A brightly colored balloon, yellow or red and 40 inches in diameter**,** or collection of such balloons, may be the best target for this procedure. Other possible targets include a tarp, scaffolding or a crane. All balloons, lines, tarps or other equipment shall be removed upon completion of the visibility assessment.

(f) Delineate by contrasting on the map all public use areas and portions of those areas from which the structure will be actually visible. Provide a description of the development's visibility in terms of what will be seen, distance from the development to the viewing point, the location, type and height of intervening vegetation and, for roads and navigable bodies of water, the duration of the view to the traveling public. Also, provide representative high quality photographs from each area keyed to the map and superimposing the approximate configuration of the development and denoting the location of the target. Provide separate representative line of sight profiles of actual visibility from each such area depicting the structure, existing topography and heights of intervening vegetation.

C. Additional Site Plan Considerations. In addition to the review required by Article 6 of this Zoning Law, the Planning Board's review of the preliminary site plan application shall include, but not be limited, to the following:

1. The visibility of the project from any place, particularly from Great Sacandaga Lake, South Shore Road, North Shore Road and Kathan Road. In considering visibility, the Planning Board shall consider whether the proposed development or improvement will be visible, as well as whether such visibility will be effectively mitigated by the use of non-reflective building materials, including non-reflective glass, siding and roofing materials. The Planning Board shall also consider the colors of the proposed development or improvement, and shall approve colors which mitigate any visual impact of the project or improvement. The Planning Board shall also consider whether the proposed development or improvement can be located in an area naturally screened from view, such a hollow or far side of a hill. Satellite dishes, windmills, antennas, storage areas, equipment sheds, swimming pools and accessory structures shall be screened from view.

2. The degree of excavation proposed, and its impact upon the scenic, aesthetic and historical resources of the Town and the Adirondack Park, including the impact of cuts or fills.

3. The degree of paving or other new hard surface proposed, which shall be the minimum required to permit the proposed development or improvement.

4. Vegetative cutting and planting.

(a) The degree of vegetative cutting and the impact thereof upon the resources of the Town and the Adirondack Park, if such cutting will be visible from any point off the parcel on which it is occurring, particularly from Great Sacandaga Lake, South Shore Road, North Shore Road or Kathan Road. In considering any application for vegetative cutting, the Planning Board shall approve only that disturbance to vegetation which is necessary for the development or improvement. In particular, hillside and hilltop sites should retain sufficient tree cover to screen structures from view. The Planning Board shall consider the species of trees involved when approving vegetative screening or cutting.

(b) Where, at the time of building, existing vegetation does not allow the screening of structures from Great Sacandaga Lake, South Shore Road, North Shore Road or Kathan Road, a mix of vegetation, matching in both species and density the vegetation

indigenous to the area shall be planted, with good soil added as necessary, such that within five years that vegetation can be expected to screen such new land use. All such vegetation planted shall be no less than four inches (D.B.H.) and no less than six feet in height at the time of planting where existing conditions warrant, otherwise the Planning Board will review proposed alternate schemes to achieve the desired result.

5. Whether the development will preserve the scenic qualities and natural appearance of the Town of Day and the Adirondack Park, with particular concern for scenic slopes and ridge lines. To this end, development should occur off of hilltops, and behind vegetative screening. The development shall not be visible above the tree canopy as viewed from Great Sacandaga Lake, South Shore Road, North Shore Road or Kathan Road.
6. Whether proper forestry practices will be employed, where applicable.
7. Whether erosion will result from the proposed development.

D. Additional Requirements. The following requirements shall apply throughout the Town of Day Viewshed Protection Area:

1. All fencing visible from any part of Great Sacandaga Lake, South Shore Road, North Shore Road or Kathan Road shall be muted earth tones representative of those in the surrounding environment.
2. No tree trimming shall be permitted beyond what is sufficient to allow a filtered view of Great Sacandaga Lake.
3. A residual basal area of at least 65 square feet of trees per acre as measured with a 10 factor prism or angle gauge shall remain in place between any structure and Great Sacandaga Lake. In no case shall clearing render the ground surface visible from Great Sacandaga Lake, South Shore Road, North Shore Road or Kathan Road.
4. In the event of loss of vegetation, that provides screening of structures, by any natural causes such as blow-downs, ice storms, disease, or other events, the property owner shall replant the area(s) within one year. Additionally, should any vegetation die or present a safety or health hazard and be removed such that structure(s) become more visible, said vegetation must be replaced within one year of removal. Any replacement vegetation that does not survive shall be replanted annually, until such time as healthy replacement vegetation is established.
5. Architectural design.
   (a) Roof lines and roof surfaces shall be specified in the building design and shall, insofar as possible, reflect the natural slope of the terrain.
   (b) reflective surfaces shall be used on exterior surfaces, including roofs, projections above roofs, retaining walls, doors, trim fences, pipes or equipment.
   (c) Siding shall be stained or painted wood, timbers, logs, natural stone masonry, stucco, or non-reflective material.
   (d) Structure colors shall be natural wood colors and shades of dark green, dark brown or dark gray. Roof colors shall be natural wood colors and shades of dark green, dark brown, dark gray or black.
   (e) Large unbroken expanses of similarly colored or similarly textured walls or foundations shall be avoided.
   (f) Large, uninterrupted expanses of glass and repetitive bands of windows should be avoided in favor of combinations of windows.
   (g) Windows shall be of tinted, non-mirrored, nonreflective glass.
   (h) Reflective metal window panels shall be painted.
   (i) Exterior lighting shall be limited to that which is sufficient to subtly illuminate functional

areas.

(j) Total exterior lighting shall not exceed 80,000 lumens for any parcel.

(k) Lighting fixtures shall be hooded and angled at least 45 degrees toward the ground. No light shall escape from above the horizontal plane, and the light source shall not be visible.

(l) Flood lights shall be hooded, have motion detectors, and illuminate functional areas only, such as garage doors, storage areas, walks, and drives.

(m) Lighting fixtures on buildings shall not be located above the eave line or the top of the parapet wall, nor in any case higher than 21 feet above the lowest grade elevation, natural or as built.

(n) No bulbs rated greater than 75 watts shall be used in continuously lit areas, and bulbs shall be of warm colors.

(o) Utilities shall be constructed and routed underground.

6. Erosion Control

(a) Runoff from any slope exposed for more than one day shall be controlled through the use of mulch, silt fencing, check damming, temporary sediment basins, or other generally accepted engineering methods.

(b) All fill materials shall be of a composition suitable for the ultimate use of the fill, shall be free of rubbish, and shall be carefully restricted in its content of brush, stumps, tree debris, rocks, frozen material and soft or easily compressible material. Fill material shall be sufficiently compacted to prevent erosion.

E. Post Construction Requirements. Within six months after issuance of a Certificate of Occupancy, the Applicant shall submit color photographs of the development as built, from the same points indicated in Section 4.7 (B) 5, and from any other point on Great Sacandaga Lake, South Shore Road, North Shore Road or Kathan road from which the completed development is more visible.

ARTICLE 5 - APPLICATION OF REGULATIONS

Section 5.1 Applicability To Land Use or Development within the Town

Except as hereinafter provided, no land shall be used or occupied, and no building, structure or part thereof shall be erected, moved or altered, except in conformity with all provisions contained in this Law relating to the zoning district in which the land, water, site, structure or use is located or proposed to be located, and with all other regulations specified herein. The minimum lot area for each zoning district shall be required for erection of each principal building in that district. Uses not listed in Article 4 as "permitted," "permitted accessory" or "permitted upon site plan review approval" are prohibited.

Section 5.2 Authority of the Adirondack Park Agency

Nothing in this Law shall be deemed to supersede, alter, enlarge, or impair the jurisdiction of the Adirondack Park Agency, pursuant to the Adirondack Park Agency Act, to review and approve, approve subject to conditions, and disapprove those land uses and developments and subdivision of land defined therein as Class A Regional Projects, or otherwise to supersede, alter or impair the statutory function, duties and responsibilities of the Agency with regard to matters involving a town in which an Agency approved local land use program has been validly adopted or enacted. However, the Adirondack Park Agency cannot, in the context of its Class A Regional Project review, override a local decision not to permit a given land use or development.

Section 5.3 Space and Construction Regulations

Except as herein provided, no building or structure shall be hereafter erected, moved or altered to exceed the maximum permitted height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, or side yards, than is specified herein for the district in which such building or structure is located.

Section 5.4 Yard and Open Space Requirements to be Separate for Each Building

No part of a yard or other open space required about any building for the purpose of complying with the provision of this local law shall be included as a part of a yard or other open space similarly required for another building.

Section 5.5 Compliance Required for Issuance of Building Permit

A. Before the construction or alteration of any building or structure or any part of either, the owner or lessee thereof, or the agent of such owner or lessee, or the architect or builder employed by such owner or lessee, in connection with proposed construction or alteration, shall obtain a building permit as specified in Article 12, signifying that the building or structure and proposed use thereof complies with the provisions of this Law and the Building Code of the Town of Day. The building permit shall be displayed prominently at the site of the construction or alteration.

B. No land shall be changed in use and no building or structure hereafter erected, altered or extended or changed in use until a certificate of occupancy has been issued, as specified in Article 12, Section 12.8, signifying that such use or change in use complies with the provisions of this local law.

ARTICLE 6 - SITE PLAN REVIEW

Section 6.1 Intent

It is the intention of this section to promote and encourage good design standards, adequate site amenities and visual and physical quality in commercial and industrial development. It is further the intention of this section to promote compatible land uses.

Section 6.2 Applicability

A land use or development involving a use or expansion of a use listed as a site plan review use in Article 4 of this Law or as a Class B regional project as defined herein shall not be undertaken unless and until the Planning Board has approved, or approved with conditions such use, and the Code Enforcement Officer has issued a permit for such land use or development pursuant to the terms of Article 12 hereof, and until the Planning Board has issued a Class B regional permit in the case of a Class B regional project. No building permit for a use requiring Site Plan Review shall be valid without site plan approval. No building permit for a use which is a Class B regional project shall be valid without a Class B Regional Permit. The Adirondack Park Agency has jurisdiction over Class A regional projects, as defined herein, in addition to the Town's site plan review requirements. The Adirondack Park Agency may make an advisory opinion only on Class B regional projects, as defined herein.

Section 6.3 Review Procedure

The review of site plans is divided into three phases: (a) pre-submission, (b) preliminary application and (c) final application.

A. Pre-Submission Conference

1. The Code Enforcement Officer shall refer the prospective developer to the Secretary of the Planning Board who shall schedule a pre-submission conference for the next regularly scheduled Planning Board Meeting. The purpose of the pre-submission conference is to give the Planning Board and the applicant an opportunity to gain a perspective of the proposal's ramifications. This conference is beneficial to both parties because the community will gain knowledge of the applicant's intent and the applicant will learn his/her responsibilities before either is committed to significant outlays of time or capital.
2. At the pre-submission conference the applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the applicant shall provide a map showing the important existing natural and made features in and around the site and a sketch plan showing the major features of the proposal.
3. The Board may waive the requirement for a Pre-Submission Conference.

B. Preliminary Application for Site Plan Approval

1. An application, in triplicate, for preliminary site plan approval shall be made in writing to the Planning Board. The application may be presented at the next regularly scheduled Planning Board meeting following the pre-submission conference or sooner if the Planning Board deems it appropriate. The preliminary application shall not be accepted for review unless all requirements outlined at the pre-submission conference have been met. The preliminary application shall be accompanied by a fee of as determined by the Town Board.
2. The application shall be accompanied by copies of the information drawn from the following checklist, as determined necessary by the Planning Board at the pre-submission conference. The required preliminary site plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless waived by the Planning Board.
3. Preliminary Site Plan Checklist. The Planning Board may require any or all of the following items, as it determines appropriate for the nature and scale of the proposed project.

   (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
   (b) north arrow, scale and date;
   (c) boundaries of the property plotted to scale;
   (d) existing watercourses, wetlands and floodplains;
   (e) grading and drainage plan, showing existing and proposed contours;
   (f) location, proposed use and height of all buildings,
   (g) location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
   (h) provision for pedestrian access;
   (i) location of outdoor storage, if any;
   (j) location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
   (k) description of the method of sewage disposal and location of design and construction materials of such facilities;
   (l) description of the method of securing public water and location, design and construction materials of such locations;
   (m) location of fire and other emergency zones, including the location of fire hydrants;

(n) location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
(o) location, size and design and construction materials of all proposed signage;
(p) location and proposed development of all buffer areas, including indication of existing vegetative cover;
(q) location and design of outdoor lighting facilities;
(r) designation of the amount of building area proposed for retail sales or similar commercial activity;
(s) general landscaping plan and planting schedule;
(t) Long Form Environmental Assessment Form Part 1;
(u) other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any State or County Permits required for the Project's execution;
(v) Handicapped access and parking.

4. Planning Board Review of Preliminary Site Plan Application

The Planning Board's review of the preliminary site plan application shall include, but not be limited, to the following:

(a) The need of the proposed use.
(b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
(c) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
(d) Location, arrangement, appearance and sufficiency of off-street parking and loading.
(e) Location, arrangement, size, design and general site compatibility of buildings, lighting and signage.
(f) Adequacy of stormwater and drainage facilities.
(g) Adequacy of water supply and sewage disposal
(h) facilities.
(i) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
(j) Protection of adjacent or neighboring properties against noise, glare, dust, air pollution, unsightliness or other objectionable features.
(k) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
(l) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
(m) Public health and safety
(n) Congestion of the Great Sacandaga Lake and conflicts with boaters, swimmers and other users of the Lake.

5. Consultant . The Planning Board may consult with the Code Enforcement Officer, Fire Chief(s), Environmental Management Council, Town Highway Superintendent, Town Engineer, other local and county officials, the New York State Health Department, Department of Environmental Conservation, Department of Transportation, Adirondack Park Agency and any other consultants or attorneys the Board feels are necessary to provide a sound review of the proposal. The Board may charge a fee to the project applicant for the cost of such consultants or attorney's provided that the fee charged reflects the actual cost of the legal and technical assistance to the Planning Board.

6. Referral to the County Planning Board. Prior to taking action on the preliminary site plan application the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239 of the General Municipal Law.

7. SEQR Compliance. The Planning Board shall comply with the requirements of the State Environmental Quality Review Act (SEQR) in reviewing the proposal.

8. Referral to APA. Prior to taking action on the preliminary site plan application the Planning Board shall notify the Adirondack Park Agency in the case of the Class B projects and shall furnish to the Agency such pertinent information as the Agency may deem necessary and shall afford the Agency opportunity to comment. The Agency shall be deemed a party of interest in all Planning Board reviews of Class B projects.

9. Planning Board Action on Preliminary Site Plan Application

   (a) Within sixty-two (62) days of the receipt of an application for preliminary site plan review, the Planning Board may hold a public hearing on the preliminary site plan. Within sixty-two (62) days of the public hearing, or sixty-two (62) days of the receipt of an application if no public hearing is held, the Planning Board shall approve, disapprove or approve with modifications the preliminary site plan application. The Planning Board's action shall be in the form of a resolution of the Board, a copy of which shall be mailed to the applicant within five (5) days of the date of such resolution.

   (b) The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan application, of which conformance with said modifications shall be considered a condition of approval. If the preliminary site plan application is disapproved, the Planning Boards statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

C. Planning Board Review of Final Site Plan Application

1. After receiving approval with or without modifications, of the preliminary site plan application the applicant shall submit a final detailed site plan application to the Planning Board for approval. The final site plan application shall conform substantially to the approved preliminary site plan and shall include any modifications that were required as a result of the preliminary site plan review.

2. Planning Board Action on Final Site Plan Application

   (a) Within sixty-two (62) days of the receipt of the final site plan application the Planning Board shall approve or disapprove the final site plan application. Three copies of the final site plan application are required. The final site plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless waived by the Planning Board.

   (b) Upon approval of the final site plan the Planning Board shall endorse its approval on all three copies of the final site plan and shall forward one copy to the building inspector and one copy to the applicant. The third copy will be retained by the Planning Board.

   (c) The Planning Board may approve the project only after finding that the project will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project and that the project is otherwise approvable under this law. In making this determination, the Planning Board shall

consider those factors pertinent to the project contained in the development considerations, objectives and guidelines set forth in Appendix C to this Law. Upon disapproval of the final site plan the Planning Board shall so inform the Code Enforcement Officer and the Code Enforcement Officer shall deny the applicant a building permit. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

3. If the preliminary site plan application is approved without modifications the final site plan application procedure may be waived by the Planning Board.

4. Within ninety (90) days of the receipt of a completed application for a Class B regional permit, the Planning Board shall hold a public hearing on the application. Within sixty (60) days of the completion of the public hearing, the Planning Board shall issue a Class B regional permit or shall make a written determination not to issue such a permit. The Planning Board shall not issue a Class B regional permit unless the project complies with all provisions of this Law and unless the Board finds that the project will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision. In making this determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations, objectives and guidelines set forth in Appendix C to this Law. Upon disapproval of the application for a Class B regional permit the Planning Board shall so inform the Code Enforcement Officer and the Code Enforcement Officer shall deny the applicant a building permit. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.

5. Performance Guarantee. No Certificate of Occupancy shall be issued until all improvements shown on the approved site plan and on the Class B regional permit, if required, are installed. The sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Code Enforcement Officer.

ARTICLE 7 - REGIONAL PROJECT REVIEW

Section 7.1 Purpose

A. The purpose of this Article is to further the general purposes, policies and objectives of this Law and the Adirondack Park Agency by setting forth the criteria for review of Class A Regional Projects by the Adirondack Park Agency (Class A Projects are defined in Appendix A of this Law).

B. No person shall undertake a Class A Regional Project unless and until the Agency shall have reviewed and approved, or approved subject to conditions, such projects, and has issued an Agency permit with respect thereto pursuant to the terms of the Adirondack Park Agency Act and the pertinent Agency Rules and Regulations.

C. If a portion of a Site Plan Review project is also a Class A regional project, the project will be deemed to be a Class A Regional Project in its entirety.

Section 7.2 Criteria for Review of Class A Regional Projects by the Adirondack Park Agency

A. The Adirondack Park Agency shall have jurisdiction to review and approve, approve subject to conditions or disapprove all Class A Regional Projects proposed to be located within the territory of the Town, pursuant to and in accordance with Section 809 (9) of the Adirondack Park Agency Act, the applicable Agency Rules and Regulations, and the criteria hereinafter set forth.

B. The Adirondack Park Agency shall not approve a Class A Regional Project unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the Project, that the Project would comply with all provisions of this Law including those contained in Articles 4, 5, 7 and 9 hereof, and of such other laws, ordinances and regulations as shall be components of the Town Land Use Plan.

C. In making the determination required by Section 809(9) of the Adirondack Park Agency Act as to the impact of the proposed Class A Regional Project upon the resources of the Adirondack Park including the ability of all levels of government to provide supporting facilities and services made necessary by the project, the Agency shall consider those factors pertinent to the project, contained in the development considerations set forth in Section 5.071 of the project in relation to the development objectives and general guidelines set forth in Appendix C of this Law.

D. Notwithstanding the fact that Class A Regional Project approval may have been granted by the Adirondack Park Agency after a finding by the body that the project would comply with all provisions of this Law, it must be recognized that reasonable bodies may differ.

   Therefore, where the Town Planning Board finds that the project would have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town or upon the ability of the Town to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project, or that the project would otherwise not be approvable under this Law, the Board may disapprove the project, irrespective of any Agency approval. In such case, the reasons for Planning Board disapproval shall be specified in writing. Review criteria which shall be applied to Class A Regional Projects is found in Appendix C of this law.

Section 7.3 Planning Board Authority Regarding Class A Regional Projects

A. The Planning Board is hereby designated to consult with the Adirondack Park Agency with regard to Agency review of Class A Regional Projects.

B. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A Regional Project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the project application and formulating advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the Town Land Use Plan.

C. Not later than thirty (30) days following receipt by the Planning Board from the Agency of notice of application completion with regard to a Class A Regional Project, the Planning Board shall notify the Agency whether the project meets the pertinent requirements of the Town Land Use Plan.

ARTICLE 8 - SUPPLEMENTARY REGULATIONS

Section 8.1 Shoreline Regulations Purpose

The purpose of these shoreline regulations is to promote and protect the public health, welfare and safety, and to protect economic property values, aesthetic and recreational values, and other natural resource values associated with all lakes, ponds, streams, swamps or wetlands. It is the further purpose of these regulations to:

A. Provide for the protection, preservation, proper maintenance and use of the Town watercourses and wetlands in order to minimize disturbance to them and to prevent damage from erosion, turbidity, or siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat thereof.

B. To provide for the protection of the Town's potable fresh water supplies from the dangers of drought, overdraft, pollution or mismanagement.

Section 8.2 Specific Shoreline Regulations

A. In the case of the shorelines of all lakes, ponds, streams, swamps or wetlands and the shoreline of the Great Sacandaga Lake the following restrictions shall apply:

1. Cutting Restrictions. In the case of the shoreline of all lakes, ponds, rivers, streams, swamps, or wetlands and the shoreline of the Great Sacandaga Lake, the removal of vegetation, including trees, shall be permitted on shorefront lots provided the following standards are met.

(a) Within thirty-five (35) feet extending inland from all points along the mean high water mark no vegetation may be removed. This area shall be maintained as an undisturbed natural buffer strip.

(b) The general exception to this standard shall be an allowance for lake access and beaches. The creation of a contiguous clear-cut opening in the buffer strip shall not exceed thirty (30%) percent of the shoreline frontage on any individual lot. The clear-cut should be sited on the lot so as to allow for a view and access, but reduce runoff. The pathway created should be constructed or surfaced to be effective in controlling erosion.

(c) Notwithstanding the cutting restrictions set forth in this Subsection 8.2.A.1, no removal of vegetation shall result in noncompliance with the following minimal restrictions required by Adirondack Park Agency Act Section 806:

(1) Within 35 feet of the mean high water mark, not more than thirty percent of the trees in excess of six inches diameter at breast height existing at any time may be cut over any ten year period.

(2) Within six feet of the mean high water mark no vegetation may be removed, except that up to a maximum of thirty percent of the shorefront may be clear of vegetation on any individual lot. This provision shall be adhered to in addition to (1) above.

(d) The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards or pruning of shrubs, cutting of grass or similar yard maintenance procedures. The purpose of the tree cutting and land clearing regulation is to protect the scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. These provisions shall not apply to the removal of dead, diseased or dying trees or to other vegetation that, in the opinion of the Zoning Administrator, presents safety or health

hazards.

(e) Cutting Plan. As an alternative to the above sub-sections, a special cutting plan allowing greater cutting may be permitted by the Planning Board. An application shall include a sketch of the lot and provide the information on the topography of the land, existing vegetation, proposed cutting plan and proposed revegetation plan. The Planning Board may approve such plan only if it finds that such special cutting plans:

(1) Will not cause undue erosion or destruction of scenic beauty;
(2) Provide that natural shrubbery is preserved as far as practicable and, where removed, it is replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty;
(3) Will provide substantial visual screening from the water to dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the Zoning Administrator shall require the submission of a bond which will guarantee the performance of the tree or shrubbery replacement by the lot owner.
(4) Will not violate the shoreline restrictions of the Adirondack Park Agency in accordance with the following: (a) within 35 feet of the mean high water mark no vegetation may be removed, except that up to maximum of 30% of the trees in excess of six inches in diameter at breast height existing at any time may be cut over any ten-year period; and (b) within six feet of the mean high water mark no vegetation may be removed, except that up to a maximum of 30% of the shorefront may be cleared of vegetation on any individual lot.

(f) Where a shoreline lot owner violates the shoreline cutting residences, the Zoning Administrator shall require total revegetation, so as to create a buffer strip area which is in compliance with this Section.

2. Docks and Moorings. In all residential and commercial zones, docks and boathouses may be constructed on any legal size building lot, subject to number, size, configuration and setback restrictions and for which a building permit (or in the case of a dock, a dock permit) has been issued. Boathouses, however, are prohibited on Great Sacandaga Lake.

(a) No dock shall be constructed in any configuration other than straight W, L, T, or U-shaped. E-shaped dock shall be allowed only where lots exceed 150 linear feet of shoreline frontage.

(b) No dock shall extend more than forty (40) feet offshore from the mean low water mark, except that in streams or brooks, no dock shall extend offshore more than 20 percent of the width of the stream or brook at the point of construction.

(c) No dock shall exceed eight (8) feet in width, or in the case of interconnected structures intended to accommodate multiple watercraft or other authorized use, each element of which shall not exceed eight feet in width.

(d) No W, L, T or U-shaped dock surface area shall exceed seven hundred (700) square feet.

(e) Except on the Great Sacandaga Lake, every private dock or wharf constructed shall have a minimum setback of twenty (20) feet from the adjacent property line extended into the Lake on the same axis as the property line runs onshore where it meets the Lake, or at a right angle to the mean high-water mark, whichever results in the greater setback. On the Great Sacandaga Lake, commercial docks must meet a fifty (50) foot setback requirement.

(f) No dock shall be constructed so as to interfere with normal navigation or reasonable access to adjacent wharfs.

(g) The number of private docks permitted to be constructed per residentially used lake front lot is limited as follows:

one hundred (100) feet or less of lake frontage	no more than one dock
one hundred one to two hundred fifty (101 -250) feet of lake frontage	no more than two docks
two hundred fifty one to five hundred (251 - 500) feet of lake frontage	no more than three docks
more than 500 feet of lake frontage	three docks plus one additional dock for each one hundred fifty (150) feet of lake frontage in excess of five hundred (500) feet

(h) No docks shall be constructed unless designed to withstand forces of flowing water and wave washes.

(i) Covered docks shall not exceed eighteen (18) feet in height measured from the water level to the highest point of the structure for peak roofs and fourteen (14) feet for flat roofs.

(j) Dock floats may be constructed of plastic or styrofoam materials only. No steel barrels may be used for dock floats.

(k) Moorings.

(1) Commercial: No more than four (4) moorings shall be allowed per commercially used lot with less than five hundred (500) feet of shoreline frontage. No more than one (1) mooring per one hundred (100) feet of shoreline frontage shall be allowed per commercially used lot with five hundred (500) or more feet of shoreline frontage.

(2) Residential: The number of private moorings allowed per residentially used lake front lot is limited as follows:

one hundred (100) feet or less of lake frontage	no more than one mooring
one hundred one to two hundred fifty (101 -250) feet of lake frontage	no more than two moorings
two hundred fifty one to five hundred (251 - 500) feet of lake frontage	no more than three moorings
more than 500 feet of lake frontage	three moorings plus one additional mooring for each one hundred fifty (150) feet of lake frontage in excess of five hundred (500) feet

(3) Moorings shall be placed so that vessels moored to them, at the full swing of their mooring or anchor line, will be no closer than ten feet to the projection of the property lines extending into the lake along the axis of the property lines as they intersect the Lake, or a line extended at a right angle to the mean highwater mark, whichever results in the greater setback. Moorings shall not be placed so that the full swing of the vessel extends more than fifteen feet from the point of vertical drop off from the mean high water mark.

(l) Miscellaneous Provisions.

(1) No property owner shall fail to completely remove any pilings, floats and/or any other related components which are abandoned or fall into disuse.
(2) No person shall fail to comply with any special conditions attached to any permit issued for the construction of a dock.
(3) A permit is not required for repairs to an existing dock, if such repairs do not alter its size or shape.

3. Shoreline Setbacks.

The minimum shoreline setback applies to all structures greater than 100 square feet in size other than docks or boathouses, and can be found in Section 4.4.

4. Minimum Shoreline Frontages for Contractual Access.

The following minimum shoreline frontages shall be required for deeded or contractual access to all such lakes, ponds, rivers, or streams for two (2) or more lots, parcels or sites or multiple family dwellings units not having separate and distinct ownership of shore frontage.

Where two (2) to four (4) lots, parcels or sites or multiple family dwelling units are involved.	A total of not less than one hundred (100) linear feet of shoreline.
Where 5-20 lots or units are involved.	At least 100 linear feet of shoreline plus at least five feet for each lot or unit exceeding 5.
Where 21-100 lots or units are involved.	At least 100 linear feet of shoreline plus at least three feet for each lot or unit exceeding 20.
Where 101-150 lots or units are involved.	At least 340 linear feet of shoreline plus at least two feet for each lot or unit exceeding 100.
Where more than 150 lots or units are involved.	At least 440 linear feet of shoreline plus at least one foot for each lot or unit exceeding 150.

5. Alteration to the Shoreline. No filling, grading, lagooning, dredging, ditching and excavation of the shoreline or the addition or replacement of retaining walls along the shoreline shall be undertaken without Site Plan Review. The following general standards shall apply for construction along the shoreline:

(a) The activity shall not alter the natural contours of the shoreline.

(b) The activity shall not disturb shoreline vegetation except in a minimal way. Where vegetation is destroyed or removed it shall be restored or replaced with indigenous vegetation. Stabilization shall be in accordance with the U.S. Soil Conservation Service Engineering Standards and Specifications.

(c) The activity shall be carried out in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.

(d) All applicable federal, state, Hudson River/Black River Regulating District and other agency permits shall be obtained.

(e) In addition, the following specific conditions shall apply:

(1) FILLING: There shall be no fill placed in waters of any lake, stream, pond, river, or

wetland, except as associated with shoreline protective structures, or beach replenishment, or otherwise found to be beneficial to existing shoreline conditions or water quality or clarity. Any fill placed adjacent to any lake, stream, pond, river, or wetland shall be protected against erosion.

(2) DREDGING: There shall be no removal or rearrangement of materials in the water, except at those locations where such removal or rearrangement is found to be beneficial to existing shoreline conditions, uses and water quality and clarity. Where dredging is permitted, soil materials shall not be deposited in the vicinity of the waterfront.

(3) RETAINING WALLS: The addition, expansion or replacement of any type of retaining wall shall be discouraged, except in the case where the alternative of shoreline restoration to a natural state is impossible due to excessive slope or severe erosion problems, a condition to be determined by the Zoning Administrator. Retaining walls shall not be permitted to be constructed for only aesthetic reasons. When permitted, retaining walls shall not exceed sixteen (16) inches in height, as measured from the stationary mean high water mark, and shall be constructed of native stone or wood. When treated lumber is used for the construction of a retaining wall it shall be the sealed non-leaching type.

B. Shoreline Fill/Hard Surfacing.

No fill or hard surfacing shall be permitted within fifty (50) feet of any lake, pond, river, stream or wetland except by Site Plan Approval of the Planning Board, except that no review/approval shall be required for preventative maintenance or repair caused by erosion or other acts of nature. Private driveways crossing a stream are further exempted from this section provided, however, such driveways do not exceed fifteen (15) feet in width. The above exceptions shall not be construed to be relief from any other governmental agency having jurisdiction.

C. Fences.

1. Fences are defined as structures and therefore shoreline setbacks apply to fences.
2. No fence greater than four (4) feet in height, as measured from the level grade at any point along said fence shall be erected within the shoreline setback.
3. No fence greater than one hundred (100) square feet in area measured by the vertical surface area of one side as circumscribed by its perimeter shall be located within the shoreline setback.

D. Nothing herein shall usurp or override the rules and regulations of the Hudson River - Black River Regulating District. Such rules and regulations must be compiled with in all respects.

Section 8.3 Marinas

A. General Prohibition. No new marina shall be operated nor shall any marina existing at the date of enactment of this Zoning Law be expanded within the Town of Day without first obtaining site plan review from the Town of Day Planning Board.

B. Specific Marina Standards. Marinas operating within the Town of Day shall meet the following standards:

1. A minimum of 500 feet of shoreline shall be required to operate a marina.
2. All marina docks and moorings shall comply with the dock and mooring restrictions set forth in Section 8.2.2 of this law.
3. A minimum of three (3) acres of land shall be required to operate a marina.
4. All setback requirements for the district in which the marina is located shall be complied with

for all marina related uses, including parking.

5. No paved area, with the exception of boat launching ramps, may be located within twenty five (25) feet of the mean high water mark of the Great Sacandaga Lake.
6. Marinas may not be operated between the hours of 10 p.m. and 6 am.
7. Lights from a marina may not illuminate adjacent properties.
8. Every marina shall provide restrooms for the use of its clientele. Such restrooms shall be maintained in a clean and orderly condition.
9. Every marina shall provide an approved boat pump out facility.
10. Every marina shall provide trash receptacles sufficient to accommodate all trash generated by the marina's customers or clientele. Such receptacles shall be maintained in a clean and orderly condition.
11. Parking shall be required in accordance with Section 8.5.0 of this Zoning Law. Parking for trailers shall be determined by the Planning Board.
12. The marina operator shall provide the Planning Board with a maintenance program sufficient to keep all wharves, adjacent shoreline, water and the lake bottom clean of debris.
13. The marina operator shall provide the Planning Board with a landscape plan to minimize visual impact.
14. The marina operator shall identify potential navigation hazards or conflicts with existing or adjacent uses such as swimming areas, and present a plan to minimize such conflicts.
15. The marina operator shall provide the Planning Board with a plan designed to minimize damage to the environment due to leakage or spills of fuels, lubricants, waste products or other pollutants. If the marina sells or dispenses fuel products, the plan shall include provision for storage and use of emergency containment and clean-up equipment for petroleum product spills.

C. Existing Marina Compliance with Sanitary Standards. Within one (1) year from the date of enactment of this Zoning Law, every existing marina in the Town of Day, as defined by this Law, must comply with the following conditions.

1. Every marina in existence on the date of the enactment of this law must, within one year of enactment, provide restrooms for the use of its clientele. Such restrooms shall be maintained in a clean and orderly condition.

2. Every marina in existence on the date of enactment of this law must, within one year of enactment, provide an approved boat pump out facility. An exception to this condition will be made if the marina operator can demonstrate to the satisfaction of the Code Enforcement Officer that no pump out facility is required for the type of boat served by that marina.

D. Dockominiums. A dockominium facility, as defined by this Zoning Law, shall be considered a marina and is subject to all the provisions of this law.

E. Quick Launch Facility. A quick launch facility shall be considered a marina and is subject to all provisions of this Law. In addition, all provision for vessel storage, launching, docking, and parking for cars and trailers shall be located on the same lot.

Section 8.4 Mining Operations

A. Purpose and Intent

There may be allowed in any district, except the Lakefront Residential District, upon site plan review by the Planning Board and subject to such conditions as may be established by the Planning Board, the commercial excavation and sale of topsoil, sand, dirt, gravel, clay, or other natural mineral deposits on the quarrying of any type of road formation. Such site plan review only applies to mining operations in which 1000 tons or more of material is removed in any twelve (12)

month period.

B. Regulations

1. Excavation.
   (a) Slopes caused by the excavation shall upon completion not exceed thirty (30) percent.
   (b) Depth of excavation shall approach no closer than five (5) feet to the average high point to the groundwater table measured annually, except upon a showing satisfactory to the Planning Board during site plan review under Article 6 that the site plans contain mitigating measures adequate to assure that the proposed use of the land will not cause any undue, adverse impacts either to such groundwater table or to any surface waters into which such lands drain.
   (c) Stockpiled materials shall not exceed thirty-five (35) feet in height.

2. Buffer Zones.
   (a) An undisturbed fifty (50) foot buffer zone shall surround the excavation within the limits of the property.
   (b) The entry into the excavated area shall be curved so as to prevent a direct view from the public right-of-way.

Section 8.5 Special Lot Regulations

A. Existing Small Lots. Notwithstanding the limitations imposed by any other provisions of this Law, the erection of a building on any lot separately owned or under contract of sale and containing, at the time of the passage of this Law, an area or a width smaller than that required for a permitted use shall be allowed without requiring a variance. The minimum side yard requirements are reduced in proportion to the reduction of lot width over the specified minimum lot width for the district. This provision applies only where such lot is not adjacent to other property owned by the applicant.

B. Front yard depth. Not withstanding the limitations imposed by any other provisions of this Law, each building hereafter erected may have a front yard equal in depth to the average front yard depth of the buildings within one hundred (100) feet adjacent thereto on either or both sides, but no front yard shall be less than forty (40) feet nor need any front yard have a greater depth than required by the district in which it is located.

C. Reduction in rear yards. When a lot is less than the minimum area prescribed for the district in which it is located at the time of passage of this Law or subsequent amendments thereto which may affect the area requirement of the particular lot, the rear yard may be reduced in proportion to the reduction in lot depth over the specified minimum lot depth for the district. However, no rear yard shall be less than fifteen (15) feet in depth, except that an accessory ~~building~~ ***structure*** may be placed no closer than ten (10) feet to the rear lot line.

D. Corner lot transition. On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street. For safety at intersections, corner lots shall not have any structures, plantings, or other objects that obstruct the view of traffic on the intersecting street from motor vehicle operators.

Section 8.6 Off Street Parking

A. The following minimum motor vehicle parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which, after the date when this Law becomes effective, is erected, enlarged or altered for use for any of the following purposes. All parking spaces provided pursuant to this subsection shall be on the same lot with the building,

except that the Planning Board may allow for the parking spaces to be on any lot within five hundred (500) feet of the building if it determines that it is impractical to provide parking on the same lot with the building.

B. The Planning Board may require additional off-street parking and loading spaces for any use if the Board finds that the following required minimum spaces are not sufficient. The minimum required spaces are as follows:

	Minimum required number of parking spaces
Apartment house	Two (2) for each dwelling unit in the building or buildings
Auditorium, stadium, theater or other place of public assemblage	One (1) for each three (3) seats provided for its patrons based on maximum seating capacity
Boarding home, tourist home, motel, hotel.	One (1) for each guest sleeping room
Restaurant or other eating place	One (1) for each three (3) seats, except when it is in a building which provides parking space, in which case the number of places already provided may be taken to be available for the restaurant or other eating place
Retail Store	One (1) for each one hundred (100) square feet of gross store floor area
Industrial or manufacturing establishment	One (1) for each four hundred (400) square feet of gross floor area, or for each two (2) workers, whichever is greater
Office building	One (1) parking space for each three hundred (300) square feet of gross office floor area
Funeral home	Fifteen (15) parking spaces per viewing area, plus space for all employee and resident personnel cars
Physicians, dentist or surgeons office	Four (4) parking spaces for each physician, dentist or surgeon, plus spaces for all people employed in the building
Place of worship	One (1) parking space for each five (5) seating places in the main assembly room
School	Two (2) parking spaces for each elementary classroom and four (4) parking spaces for each high school classroom. Where the school has an auditorium, the minimum requirement shall be one (1) space per five (5) seats or sixty (60) square feet of seating area where fixed seating is not provided, whichever requirement is greater
Public library or museum	One (1) parking space for each two hundred (200) square feet of gross public building area
Club or lodge	One (1) parking space for each one hundred (100) square feet of gross building area
Marina	One (1) parking space for each boat berth. Parking for marinas must be located on the lake side of County Routes 7 and 4. Additional parking for trailers may be required by the Planning Board during the site plan review process.

Section 8.7 Off Street Loading

A. At least one (1) off street loading space shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet, computed as described below. Space for off-street loading shall be in addition to space for off-street parking.

B. Each off-street loading space shall be subject to the following minimum requirements.
   1. Each berth shall be not less than twelve (12) feet wide, forty (40) feet long and fourteen (14) feet in height when covered.
   2. Off-street loading space (or spaces) located within fifty (50) feet of a residential property shall be shielded by wall, fencing, or other suitable materials which shall serve to screen noise and uncontrolled entrance.

Section 8.8 Manufactured home Standards

A. Manufactured homes in the Town of Day shall be installed in accordance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.

B. Each manufactured home lot shall be improved to provide a permanent foundation or a poured concrete slab with a minimum of six (6) tie down positions for anchoring said manufactured home.

C. Each manufactured home shall be placed upon the lot so that rain water and surface water shall run off and drain away from the manufactured home and not interfere with adjoining properties.

D. Within sixty (60) days of placement on a lot each manufactured-home shall be equipped with a skirt of metal, fiberglass, masonry, or suitable fire retardant material. The skirt shall be securely fastened and shall extend from the outside wall of the manufactured ~~mobile~~ home to ground level around the entire perimeter of the manufactured home.

Section 8.9 Signs

A. <u>Number of Signs</u>
   1. Not more than two signs may be erected or maintained advertising or otherwise relating to a single business or activity, except for directional signs that do not exceed two (2) square feet in sign area and are limited to such texts as "Office", "Entrance", "Exit", "Parking", and "No Parking".
   2. Not more than one (1) pole sign may be erected or maintained upon the premises of any gasoline or other automotive service station.

B. <u>Design and Location of Signs</u>
   1. No sign shall be illuminated by or contain flashing, intermittent, recalling or moving light or lights. All luminous signs, indirectly illuminated signs and lighting devices shall employ only lights emitting light of constant intensity.
   2. No luminous sign, indirectly illuminated sign or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may contribute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.
   3. No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner or other similar moving, fluttering or revolving device. Such devices, as well as

strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.

4. No sign shall contain any neon or similar lighting.
5. No sign shall be placed upon or be supported by any water body or any tree, rock or other natural object rather than the ground.
6. No sign shall be erected or maintained upon the roof of any building or structure.
7. No motor vehicle on which is placed, or painted, any sign intending to advertise the premises subject to agency jurisdiction shall be parked or stationed on such premises in a manner primarily intended to display the sign.
8. No sign shall project more than three feet from the wall of any building, nor shall any sign project from the roof of any building or into any public way.
9. No sign shall be erected or maintained within the right-of-way, nor within 10 feet of the roadbed of any public street or highway; nor shall any sign exceeding 20 square feet in the sign area be erected or maintained within 20 feet of the roadbed of any public street or highway; provided, however, that these minimum setback distances shall not apply to signs erected upon any building entirely housing the business or activity with which the signs are principally associated. For the purposes of this provision, the roadbed shall mean the trafficable portion of a road, street, or highway, bounded on either side by the outer edge of the shoulder or guardrail, whichever extends farthest. Where there is no shoulder or guardrail, there shall be deemed to be a shoulder extending four feet from the outer edge of the pavement or unpaved traffic lanes.
10. No sign shall be erected or maintained more than 200 feet from the business or activity with which it is associated. For the purposes of this provision, the location of a business or activity shall include all of the principal private access road connecting the actual place of that business or activity with a public street or highway.

C. <u>Area, height and components of signs.</u>

1. No sign shall be erected or maintained having a sign area greater than 40 square feet. No luminous sign shall be erected or maintained having a sign area greater than 15 square feet. If two signs are erected or maintained upon the premises of a given business or activity, the total sign area of the two signs shall not exceed 60 square feet. With respect to any building, group of buildings or other project involving more than one business or activity, such as a shopping center or multiple unit office or commercial building, no sign with respect to any one such business or activity shall exceed 30 square feet.
2. No pole sign erected or maintained upon the premises of any gasoline or ether automotive service station shall have a sign area greater than 15 square feet.
3. No sign shall exceed 20 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.
4. Signs shall be made of stone, brick and wood, shall be simple in design and color scheme and shall contain a minimal number of component parts.

D. <u>Number of permitted signs where more than one principal activity is being conducted.</u>

1. A single free-standing sign not in excess of 40 square feet in sign area or more than 20 feet in height may be erected identifying the center or facility as a whole, but shall not contain advertising matter.
2. An overall sign design plan for any such center or facility subject to agency regional project review jurisdiction shall be required, which shall include the sign design plan or plans for each principal activity therein, and shall reflect a reasonable uniformity of design, lettering, lighting and material.

E. <u>Residential and other nonbusiness uses</u>. In the case of residential uses and other non-

business oriented uses, only one sign may be erected or maintained upon a parcel of real property.

F. Real estate signs advertising property for sale shall be removed upon the sale of the property.

Section 8.10 Junkyards

A. Intent. The intent of this section is to ensure a clear wholesome, attractive environment in the Town of Day through regulation of junkyards. The operation of junkyards in the vicinity of highways, dwellings, buildings, bodies of water, and wooded areas, including, but not limited to the burning of inflammable parts of motor vehicles machinery, appliances or equipment and of paper and any other waste materials constitutes a public nuisance, a constant fire menace and a danger to such health, safety, and welfare of the inhabitants of the Town of Day and creates an environment which tends to discourage continuing development of the economy of the Town of Day.

B. Location Requirements. No junkyard shall be located within one hundred feet of the boundary line of any public highway, street, avenue, road or place nor within three hundred feet of any dwelling, place of worship, school, hospital, public building or any other place of public gathering. The Planning Board shall also consider whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of any other cause.

C. Aesthetic Considerations. The Planning Board shall take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare of the inhabitants of the Town of Day, by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection the Planning Board may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view. The proximity of the proposed junkyard to establish residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junkyard.

D. Fencing. A junkyard shall be completely surrounded with a fence of either tight board or sheet metal at least 8 feet in height which substantially screens and shall be painted either green or another color which will fairly blend with the surroundings and shall have a suitable gate which shall be closed and locked except during the working hours of such junkyard or when the applicant or his agent shall be within. No advertising or other matter of any kind shall be attached to or painted on any fencing enclosing the junkyard. All motor vehicles, parts thereof, machines, appliances, equipment, metal, rags, paper, fabric, rubber and any other waste materials of their combinations, stored or deposited in a junkyard shall be kept within the enclosure of the junkyard except as removal shall be necessary for the transportation of same elsewhere, and shall not be piled or stacked to a height where the same shall be visible. This condition may be waived at the discretion of the Planning Board if the site is completely screened from public view from all areas within the town. The Planning Board may require landscaping using natural materials to further mitigate impacts of the fencing, or the junkyard itself.

E. Pre-existing Junkyards. Junkyards existing on the effective date of this law shall be exempted from the location requirements of paragraph (B) of this section, but shall be required to comply with the aesthetic considerations and fencing requirements of this section within three years of adoption. However, existing junkyards in non-compliance with the location requirements shall not be expanded in such a way as to increase that non-compliance.

F. Junkyards shall be required to obtain an annual Operating Permit from the Town. All Operating

Permits shall require annual renewal and to be applied for not less than 30 days prior to expiration. No Operating Permit shall be renewed unless the Zoning Administrator finds that the aesthetic considerations and fencing requirements of this section are met.

Section 8.11 Swimming Pools

A. Swimming pools in the Town of Day shall be installed in accordance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.
B. All swimming pools shall be subject to setback requirements for principal structures.
C. All swimming pools shall be surrounded with a fence at least four (4) feet high.

Section 8.12 Temporary Occupancy of Travel Trailers

A travel trailer or recreational vehicle less than 400 square feet in size may be temporarily occupied on any lot in any zoning district for a period not to exceed one hundred and eighty (180) days in any calendar year, provided that: (a) no principal structure exists on the lot where such travel trailer or recreational vehicle is located, and (b) such trailer or vehicle is situated such that it complies with the structure setback requirements for the zone in which it is located, meets all sanitary code requirements, and complies with applicable provisions of the New York State Uniform Fire Prevention and Building Code.

Section 8.13 Blasting

Whenever any blasting or explosion is planned, the owner of the parcel of land on which said blasting or explosion is to occur shall give notice by placing a sign on the premises where said blasting or explosion is to occur, such sign to be at least four feet by four feet in size, and readily visible and readable to passersby. Said sign shall be erected not less than 15 days prior to said blasting or explosion. Notice of said blasting or explosion shall also be provided to the enforcement officer, in writing, not less than 5 days prior to said blasting or explosion. Said sign and notice shall set forth the anticipated date, time and purpose of said explosion or blasting. If the date of the proposed blasting or explosion shall change, a new notice meeting the requirements of this Section shall be posted, and a copy of such additional notice shall be filed with the enforcement officer not less than 5 days prior to said blasting or explosion.

Section 8.14 Driveways

No person shall install or alter a driveway or other entrance or exit to or from a public road without a Driveway Permit. Saratoga County issues permits for driveways on Saratoga County highways and the Town of Day issues permits for driveways on town roads. An application for a Town of Day Driveway Permit shall include the plans for such a driveway, including the elevation profile, plot plan and drainage plan for same. All new driveways and alterations to existing driveways on Town of Day roads shall conform to the following requirements.

A. Construction shall be in accordance with the “Typical Residential Driveway” and “Standard Driveway Ditch Crossing” drawings which are incorporated into this local law and are attached hereto.
B. The applicant shall furnish all materials and bear all costs of construction within the town highway right of way, and all work done and materials used shall meet the requirements of the Town of Day Highway Department.
C. The angle of the driveway with respect to the highway pavement edge shall be not less than 60 degrees and not more than 120 degrees.

D. No driveway shall be permitted within 50 feet of a highway intersection.
E. No driveway shall be permitted at any location where the lack of sight distance in either direction along the highway poses a hazard.
F. Finished grades of any new driveway exiting downhill toward the public road shall not exceed 12 percent average grade over any 150 foot length, shall not exceed 15 percent at any point, and shall not exceed three percent within 25 feet of the intersection of the driveway with the public road.
G. Residential driveways shall be a maximum of 20 feet in width.
H. Commercial driveways shall be a maximum of 50 feet in width for a single combined entrance and exit, or a maximum of 50 feet each when two separate entrances are permitted. No more than two driveways shall be permitted to any commercial establishment. Applications for a commercial driveway shall include a fully dimensioned plan of the proposed driveway showing a drainage plan.
I. A stake flagging the proposed driveway location shall be placed at the proposed driveway entrance to identify the location for inspection.

Section 8.15 Telecommunications Towers.

A. Purpose

1. The purpose of this Section is to promote the health, safety and general welfare of the residents of the Town, to provide standards for the safe provision of telecommunications consistent with applicable Federal and State regulations, and to protect the natural features and aesthetic character of the Town and the Adirondack Park, with special attention to views of Great Sacandaga Lake and views from Great Sacandaga Lake.
2. This Section is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall they be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

B. Requirements Regarding Telecommunications Towers.

1. No Telecommunications Tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after Site Plan Approval and in conformity with these regulations. No existing structure shall be modified to serve as a Telecommunications Tower unless in conformity with these regulations.
2. This Section shall apply to all property within any zone where Telecommunications Towers shall be permitted with Site Plan Approval.

C. Where these regulations conflict with other laws and regulations of the Town, the more restrictive shall apply, except for tower height restrictions which are governed by these standards.

D. <u>Standards for Site Plan Approval</u>

1. No Telecommunications Tower shall be erected without Site Plan Approval. The site plan shall show all existing and proposed structures and improvements including roads and shall include grading plans for new facilities and roads, as well as all other items required by Article 6 of this local law. The Site Plan shall also include documentation on the proposed intent and capacity of use as well as a justification for the height of any Telecommunications Tower or Antennae and justification for any land or vegetation clearing required.

2. The Planning Board shall require that the Site Plan include a completed Visual Environmental Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this local law with particular attention to visibility from key viewpoints within and outside of the municipality as identified in the Visual EAF, and with particular

attention to views of Great Sacandaga Lake and views from Great Sacandaga Lake. The Planning Board may require submission of a more detailed visual analysis based on the results of the Visual EAF.

3. Shared Use - At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antennae on pre-existing structures shall be considered and preferred. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to a new construction.
4. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.
5. Telecommunications Towers and antennae shall comply with all existing setbacks within the affected zone. Additional setbacks may be required by the Planning Board to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities.
6. Visibility - All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.
7. Telecommunications Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration ("FAA"). Telecommunications Towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding treeline unless other standards are required by the FAA. In all cases, structures offering slender silhouettes (i.e. monopoles or guyed tower) shall be preferable to free standing structures except where such free-standing structures offer capacity for future shared use. Telecommunications Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
8. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
9. Existing Vegetation - Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet above the ground) shall take place prior to Site Plan Approval. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
10. Screening - Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required: For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
11. Access and Parking - A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads shall be made. Road construction shall be consistent with standards for town roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than

ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

E. Authority to Impose Conditions:

1. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are reasonably related to and incidental to the proposed Telecommunication Tower Site Plan.
2. Removal Upon Abandonment: Such conditions may include provisions for dismantling and removal of towers and accessory facilities upon abandonment of use.

Section 8.16 Tree Cutting

A. Purpose. The Town Board of the Town of Day finds that many landscape features, geological features and other resources of the Town of Day and the Adirondack Park have special aesthetic, scenic or historical value. The Town of Day considers the visual appearance of the forests in the Lakefront Area and the Viewshed Protection Area to be a valuable natural resource. Visual appearance is one of the many benefits that these forests provide to the residents of Day. The purpose of this law is to protect the visual appearance of forest in the Lakefront and Viewshed Protection Areas, while not excluding other activities that provide benefits to landowners and community members of Day.

B. Affected Areas. This law applies in the Lakefront Area, and in the Viewshed Protection Area.

C. Notification. Whenever Commercial Tree Cutting is to occur in an area where this law applies, the following information must be provided by the landowner or his designee, in writing, to the Code Enforcement Officer. No commercial tree cutting may occur without such notification. The contract between the landowner and the tree cutter may be used to supply any or all of this information.

1. The name and address of the owner of the property where trees will be cut.
2. The name and address of the person doing the cutting.
3. The total land area involved in the cutting operation.
4. The range, in inches, of the diameter of the standard breast height (4 ½ feet above ground) of the trees to be cut and of the residual trees.
5. A sketch map that shows:
   - The location and boundaries of the property.
   - Approximate acreage of forest affected by the cutting activities.
   - The names and addresses of adjacent property owners
   - The access roads into the property.
   - The area within the property where the cutting will be conducted.
   - The locations of the product loading areas.
6. A statement from the landowner that each tree to be removed has been designated with paint or other distinctive means, at two points that are readily visible by the tree cutter, one of which shall be low enough on the tree so as to be visible on the stump after the tree is removed, or, a written prescription as to what will be cut (for example “all Beech within the area”).
7. Copies of any required permits from NYSDEC or other agencies.
8. An indication of the method to be used in clean up of, and trash disposal in, the product loading area.

D. Cutting Restrictions.

1. Commercial Tree Cutting. Clearcutting an area greater than 5 acres is never permitted, and the practices as recommended in the New York State Forestry Best Management Practices field guide in effect as of the date of this local law shall be followed.
2. All Other Tree Cutting. No more than 50% of existing trees shall be removed from any contiguous stand or grouping of trees. In no case shall the area of clearcutting exceed ½ acre.
3. Other Applicable Laws. Nothing herein shall be deemed to permit any tree cutting which is prohibited by other provisions of the Town of Day Zoning Law.

Section 8.17 Keeping of Farm Animals

A. Prohibited Uses in LR and NC Zones. No person shall keep or allow to be kept or suffer to be kept upon land owned or in the possession of such person, any goats, hogs, pigs, swine, horses, cattle or domestic fowl within the Lakefront Residential or Neighborhood Commercial Zones.

B. No building or structure in which fowl, hogs, cows, horses, goats, sheep or other farm animals are kept shall be less than one hundred (100) feet from any side or rear property line or from any shoreline, and shall comply with the front yard setback for the zoning district in which it is located.

C. Additional regulations for the keeping of fowl, hogs, cows, horses, goats, sheep or other farm animals as a commercial operation:

1. Minimum lot size: 20 acres
2. Adequate landscaping or fencing shall be provided to create a visual buffer between such facility and adjacent property.
3. No animals shall be kept, either indoors or outdoors, within five hundred (500) feet of any neighboring residential structure that was in existence at the time that such operation became a legally established use.
4. A commercial operation shall mean the keeping of farm animals for the purpose of sale, off-site, of the animals themselves or any product derived therefrom.

Section 8.18 Kennel

A. Minimum lot size: five(5) acres
B. Adequate landscaping or fencing shall be provided to create a visual buffer between such facility and adjacent property.
C. All buildings, structures or other accessory uses shall be at least (50) feet from any property line.
D. No animals shall be kept, either indoors or outdoors, within 500 feet of any neighboring residential structure that was in existence at the time that the dog kennel or animal hospital became a legally established use.
E. All animals, except livestock, shall be kept within a totally enclosed building between 6 p.m. and 6 a.m.

Section 8.19 Adult Entertainment Establishment

A. No adult use and entertainment establishment shall be located within 1000 feet of the property line of any: public or semi-public building or grounds; dwelling; religious building, facility, or grounds; group camp; or campground.
B. No adult entertainment establishment shall be located within 500 feet of any property line.
C. Any adult entertainment shall be set back at least 500 feet from any highway right-of-way.
D. The adult use shall be conducted entirely within an enclosed building. No "specified anatomical area" or "specified sexual activity" (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
E. No outside displays or advertising other than an approved sign shall be permitted.
F. The serving of alcoholic beverages shall be prohibited unless specifically permitted by the Planning Board in their review of the site plan.

Section 8.20 Bed And Breakfast Establishment

A. Not more than five rooms shall be offered for rent for transient occupancy.
B. If meals are offered, they shall be offered only to registered lodgers.

Section 8.21 Campground, Recreational Vehicle Park

A. Minimum lot size: 10 acres.
B. Campgrounds and recreational vehicle parks shall be occupied only by travel trailers, motor homes, camping trailers, recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation, and recreational purposes. The removal of wheels, and placement of a unit on a foundation in a camping ground is prohibited.
C. Each campground or recreational vehicle park shall have adequate access to a public highway, and each recreational vehicle site shall be serviced from interior roadways.
D. A campground or recreational vehicle park shall be divided into campsites. The corners of each campsite shall be clearly marked, and each campsite shall be numbered for identification.
E. The minimum size of each campsite shall be 2500 square feet, provided however, that there shall be no more than 10 campsites per acre.
F. There shall be a minimum fifty (50) feet green space buffer surrounding the campground or recreational vehicle park, except for road cuts no wider than 50 feet that provide access to a public highway from the internal roadway. No campsite or portion thereof, building, structure or roadway shall be placed within the buffer area.
G. No campsite shall be located within seventy-five (75) feet of the mean high water mark of any navigable body of water, and shall otherwise comply with the setbacks from shorelines required by this law.
H. The Planning Board may require that the campground or recreational vehicle park be substantially screened from the view of public roads and neighboring properties by use of vegetation and/or fencing.
I. Each campground or recreational vehicle park shall comply with all applicable rules and regulations of the New York State Department of Health.
J. Adequate plans shall be made for the collection and disposal of garbage, rubbish and solid wastes generated within the park. There shall be no on-lot exposed garbage, junk, or other wastes. The operator shall provide for the pick-up of trash at least once a week.
K. Manufactured homes, whether permanent or temporary, shall not be parked or stored in any campground or recreational vehicle park except if owned and occupied by the park management.

Section 8.22 Condominium and Cooperative Development

A. Requirements of this law, including use restrictions and dimensional requirements, shall be determined by the physical form and proposed use of the development, not by the form of ownership.
B. A multiple family dwelling that is also a condominium or cooperative shall meet the standards for a multiple family dwelling.
C. A single family housing development which is also a condominium or cooperative development shall meet the minimum lot size, maximum average density, and setback requirements for single family dwellings, and its design and layout shall be approved by the Planning Board in accordance with the Town of Day Subdivision Control Law.
D. Any condominium or cooperative development that also constitutes a land subdivision shall require review and approval pursuant to the Town of Day Subdivision Control Law.
E. All state regulations pertaining to the creation of condominium or cooperative developments shall be satisfied.

Section 8.23 Motor Vehicle Service and/or Repair Shop

A. All vehicles awaiting service, pick-up by customers, or otherwise stored overnight on the lot shall be parked within a vehicle parking area approved by the Planning Board.
B. Any abandoned, junked or inoperative motor vehicle as defined herein, or any automobile part, stored on the property shall be kept in an enclosed structure or within a fenced area so as to not be visible from adjacent properties.
C. The Planning Board may require a green space buffer, vegetative screening and appropriate fencing in order to reduce visual impact upon surrounding properties.

Section 8.24 Retail Gasoline Sales

A. Gasoline and/or fuel pumps and above ground or underground fuel storage tanks shall not be located closer to any side or rear lot line than the minimum setbacks for buildings as specified in this law.
B. Gasoline and/or fuel pumps shall be set back far enough from the road line so as to not present a traffic hazard as a result of vehicles waiting in line at the pumps.
C. Fire and Building Code Compliance. All applicable provisions of the New York State Uniform Fire Prevention and Building Code shall be satisfied.

Section 8.25 Roadside Stand

Roadside stands shall be located at least ten (10) feet from any public highway right-of-way. Entry, exit and parking shall not constitute a traffic hazard.

Section 8.26 Wind Power Generating Facility, Small

A. A residential wind power generating facility shall not create sound levels exceeding 55 dBA as measured from the closest property line.
B. Minimum setback from any lot line shall be 100 feet plus the height of the tower.
C. For purposes of this section, the height of tower shall be measured from the original grade of the ground to the top the turbine blades as they revolve.
D. Towers greater than 40 feet in height require a permit from the Adirondack Park Agency.

ARTICLE 9 - NONCONFORMING BUILDINGS, STRUCTURES AND USES

Section 9.1 Existing Use Nonconforming Uses and Structures

A. The lawful use of any buildings, structure, or land existing at the time of the enactment of this Law may be continued although such use does not conform with the provisions of this law.
B. Unsafe structures. Any structure or portion of that structure declared unsafe by a proper authority may be restored to a safe condition.
C. Restoration. Any building damaged by fire or other causes may be repaired or rebuilt for the same, but not a different, nonconforming use.
D. Alterations. A nonconforming building used for a nonconforming use shall not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost the replacement value of the building unless said building is changed to a conforming use.
E. Any nonconforming use, building or structure may be enlarged up to, but not more than, fifty percent (50%) of its floor or lot area as it existed at the time of passage of this Law. Such enlargement must conform to all other regulations of the district in which it is located and may be used only once for each nonconforming use.
F. Displacement. No nonconforming use shall be extended to displace a conforming use.
G. Abandonment. No nonconforming use which shall have ceased for a period exceeding one (1) year and one (1) day shall be resumed.
H. Changes. A nonconforming use may be changed to another nonconforming use of a more restrictive classification, and when so changed to a more restrictive use, it shall not again be changed to a less restrictive use.
I. An existing structure located within the shoreline setback area may not be expanded in any direction, including an increase in structure height.

Section 9.2 Construction Commenced Prior to Law

Nothing herein contained shall require any change in plans, construction or designated use of a building for which lawful construction has commenced prior to the effective date of this Law and is diligently continued. The entire building shall be completed within three (3) years from the effective date of this Law or shall be deemed in violation of this Law.

Section 9.3 District Changes

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

Section 9.4 General Exception to Minimum Lot Area Requirements

Any vacant nonconforming lot of record as of the effective date of this Law which does not meet the requirements of this Law for the zoning district in which such lot is situated shall be considered as complying with such minimum lot requirements for the purpose of constructing one single family dwelling thereon, and no variance shall be required, provided:

(a) that such a lot does not adjoin other lots in the same ownership, provided, however, that all such lots in the same ownership shall be treated together as one lot; and
(b) that such lot was also a vacant nonconforming lot of record as of May 22, 1973, or was

created thereafter in compliance with the Adirondack Park Agency Act.

In the case of lots which do not meet the minimum lot width or depth requirements, the minimum yard setback requirements shall be reduced in proportion as described in Section 8.5 of this Law.

ARTICLE 10 - ZONING BOARD OF APPEALS

Section 10.1 Purpose and Intent

The purpose of this Article is to provide for the creation of a Zoning Board of Appeals with the power to issue variances from this Law in cases where the strict application thereof would result in practical difficulty or unnecessary hardships inconsistent with the general purpose and objectives of this law. It is further the purpose of this Article to provide a mechanism for appeal of any decision of the Code Enforcement Officer and to provide a mechanism for interpretation of any provision of this Law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

Section 10.2 Establishment and Duties

A. Pursuant to Town Law, the Town Board shall appoint a Zoning Board of Appeals consisting of five (5) members. The Town Board shall designate its Chairperson and also provide for such expenses as may be necessary and proper. A member of the Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Board of Appeals for cause and after public hearing.

B. Terms of appointment.

   1. Of the members of the Board of Appeals first appointed, one (1) shall hold office for the term of one (1) year, one (1) for the term of two (2) years, one (1) for the term of three (3) years, one (1) for the term of four (4) years, and one (1) for the term of five years

   2. Their successors shall be appointed for the term of five (5) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term.

C. Staff. The Board of Appeals may employ such clerical or other staff assistance as may be necessary and prescribe their duties, provided it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.

D. Rules of procedure, bylaws, forms. The Board of appeals shall have the power to make, adopt and promulgate such written rules of procedure, bylaws and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this section. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving, any provisions of this law or any other laws of the town. Such rules, bylaws and forms and any subsequent amendments or supplements thereto shall be submitted to the Town Board by the Board of Appeals for approval and filing for public view. The Town Board shall move to approve, reject or modify such rules, bylaws, and forms within thirty (30) days after submission. Failure of the Town Board to so move shall be construed to constitute approval thereof.

E. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. All meetings of such Board shall be open to the public, except executive sessions as permitted by state law. The concurring vote of a majority of all members of the Board of Appeals shall be necessary to reverse any order, requirement,

decision or determination of the Code Enforcement Officer or to decide in favor of an applicant in any matter upon which said Board is required to pass under any law or to effect any variation in the Zoning Law. The Board of Appeals shall decide an appeal or any other matter referred to it within sixty days after the final hearing.

F. The Board of appeals shall keep minutes of its proceedings, showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Town Clerk in accordance with applicable law and shall be public record.

G. Referrals to the Planning Board. Within thirty (30) days of receipt of any appeal or application submitted to the Board of Appeals, said Board may transmit to the Planning Board a copy of said appeal or application and may request that the Planning Board submit to the Board of Appeals its advisory opinion on said appeal or application. Referral to the Planning Board shall generally be made in the following cases:

1. Granting the variance would permit a commercial (1) or industrial activity within a residential zoned district.
2. Granting of the variance would permit new construction or renovation of existing building to house three or more residential units.
3. The proposed use for which the variance is required would result in the extension of Town infrastructure (water, sewer, stormwater facilities or a Town street).
4. The proposed use would have a potential "major impact" on the neighborhood in which it is proposed.

Any proposed variance appeal which in the opinion of the Board of Appeals meets any of the above criteria shall be referred to the Planning Board for advisory action.

The Planning Board shall submit a report of such advisory opinion within 30 days of receipt of the appeal or application. The failure of the Planning Board to submit such report shall be interpreted as a favorable opinion for the appeal or application.

Section 10.3 Authorization to Grant or Deny Variances

Any variance to this Law shall be granted by the Zoning Board of Appeals in accordance with the standards and procedures set forth in this Article. In granting a variance, the Zoning Board of Appeals may impose conditions to protect the best interest of the surrounding property, the neighborhood and the Town as a whole.

Section 10.4 Application for Variance

A. Any person wishing to apply for a variance shall file an application with the Zoning Board of Appeals using forms supplied by the Board, which shall include all information reasonably considered by the Board as necessary to make its findings under Section 11.5 of this Article. The information supplied by the applicant shall include a legal description of the property, a map showing the property, plat and elevations necessary to show the proposed variance, and other drawings or information reasonably considered necessary by the Board of Appeals to an understanding of the proposed use and its relationship to the surrounding properties, and an understanding of any potential adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Town and the Adirondack Park.

B. Where required by Section 239-m of the General Municipal Law, the Board shall refer all applications for variances to the Saratoga County Planning Board. In no case shall final action

on such a variance application be taken until the Saratoga County Planning Board has submitted its report, or until thirty days have passed after the date of referral, whichever occurs first.

C. The Board shall submit a copy of all applications for variances to the Adirondack Park Agency, together with such pertinent information as the Adirondack Park Agency may deem necessary.

Section 10.5 Requirements for Granting Variances

A. Area Variances

1. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant area variances as defined herein.
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: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the 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 community.
4. In the case of an application for a variance from the shoreline restrictions (shoreline structure setback, lot width, vegetative cutting and deeded access provisions) pursuant to section 806 (Shoreline Restrictions) or from provisions of the Adirondack Park Land Use and Development Plan pursuant to section 809(11) (e.g., density restrictions) of the Adirondack Park Agency Act, as those provisions are implemented by the Town in its local land use program, no such variance shall be granted unless the applicant also demonstrates and the Board of Appeals finds (i) that there are practical difficulties in the way of carrying out the strict letter of the restrictions/provisions as called for in such sections, guided by the criteria of 9 NYCRR Part 576 (Standards for the Review of Variances Pursuant to the Adirondack Park Agency Act), and (ii) that the spirit of the restrictions or provisions would be observed, Public safety and welfare secured and substantial justice done.

B. Use Variances.

1. The Zoning Board of Appeals, on appeal from the decision or determination of the Enforcement Officer, shall have the power to grant use variances, as defined herein.
2. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or

neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that 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 proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. In the case of an application for a use variance from the use restrictions pursuant to provisions of the Adirondack Park Land Use and Development Plan pursuant to section 809(11) (e.g., density restrictions or compatible use lists) of the Adirondack Park Agency Act, as those provisions are implemented by the Town in its local land use program, no such variance shall be granted unless the applicant also demonstrates and the Board of Appeals finds (i) that there are unnecessary hardships in the way of carrying out the strict letter of the restrictions/provisions as called for in such sections, and (ii) that the spirit of the restrictions or provisions would be observed, Public safety and welfare secured and substantial justice done.

C. Imposition of Conditions. The Zoning 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. Such conditions shall be consistent with the spirit and intent of the zoning law or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 10.6 Variance Application Hearing and Decision

A. Within sixty-two (62) days of receipt by the Zoning Board of Appeals of a completed application for a variance, the Zoning Board of Appeals shall hold a public hearing on the application. Notice of the public hearing shall be given by a public advertisement in the official newspaper of the town not less than ten (10) days and not more than thirty-one (31) days before the hearing. At such hearing and in all proceedings under this Article, the Adirondack Park Agency shall be a full party in interest with standing to participate.

B. Within sixty-two (62) days of the final adjournment of a public hearing called and held under paragraph (A) of this Section, the Zoning Board of Appeals shall grant, grant with conditions, or deny the variance applied for. The decision of the Board shall be in writing and shall contain each of the findings specified in Section 11.5 of this Article, and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board.

C. The Board shall notify the Adirondack Park Agency by certified mail within 15 days of such decision. The Adirondack Park Agency shall be provided with a full record of the decision, including a copy of the current recorded deed, the parcel's tax map number, all maps, diagrams and pictures, written statements, minutes of the Board meeting and a copy of the Board resolution. Any use or area variance granted or granted with conditions shall not be effective until 30 days after the Adirondack Park Agency receives a full record of the decision, notwithstanding the provisions of 9 NYCRR 582.6(a). If, within such 30 day period, the Adirondack Park Agency determines that such variance involves the provisions of the land use and development plan as approved on the local land use program, including any shoreline restriction, and was not based upon the appropriate statutory basis of practical difficulty or unnecessary hardship, the Adirondack Park Agency may reverse the Board's determination to grant the variance.

Section 10.7 Expiration of Variance Decision by Zoning Board of Appeals

Unless otherwise specified or extended by the Zoning Board of Appeals, decision on any request for a variance shall expire in six (6) months if the applicant fails to undertake the proposed action or project. The Zoning Board of Appeals may increase this period from six (6) months to one (1) year at its discretion.

Section 10.8 Interpretation and Appeals

A. An appeal to the Board of Appeals from any ruling of the Code Enforcement Officer may be taken by any person aggrieved, or by an officer, board or bureau of the town affected thereby. Such appeal shall be taken by filing with the officer from whose action the appeal is taken and with the Board of Appeals by filing with the Secretary thereof a notice of appeal, specifying the grounds therefore.

B. All applications and appeals made to the Board of Appeals shall be in writing on forms furnished by the Code Enforcement Officer. Every application of appeal shall refer to the specific provision of this Law and shall exactly set forth the interpretation that is claimed, in addition to the information on the form.

C. The application of appeal shall contain a reasonably accurate description of the present improvement and the additions or changes intended to be made under this application indicating the size of such proposed improvements, material and general construction thereof.

D. The application of appeal shall contain a plot plan of the real property to be affected indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon, and all yard dimensions and identify adjacent property owners.

Section 10.9 Procedure for Code Enforcement Officer

A. The notice of appeal in any case where a permit has been granted or denied by the Code Enforcement Officer shall be filed within such time as shall be prescribed by the Board of Appeals under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Code Enforcement Officer shall forthwith transmit to the Board of Appeals 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 permissible for the Code Enforcement Officer to recommend to the Board of Appeals a modification or reversal of his action in cases where he believes substantial justice requires the same, but where he has not himself sufficient authority to grant the relief sought.

Section 10.10 Procedure for the Board of Appeals.

The Board of Appeals shall decide each appeal within the time frames outlined in Section 11.6. Upon the hearing described in Section 11.6, any party may appear in persons or be represented by an agent or attorney. The Board of Appeals decision shall be filed in accordance with applicable law in its office and be a public record. In the exercise of its functions upon such appeals or upon exceptions, the Board of Appeals may, in conformity with the provisions of this Law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from or may make such order, requirement, decision, or determination in accordance with the provision hereof.

Section 10.11 Expiration of Appeal Decision

Unless otherwise specified by the Board of Appeals, a decision on any appeal shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof. The Board of Appeals may increase this period from six (6) months to one (1) year at its discretion.

Section 10.12 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer certifies for the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, 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 Board of Appeals or by the Supreme Court on application, on notice to the Zoning Administrator and on due cause shown.

Section 10.13 Appeal From Decision of Board of Appeals

All decisions of the Board of Appeals are subject to court review in accordance with applicable laws of the State of New York.

Section 10.14 Public Hearings and Notice

A. The Board of Appeals shall fix a reasonable time for the hearing of an appeal or other matter referred to it and give public notice thereof by the publication in the official paper of a notice of such hearing at least ten (10) days prior to the date hereof and shall, at least ten (10) days before such hearing, mail notices thereof to the following officials, persons and owners of properties involved and in accordance with the requirements of Section 267 of Article 16, Chapter 62 of the Consolidated Laws of the State of New York.

B. When appealing action of the Code Enforcement Officer. In case of an appeal alleging error or misinterpretation in any order or other action by the Code Enforcement Officer, the following persons shall be notified: the Code Enforcement Officer, appellant and the person or persons, if any, who benefit from the order, requirement, regulation or determination and all owners of property within five hundred (500) feet of the nearest line of the property for which the appeal of the decision is sought.

C. When appealing for a variance. In case of an appeal for a variance the following persons shall be notified: all owners of property within five hundred (500) feet of the nearest line of the property for which the variance is sought, and to such other property owners as the Chairman of the Board of Appeals may direct. A copy of the variance application shall also be submitted to the Adirondack Park Agency with such pertinent information as the Agency reasonably shall deem necessary.

Section 10.15 Adjournment of Hearing

Upon the day for hearing any application or appeal, the Board of Appeals may adjourn the hearing for a reasonable period 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.

Section 10.16 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 denies the same, the Board of Appeals shall refuse to hold further hearings on the said or substantially similar application or appeal by the same applicant, his successor or assign for a period of one (1) year, except and unless the Board of Appeals shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare, and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Board of Appeals and adopted by the unanimous vote of the members present.

ARTICLE 11 - ADMINISTRATION AND ENFORCEMENT

Section 11.1 Enforcement

A. Code Enforcement Officer. This Law shall be enforced by a Code Enforcement Officer who is appointed by the Town Board and may be removed at the pleasure of the Town Board. The Code Enforcement Officer shall have the power and duty to administer and enforce the provisions of this Law An appeal from an action omission decision or rule by him regarding a requirement of the Law may be made only to the Zoning Board of Appeals.

B. The Code Enforcement Officer shall have the power to:

   1. Issue building permits and certificates of occupancy where compliance is made with the provisions of this local law and, except on written order of the Board of Appeals, refuse to issue the same in the event of noncompliance, giving prompt written notice of such refusal and the reason therefor to the applicant.
   2. Keep the Board of Appeals advised of all matters, other than routine duties pertaining to the enforcement of this local law, and keep all records necessary and appropriate to this office and file them in the office of the Town Clerk, including records of all permits and certificates of occupancy issued or withheld.
   3. Submit a report each month to the Town Board enumerating the applications received and stating the action taken.
   4. Administer and enforce the subdivision regulations.

Section 11.2 Alternative Remedy

In case of any violation or threatened violation of any of the provisions of this Law, or conditions imposed by a building permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 11.3 Stop Work Order

A. The Town Board for the Town of Day hereby grants the Code Enforcement Officer the administrative responsibility of immediately terminating any actions according to Section 12.1 of this Article by posting a Stop Work Order on the premises wherein the violation has occurred.

B. The Stop Work Order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the Stop Work Order must be terminated immediately.

C. Relief from the Stop Work Order may be realized as follows:
   1. If all provisions of this Law together with other conditions specified by the Code Enforcement Officer are met, then the Town Board or Code Enforcement Officer may authorize the termination of the Stop Work Order.
   2. Except for cases involving Site Plan Review, if a variance is granted by the Zoning Board of Appeals permitting the violations specified on the Stop Work Order to continue henceforth as allowable, said administrative decision shall also specify the conditions, if any, for the termination of the Stop Work Order.

Section 11.4 Misrepresentation

Any permit or approval granted under this Law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant shall be void. This Section shall not be construed to affect the remedies available to the Town under Section 12.1 of this Article.

Section 11.5 Complaints and Violations

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints shall be filed with the Code Enforcement Officer who may require such complaint to be in writing. The Code Enforcement Officer shall have the complaint properly investigated and report thereon to the Town Board.

Section 11.6 Penalties

A violation of this Law is declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars ($350.00) or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine of not less than three hundred fifty dollars ($350.00) nor more than seven hundred dollars ($700.00) or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred dollars ($700.00) nor more than one thousand dollars ($1,000.00) or imprisonment for a period not to exceed six (6) months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. In addition thereto, the Town shall have such other remedies as are provided by law to restrain, correct or abate any violation of this Law.

Section 11.7 Building Permit

There shall be submitted with application for a building permit duplicate written copies of all the information, building plans and plot plans necessary to enable the Code Enforcement Officer to determine whether the proposed building and use of the premises comply with the provisions of this Law law. One (1) copy of such submitted information or plans shall be returned to the applicant when approved by the Code Enforcement Officer, or by the Board of Appeals or Planning

Board when their approval is necessary, together with such permit, upon payment of a fee as set forth in the Building Code.

Section 11.8 Certificate of Occupancy

A certificate of occupancy shall be issued within ten (10) days after any building erected, added to, altered or relocated, or proposed change in use of any building or land, shall have been approved as complying with the provisions of this local law. Any new certificate of occupancy voids any certificate of a prior date for the same premises.

Section 11.9 Temporary Certificate of Occupancy

A. After review and under such rules and regulations as may be established by the Board of Appeals and filed with the Town Clerk, a temporary certificate of occupancy for not more than one (1) year may be issued by the Code Enforcement Officer. The Board of Appeals shall have the right to revoke any temporary certificate at its own discretion. Such a certificate shall be required for: (a) unfinished structures, and (b) land for the purpose of temporary amusements, provided that such use shall not be detrimental to the community welfare.
B. The Board of Appeals may, after public notice and hearing, authorize the Code Enforcement Officer to issue a single renewal of said temporary certificate of occupancy for a period of not more than one (1) additional year.

Section 11.10 Form of Petitions, Applications and Appeals

Unless otherwise stated, all petitions, applications and appeals provided for in this Law shall be made on forms prescribed by the Planning Board and Zoning Board. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

Section 11.11 Application Fees

Fees provided for by this Law shall be paid upon the submission of petitions, applications and appeals, in such amount or amounts as shall be established by the Town Board from time to time. Said fees will be posted in the Building Department on the official "Schedule of Fees for the Town of Day". The following actions will require fees.

- Building Permit
- Certificate of Occupancy
- Temporary Certificate of Occupancy
- Site Plan Review Application
- Zoning Variance Application
- Planned Unit Development Application

This list is not necessarily all inclusive.

Section 11.12 Payment of Fees

A. All fees shall be paid at the time of application to the Code Enforcement Officer.
B. No fee shall be allowed to be substituted for any other required fee.

Section 11.13 Notice of Public Hearing

Each notice of hearing upon an application for site plan review, an application for PUD districting, the review of a variance application, or upon an appeal to the Zoning Board of Appeals from an action of the Code Enforcement Officer shall be published once in the official newspaper of the Town at least ten (10) days prior to the date of the hearing. In addition, at least ten (10) days prior to the date of the hearing, notices shall be mailed to all owners of the property within five hundred (500) feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.

Section 11.14 Site Inspections

The filing of an application for a variance under Article 11 hereof, an application for site plan approval under Article 6 hereof or an application for a building permit under Article 11 hereof by a person shall be deemed a granting of approval by such person to the Planning Board, the Zoning Board of Appeals, and the Code Enforcement Officer, and to such persons as they may designate, to conduct such examinations, tests, and other inspections of the sites which are the subjects of such applications, as the sites which are the subjects jurisdiction deems necessary and appropriate for the purposes of this Law.

ARTICLE 12 - AMENDMENTS

Section 12.1 Amendments

The Town Board may, from time to time, on its own motion or on petition or on recommendation of the Planning Board or the Board of Appeals after public notice and hearing, amend, supplement, change, modify or repeal this Law pursuant to the provisions of the Town Law applicable thereto. Every such proposed amendment or change, whether initiated by the Town Board or by petition, shall be referred to the Planning Board and the Adirondack Park Agency for report thereon before the public hearing hereinafter provided for. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given at least ten (10) days prior stating the time and place of such hearing in the official newspaper of the Town. Adirondack Park Agency approval must be obtained for any amendment or change to the law that involves the criteria for approval of the Town land use plan. Any amendment or change of this law shall be filed with the Department of State and the Adirondack Park Agency.

ARTICLE 13 - REFERRALS TO COUNTY PLANNING AGENCY

Section 13.1 Referrals to County Planning Agency

In accordance with the General Municipal Law of New York State, Sections 239-L and 239-M, all proposed zoning regulations, or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within areas defined by the aforementioned sections, and of proposed site plans or variances affecting lands or buildings within the defined areas, shall be referred to the County Planning Agency of Saratoga County for review and comment prior to final action by the appropriate Town body.

ARTICLE 14 - SEVERABILITY

Section 14.1 Severability

Should any section or provision of this Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE 15 - EFFECTIVE DATE

Section 15.1 Effective Date

This Law shall take effect ten (10) days from date of enactment.

APPENDIX A - CLASS A REGIONAL PROJECTS

This appendix lists Class A regional projects for review by the Adirondack Park Agency under the Adirondack Park Agency Act. This list does not include, however, the various types of subdivisions classified as Class A regional projects by the Adirondack Park Agency Act - those subdivisions are reviewed as "Class A Regional Subdivisions" under the Town Subdivision Regulations and Adirondack Park Agency Act, as applicable. This list is for informational purposes only. In case of any differences between this list and Section 810(1) of the Adirondack Park Agency Act, Section 810(1) of the Adirondack Park Agency Act shall control. The terms used in this section are those as defined by the APA Act and supporting regulations found in 9NYCRR.

A. HAMLET AREAS

1. All land uses and development, except subdivision of land, involving wetlands.
2. All land uses and development, except subdivisions of land, involving one hundred (100) or more residential units, whether designed for permanent, seasonal or transient use.
3. All Structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
4. Commercial or private airports.
5. Watershed management and flood control projects.
6. Any materials increase or expansion of an existing land use or structure included on this list that is twenty five (25%) percent or more of the original size of such existing use or twenty five (25%) percent of more of the original square footage of such structure.

B. MODERATE INTENSITY USE AREAS

1. All land uses and development, except subdivision of land, located in the following critical environmental areas:

   (a) within one-quarter (1/4) mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during theperiod of such designations;
   (b) involving wetlands;
   (c) at elevations of twenty-five hundred (2,500) feet or more;
   (d) within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number eight below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

2. All land uses and development, except subdivision of land, involving seventy-five (75) or more residential units, whether designed for permanent, seasonal or transient use.
3. Commercial or agricultural service uses involved ten thousand or more square feet of floor space.
4. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
5. Tourist attractions.
6. Ski centers.

7. Commercial or private airports.
8. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five (25) acres.
9. Sawmills, chipping mills, pallet mills and similar wood using facilities.
10. Mineral extractions.
11. Mineral Extraction structures.
12. Watershed management and floor control projects.
13. Sewage treatment plants.
14. Major public utility uses.
15. Industrial uses.
16. Any materials increase or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

C. LOW INTENSITY USE AREAS

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:

   (a) within one-quarter (1/4) mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
   (b) involving wetlands;
   (c) at elevations of twenty-five hundred (2,500) feet or more;
   (d) within one-eighth (1/8) mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number eight below), agricultural uses, open space recreation uses, public utility uses, and accessory uses of structures (other than signs) to any such use or to any pre-existing use.

2. All land uses and development, except subdivisions of land, involving thirty-five (35) or more residential units, whether designed for permanent, seasonal or transient use.
3. Commercial or agricultural service uses involving five thousand or more square feet of floor space.
4. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
5. Tourist attractions.
6. Ski centers.
7. Commercial or private airports.
8. Timber harvesting that includes a proposed clear-cutting of any single unit of land or more than twenty-five (25) acres.
9. Sawmills, chipping mills, pallet mills and similar wood using facilities.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management and floor control projects.
13. Sewage treatment plants.
14. Waste disposal areas.
15. Junkyards.
16. Major public utility uses.
17. Industrial uses.

18. Any material increases or expansion of an existing land use or structure included on this list that is twenty five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

D. RURAL USE AREAS

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:

   (a) within one-quarter (1/4) mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
   (b) involving wetlands;
   (c) at elevations of twenty-five hundred (2,500) feet or more;
   (d) within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for individual single family dwelling and accessory uses or structures thereto.
   (e) within one hundred fifty (150) feet of the edge of the right-of-way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;
   (f) within one hundred fifty (150) feet of the edge of the right-of-way of county highways, designated by rule or regulation of the Agency adopted pursuant to subdivision fourteen (14) of Section 809 of the Adirondack Park Agency Act, as major travel corridors by the Agency, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below and sand and gravel pits associated with such uses located within one hundred fifty (150) feet of the edge of the right-of-way of the above described travel corridors, agricultural uses (other than sand and gravel pits associated with such uses located within one hundred (150) feet of the edge of the right-of-way of the above described travel corridors), open space recreation uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

2. All land uses and development, except subdivisions of land, involving twenty (20) or more residential units, whether designed for permanent, seasonal or transient use.
3. Commercial and agricultural service uses involving twenty-five (2,500) hundred or more square feet of floor space.
4. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
5. Tourist attractions.
6. Ski centers.
7. Commercial seaplane bases.
8. Commercial or private airports.
9. Timber harvesting that includes a proposed clear-cutting or any single unit of land of more than twenty-five (25) acres
10. Sawmills, chipping mills, pallet mills and similar wood using facilities.
11. Mineral extractions.
12. Mineral extraction structures.
13. Watershed management and flood control projects.
14. Sewage treatment plants.
15. Waste disposal areas.
16. Junkyards.

17. Major public utility uses.
18. Industrial use.
19. Any material increases or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent of more of the original square footage of such structure.

E. RESOURCE MANAGEMENT AREAS

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:

   (a) within one-quarter (1/4) mile of rivers navigable by boat designated to be studies as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
   (b) involving wetlands;
   (c) at elevations of twenty-five hundred (2,500) feet or more;
   (d) within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for individual single family dwelling and accessory uses or structures thereto.
   (e) within three hundred (300) feet of the edge of the right-of-way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;
   (f) within three hundred (300) feet of the edge of the right-of-way of county highways designated as major travel corridors by rule or regulation of the Agency adopted pursuant to subdivision 14 of Section 809 of the Adirondack Park Agency Act, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below and sand and gravel pits associated with such uses located within three hundred (300) feet of the edge of the right-of-way of the above described travel corridors, agricultural uses (other than sand and gravel pits associated with such uses located within three hundred (300) feet of the edge of the right-of-way of the above described travel corridors), open space recreational uses, public utility uses, and accessory uses of structures (other than signs to any such uses or to any pre-existing use.

2. Campgrounds involving fifty or more sites.
3. Group camps.
4. Ski center and related tourist accommodations.
5. Agricultural service uses.
6. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
7. Sawmills, chipping mills and pallet mills and similar wood using facilities.
8. Commercial sand and gravel extractions.
9. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management and floor control projects.
13. Sewage treatment plants.
14. Major public utility uses.

15. Any material increases or expansion of any existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

F. INDUSTRIAL USES AREAS

1. Mineral extractions.
2. Mineral extraction structures.
3. Commercial sand and gravel extractions.
4. Major public utility uses.
5. Sewage treatment plants.
6. Waste disposal areas.
7. Junkyards.
8. Any material increases or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

APPENDIX B - CLASS B REGIONAL PROJECTS

The terms used in this section are those as defined by the APA Act and supporting regulations found in 9NYCRR**.**

A. MODERATE INTENSITY USE AREAS

1. Multiple family dwellings.
2. Manufactured home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Commercial or agricultural service uses involving less than ten thousand (10,000) square feet of floor space.
6. Tourist accommodations.
7. Marinas, boatyards and boat launching sites.
8. Golf courses.
9. Campgrounds.
10. Group camps.
11. Commercial seaplane bases.
12. Commercial sand and gravel extractions.
13. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
14. Any land use or development not now or hereafter included in the applicable primary or secondary compatible lists of the APA Act.
15. An individual single family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
16. All land uses and development, except subdivisions of land within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
17. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

B. LOW INTENSITY USE AREAS

1. Multiple family dwellings.
2. Manufactured home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Commercial or agricultural service uses involving less than five thousand (5,000) square feet of floor space.
6. Tourist accommodations.
7. Marinas, boatyards and boat launching sites.
8. Golf courses.
9. Campgrounds.
10. Group camps.
11. Commercial seaplane bases.
12. Commercial sand and gravel extractions.

13. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
14. Any land use or development not now or hereafter included in the applicable primary or secondary compatible use lists of the APA Act.
15. An individual single family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
16. All land uses and development, except subdivision of land within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
17. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

C. RURAL USE AREAS

1. Multiple family dwellings.
2. Manufactured home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Marinas, boatyards and boat launching sites.
6. Golf Courses.
7. Campgrounds.
8. Group camps.
9. Commercial sand and gravel extractions.
10. Land use or development, except subdivision of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
11. All land uses and development, except subdivisions of land within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
12. Any land use or development not now or hereafter included in the applicable primary or secondary compatible use lists of the APA Act.
13. Commercial and agricultural service uses involving less than twenty-five hundred (2,500) square feet.
14. An individual single family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water described in paragraph (D), subparagraph (1) of Appendix A or within one hundred fifty (150) feet of a travel corridor described in such paragraph.
15. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

D. RESOURCE MANAGEMENT AREAS

1. Single family dwellings.
2. Individual manufactured homes.
3. Forestry use structures.
4. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred (500) or more square feet of floor space.

5. Land use or development, except subdivision of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.
6. Any land use or development now or hereafter included in the applicable or secondary compatible use list of the APA Act.
7. Municipal roads.
8. Golf courses.
9. An individual single family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or waters described in paragraph (D), subparagraph (1) of Appendix A or within three-hundred (300 feet) of a travel corridor described in such paragraph.
10. Campgrounds involving fewer than fifty (50) sites.
11. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
12. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

E. INDUSTRIAL USE AREAS

1. Sawmills, chipping mills, pallet mills and similar wood using facilities.
2. Industrial uses.
3. Commercial uses.
4. Agricultural services uses.
5. Public and semi-public buildings.
6. Municipal roads.
7. Any land use or development now or hereafter included in the applicable primary or secondary compatible use lists of the APA Act.
8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

F. Any amendment to the Class B Regional Project list in Section 810(2) of the Adirondack Park Agency Act subsequent to the adoption of this Local Law shall be deemed to effect a corresponding change in this Appendix B without action by the Town, except so far as that amendment affects the delineation of subdivisions which are Class B Regional Projects.

APPENDIX C - REGIONAL PROJECT REVIEW CRITERIA

The following are those factors which relate to potential for adverse impact upon the Park's natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources and which shall be considered, as provided in this Local Law, before any Class A Regional Project or Class B Regional Project is undertaken in the Town of Day. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivision of land shall also be taken into account, as well as benefits which might be derived therefrom.

A. Natural Resource Considerations.

1. Water.
   (a) Existing water quality.
   (b) Natural sedimentation or siltation.
   (c) Eutrophication.
   (d) Existing drainage and runoff patterns.
   (e) Existing flow characteristics.
   (f) Existing water table and rates of recharge.
2. Land.
   (a) Existing topography
   (b) Erosion and slippage.
   (c) Floodplain and flood hazard.
   (d) Mineral resources.
   (e) Viable agricultural soils.
   (f) Forest resources.
   (g) Open space resources.
   (h) Vegetative cover.
   (i) The quality and availability of land for outdoor recreational purposes.
3. Air.
   (a) Air quality.
4. Noise.
   (a) Noise levels
5. Critical resource areas.
   (a) Rivers and corridors of rivers designated to be studied as wild, scenic, or
   (b) Recreational in accordance with the environmental conservation law.
   (c) Rare plant communities.
   (d) Habitats of rare and endangered species and key wildlife habitats.
   (e) Wetlands.
   (f) Unique features, including gorges, waterfalls, and geologic formations.
6. Wildlife.
   (a) Fish and wildlife.
7. Aesthetics.
   (a) Scenic vistas.
   (b) Natural and man-made travel corridors.

B. Historic Site Considerations.

   1. Historic factors.
   (a) Historic sites or structures.

C. Site Development Considerations.

1. Natural site factors.
   (a) Geology.

(b) Slopes.
(c) Soil characteristics.
(d) Depth to ground water and other hydrological factors.

2. Other site factors.
   (a) Adjoining and nearby land uses.
   (b) Adequacy of site facilities.

D. Government Considerations.

1. Government considerations.
   (a) Ability of government to provide facilities and services.
   (b) Municipal school or special district taxes or special district user charges.

E. Government Review Considerations.

1. Government control factors.
   (a) Conformance with other government controls.

APPENDIX D - DEFINITIONS

Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural, the singular. The word "shall" is mandatory; the word "may" is permissive. The word "lot" shall include the words "plot," "piece," and "parcel"; the word "building" includes all other structures of every kind, regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for." The word "person" includes a corporation as well as an individual.

For the purpose of this law, the terms used herein are defined as follows:

ABANDON - To cease, for more than one (1) year and one (1) day, the use and maintenance of land, buildings, or structures which have been nonconforming uses; or to change from one nonconforming use to another; or to change from a nonconforming use to a conforming use.

ABANDONED, JUNKED OR INOPERATIVE MOTOR VEHICLE. Any motor vehicle, as defined in the Vehicle and Traffic Law of the State of New York that is:

(a) Unlicensed, wrecked, stored, discarded, dismantled or partly dismantled.
(b) Being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use some or all of the materials therein or for the purpose of disposing of the same.
(c) In such condition as to cost more to repair and place in operating condition than its reasonable market value prior to such repair.
(d) Left unattended for more than ninety-six (96) hours on property of another if left without permission of the property owner.

ACCESSORY STRUCTURE OR USE - A building or use which is customarily incidental and subordinate to and serves the principal use or building and is located on the same lot with such principal use or building.

ADIRONDACK PARK OR PARK - means land lying within the area described in subdivision 1 of Section 9.0101 of the Environmental Conservation Law of the State of New York including any future amendments thereto.

ADIRONDACK PARK AGENCY, APA OR AGENCY - means the Adirondack Park Agency created in Section 803 of Article 27 of the Executive Law of the State of New York.

ADIRONDACK PARK AGENCY ACT - means Article 27 of the Executive Law of the State of New York including any future amendments thereto.

ADULT ENTERTAINMENT ESTABLISHMENT - An establishment, or any part thereof, which provides legally permitted opportunities for adults to access, purchase or view explicit sexual materials. These include any of the following: topless or bottomless dancers or waitresses; strippers; topless hair care or massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade; adult bookstore; or adult video-store.

ADULT ARCADE - An Adult Entertainment establishment where film, slides, or any other images of “specified sexual activities” or “specified anatomical areas” are available for viewing by the public.

ADULT BOOKSTORE OR ADULT VIDEO STORE - An Adult Entertainment bookstore or video-store where as one of its principal business purposes offers for sale or rental any printed matter or videocassettes that depict “specified anatomical areas” or “specified sexual activities.” For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 20 percent or more of the printed material or videocassettes for sale or rent in the establishment.

ADULT CABARET - An Adult Entertainment nightclub, bar, restaurant, juice bar, or similar establishment where persons appear in a state of nudity, or where there are live performances, films, videocassettes or slides characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

AGRICULTURE -The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds and including the necessary accessory structures for packing, treating, storage or production including any barn, stable or other building or structure directly and customarily associated with agricultural use**.**

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

ANTENNA - A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, wireless and microwave communications. The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

APARTMENT HOUSE - A building arranged, intended and designed to be occupied by two (2) or more families living independently of each other which may or may not have common services and entrances and of which units are rented.

AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

AREA, FLOOR - The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of the walls separating two (2) buildings. All roofed areas except unheated porches, terraces, cellars, basements and enclosed off-street parking areas shall be included in calculation of floor area.

AREA, LOT - The total area within the lot lines, excluding external streets.

ASSISTED LIVING FACILITY FOR SENIORS - A residential facility that accepts adults 55 years or older, who by reason of physical or other limitations are unable to live independently, primarily for domiciliary care rather than nursing or medical care.

AUTOMOTIVE REPAIR - The commercial repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, body and fender work, welding, painting, straightening, sanding, welding and steam cleaning of vehicles.

BARBER SHOP - A service business where a person's hair is cut and other cosmetic services are provided.

BASEMENT - A story partly underground but having at least one-half (½) of its height above the average level of the adjoining ground. A "basement" shall be considered as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.

BEAUTY SHOP - A service business where a person's hair is cut and other cosmetic services are provided.

BED AND BREAKFAST - A private dwelling in which at least one (1) and not more than five (5) rooms are offered for rent for transient occupancy, in which overnight lodging and meals are offered to such occupant.

BOAT STORAGE, COMMERCIAL - A place, site or structure used to store more than three boats, not registered to family members, for 30 consecutive days or more.

BOAT STORAGE, PRIVATE - A place, site or structure used to store watercraft of any type by the owner of said facility, a member of the owner's immediate family, the owner or lessee of an immediately adjoining upland property, members of their immediate families, or an overnight guest on said property.

BOATHOUSE - A covered structure with direct access to a navigable body of water which: (1) is used only for the storage of boats and associated equipment; (2) does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind; (3) does not contain kitchen facilities of any kind; (4) does not contain a heating system of any kind; (5) does not contain beds or sleeping quarters of any kind; (6) does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and all rigid roof surfaces have a minimum pitch of four on twelve, or, alternatively, one flat roof covers the entire structure; and (7) has a footprint of 1200 square feet or less measured at the exterior walls (or in the absence of exterior walls, at the perimeter of the roof), and a height of fifteen feet or less. For the purpose of this definition, the height of a boathouse shall be measured from the surface of the floor serving the boat berths the highest point of the structure.

CAMPGROUND, OR RECREATIONAL VEHICLE PARK - Any area designed and/or in fact used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facilities designed for temporary shelter. Camping structures shall not be deemed to be for transient occupancy if they

(a) are larger than 8 by 35 feet;
(b) contain structural additions such as porches or decks;
(c) have their wheels removed;
(d) have all weather water supply or sewage disposal connections at individual sites; or are used for more than transient occupancy. Transient occupancy shall mean use for less than 180 days per year.

CEMETERY - A burial place or ground operated and maintained by a place of worship or a governmental agency which can include a crematorium and above ground storage vaults.

CLASS A REGIONAL PROJECT - A land use or development which is classified and defined as such in Appendix A of this Law, and Section 810(1) of the APA Act.

CLASS B REGIONAL PROJECT - A land use or development which is classified and defined in Article 6 and Appendix B of this Law, and Section 810(2) of the APA Act.

CLASS A REGIONAL SUBDIVISION - A subdivision which is classified and defined as such in the Town Subdivision Regulations.

CLASS B REGIONAL SUBDIVISION - A subdivision which is classified and defined as such in the Town Subdivision Regulations.

CLEARCUTTING - Any cutting of trees over six inches in diameter at breast height over any 10-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area where the cutting occurred. Adjacent clearcut areas can be aggregated to delineate the area where cutting occurred, if the average residual basal area of the aggregate is less than 30 square feet per acre.

CLUB OR LODGE - A building or portion thereof or premises owned and/or operated by a corporation, association, person or persons for a social, educational or recreational activity, but not primarily for profit, or to render a service which is customarily carried on as a business.

CLUSTER DEVELOPMENT - A planned development in which (i) lots are plotted with less than the minimum lot size and dimension requirements, but which have access to common open space which is part of the overall development plan approved by the Planning Board as per Section 281 of Town Law, and (ii) the construction of principal buildings and related land use and development is confined to and concentrated in a limited number of areas where, due to tolerant natural resources and other pertinent development considerations, there is minimal potential for undue adverse impact upon the natural scenic aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park.

COMMERCIAL USE - Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale.

COMMON FACILITIES - Complementary structures and/or improvements located on a common area space appropriate for the benefit and enjoyment of the space by the public or members of the controlling association or condominium.

COMMON OPEN SPACE - An area of land within a site designated for residential development and designed, intended and reserved for the use of the residents of the development. Common open space may include such complimentary structures and facilities as are appropriate for the recreational needs of the residents of the development.

CONDOMINIUM - A multi-family project of one-family dwelling units which may consist of one, a part, or more than one building, including one building per dwelling unit, wherein the real property title and ownership are vested in an owner who has an undivided interest with others in the common usage areas and facilities which serve the development. All condominium developments shall be reviewed as a subdivision.

CONTRACTUAL ACCESS - The right of a non-resident of a parcel or lot to use such parcel or lot as a means to utilize some feature or resource where said right is granted to a non-resident through membership in an organization or club or by legal contract or deed stipulation.

COVERAGE - That percentage of the plot or lot area covered by the combined area of all buildings or structures on the lot.

DAY CARE FACILITY - A place, person, association, corporation, institution, or agency which provides for profit, day care for four (4) or more children placed there by parents guardians, or other responsible for their care. The name, description, or form of the entity that operates a day care facility shall not affect its status as a day care facility.

DENSITY - The number of principal dwelling units per area of land.

DISTRICT - A portion of the territory of the Town within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this law.

DOCK - Any structure, whether affixed or floating, placed in or upon a lake, pond, river, stream or brook, which is not over eight feet in width at any point, and which provides a berth for watercraft and/or a means of pedestrian access to and from the shoreline. This shall include boathouses, piers, wharfs, crib docks, stake docks, floating docks and all such similar structures.

DOCK, COMMERCIAL - A dock or portion of a dock generally connected to the uplands which accommodates more than two (2) vessels, excepting canoes or rowboats and sailboats under eighteen (18) feet.

DOCK, PRIVATE - A wharf or portion of a wharf extending along the shore and generally connected to the uplands which accommodates up to two (2) vessels, owned by the property owner, excepting canoes or rowboats and sailboats under eighteen (18) feet.

DOCKOMINIUM FACILITY - A multi-boat slip docking facility in which each boat slip is individually owned. Up to a total of two (2) boats shall be considered a private dock. A dockominium facility may sell fuel and other services for watercraft.

DUMP - A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind. This is not a permitted use.

DWELLING - A building designed or used as the living quarters for one (1) or more families. The term shall not be deemed to include motel, rooming house or tourist home.

DWELLING, ONE-FAMILY - A detached building containing one dwelling unit designed for occupancy by one family. A manufactured home is considered a one-family dwelling.

DWELLING, SEASONAL - A dwelling unit not used for permanent residence and not occupied for more than six (6) months in each year.

DWELLING, MULTIPLE-FAMILY - A building or portion thereof containing two (2) or more dwelling units and designed for occupancy by two or more families living independently of each other. Includes apartment Houses, and condominiums.

DWELLING UNIT - A room or group of rooms providing complete housekeeping facilities for one (1) family and occupied by a single family unit.

EXPANSION - Any growth of activity which requires the enlargement of facilities including building, parking spaces, storage yard or any other facilities which are required to accommodate such growth.

FACADE - The face of a building.

FAMILY - One (1) or more persons who live together as a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.

FARM - Any parcel or land containing a least five (5) acres which is used for gain in the raising of agricultural or aquacultural products, livestock, poultry, and dairy products. It includes necessary frame structure within the prescribed limits and the storage of equipment used. It includes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE – An accessory structure or partition erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions or to separate two (2) contiguous lots, but shall not include a building or growing plants or trees.

FORESTRY USE - Any management, including timber harvesting from a forest, woodland or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.

FUEL SALES, RETAIL – Any retail establishment that sells fuel to the public, including a marina or Dockominium.

FUNERAL HOME - A structure used by a licensed mortician for burial preparation, funeral and related services.

GARAGE, PRIVATE - An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space therein for more than one (1) car is leased to a nonresident of the premises.

GARAGE FOR GOVERNMENT VEHICLES. A garage for use of vehicles owned or operated by the New York State Government or its subdivisions, including but not limited to towns, counties, or school districts.

GOLF COURSE - An area or course for playing golf, consisting of a least nine (9) holes, except miniature golf, within which the playing area is not artificially illuminated.

GREENHOUSE - A structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

GROSS FLOOR AREA - For computing off-street parking requirements, the sum of the gross horizontal area(s) of the floor(s) of the building(s) measured from the exterior faces of the walls. All roofed areas, except porches, terraces, cellars, basements, enclosed off-street parking areas and pedestrian walkways in an enclosed structure, shall be included in calculation of floor areas.

GROUP CAMP - Any land or facility for seasonal housing and recreation, educational or business related use by private or semi-public groups, such as a boy or girl scout camp, fraternal lodge or university or college conference center.

HOME OCCUPATIONS - An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a sign or nameplate not to exceed three square feet in size. A "home occupation" includes but is not limited to: artists studio, dressmaking, professional offices of a physician, dentist, lawyer, engineer, architect or accountant within a dwelling occupied by the same, teaching with musical instruction limited to a single pupil a one (1) time, barbershops and beauty parlors, real estate offices and similar businesses. A home occupation shall be allowed one (1) employee. In addition, "home occupation" shall be interpreted to include the sale of stock in trade or commodities directly related to the home occupation by the resident thereof for sale to the general public, including outdoor sale of such products or stock in trade.

HOMEOWNERS ASSOCIATION - A contract agreed to by owners of homes in an area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space.

HOSPITAL - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HUNTING OR FISHING CAMP AND CABIN - A cabin, lean-to or other similar structure designed for occasional occupancy for hunting and fishing only. The structure shall be less than 500 square feet of floor space (including decks and porches), shall be rustic in nature, shall not have permanent sanitary sewage or water supply systems and shall not have electric service from a public utility. The structure may not be used for general recreational purposes but instead may only be used occasionally by persons engaged in hunting or fishing activities.

INDUSTRIAL USE, LIGHT - A manufacturing or maintenance facility where any process is used to alter the nature, size or shape of articles or raw materials or where articles are assembled and where said goods or services are consumed or used at another location. This term does not include mineral extractions, private and commercial sand and gravel extraction, sawmills, chipping mills, pallet mills and similar wood using facilities, or any manufacturing or assembly facility that involves: (a) the manufacture of hazardous chemicals; (b) the use of petroleum-based products except as incidental to the primary industrial use; (c) the outdoor storage of scrap metal or junk; (d) the creation of solid, liquid, or airborne hazardous wastes; (e) the creation of smoke or airborne particulate matter except as incidental to the main industrial use; or (f) the creation of noise which would have an adverse impact upon neighboring properties.

JUNKYARD - Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old or second-hand motor vehicles, no longer intended or in condition for legal use on the public highways, and held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the material-therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any part of storage or deposit for any such purpose of used parts or waste materials from motor vehicle which, taken together, equal in bulk two or more vehicles, and shall also include operations performed and carried on, wholly on in part, outside of a fully enclosed building or structure, for the acquisition, purchase, storage, conversion, dismantling, processing, or resale of all types of used machinery, appliances, equipment, metal, rages, paper, fabrics, or rubber.

JUNK MOTOR VEHICLE - Unregistered, old or second-hand motor vehicles, no longer intended or

in condition for legal use on public highways. This term also includes old or second hand motor vehicles never intended originally for use on public highways, such as farm, mining, or forestry vehicles, which are no longer intended or in condition for use at their respective purposes.

KENNEL - Any premises on which dogs or cats are maintained, boarded, bred or cared for in return for remuneration or are kept for the purpose of sale.

LAKEFRONT AREA - That area which extends from the shoreline of Great Sacandaga Lake to the first public road which is substantially parallel to that shoreline (North Shore Road, South Shore Road or Kathan Road), and an additional 528 feet inland from the inland side of that road.

LAND USE AREA - Those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as "Hamlet," "Moderate Intensity Use," "Low Intensity Use," "Rural Use," "Resource Management," and "Industrial," as those areas are delineated on the Adirondack Park Land Use and Development Plan Map incorporated herein.

LAND USE OR DEVELOPMENT OR USE - Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall exclude any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses shall also be excluded from the terms lands use or development.

LAUNDROMAT - A business premises equipped with individual clothes washing machines for the use of retail customers, exclusive of any laundry facilities provided as an accessory use in multiple-family apartment development or hotel, inn, tourist cabin, auto court or motel.

LIVESTOCK - Includes but is not limited to cows, cattle, sheep, goats, hogs, horses, poultry and other farm animals.

LOADING FACILITY - A part of the site or building exclusively designed for the loading or unloading of merchandise or freight including a platform, loading space, or dock area.

LOADING SPACE, OFF-STREET - One loading space for merchandise or freight shall constitute an area not less than twelve (12) feet in width and thirty (30) feet in length, with a vertical clearance of fifteen (15) feet or more.

LOT - A portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

LOT AREA - See "Area," "Lot."

LOT, CORNER - A lot which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than one hundred thirty-five (135) degrees. A corner lot shall be deemed to front on each highway it abuts and be subject to the requirements of a front yard on each such highway, with the yards opposite thereto on corner lots subject to side yard requirements only.

LOT, DEPTH OF - The mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT, FRONT LINE - The lot line which abuts upon a street or highway right-of-way boundary.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINE - Any line dividing one lot from another.

LOT, REAR LINE - The lot line opposite and most distant from the front lot line.

LOT OF RECORD - Any lot which has been established as such by plat, survey, record or deed prior to the effective date of this chapter, as shown in the records of the office of the Town Assessor.

LOT, THROUGH - An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT WIDTH - The distance between the boundaries of a lot, at the street right of way line along a public road, measured as nearly as practical perpendicular to the depth of the lot. With respect to lots which contain shoreline or are contiguous with lands of the Hudson-River Black River Regulating District surrounding Great Sacandaga Lake, or are within the applicable building setback distances from a shoreline, "Lot Width" shall mean the smaller of (a) the distance between the boundaries of a lot, at the street right of way line along a public road, measured as nearly as practical perpendicular to the depth of the lot, or (b) the distance between the boundaries of a lot at the shoreline, or if there is no shoreline then at the border with the Hudson River-Black River Regulating District, or if there is no such border then at the end of the lot closest to the applicable shoreline, measured as nearly as practical perpendicular to the depth of the lot.

MANUFACTURED HOME - A home as defined in Article 21-B of the Executive Law of New York State: a structure, transportable in one or more sections, which, in the traveling mode is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term shall include any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States code; and except that such term shall not include any self-propelled recreational vehicle.

MANUFACTURED HOME COURT – A parcel of land under single ownership which is designed and improved for the placement of two or more manufactured homes.

MARINA - Any waterfront facility which provides accommodation services for vessels by engaging in any of the following: (a) the sale of marina products or services; (b) the sale, lease, rental or charter of vessels of any type; or (c) the sale, lease, rental, or any other provision of storage, wharf space, of mooring for vessels not registered to the owner of said facility, a member of the owner's immediate family, the owner or lessee of the immediately adjoining upland property, members of their immediate families, or an overnight guest on said property. A marina may sell fuel and other services for watercraft.

MAXIMUM BUILDING COVERAGE - The maximum percentage of the lot area that may be covered by the combined area of all buildings or structures on the lot.

MAXIMUM STRUCTURE HEIGHT - The maximum height to which a building or structure may be constructed, measured by the distance between the highest point of the structure and the average low point of the structure along the finished grade. Shall not apply to chimneys, and ventilators, which may extend no more than 10 feet above the structure height.

MEAN HIGH WATER MARK - The annual average high water level of a body of water. The mean high water mark of Great Sacandaga Lake is 771 feet above mean sea level.

MINIMUM YARD DIMENSIONS - The minimum lot width and setbacks required for each lot. Minimum yard dimensions apply to buildings, roofed porches and accessory structures.

MINING - The excavation of sand, gravel, clay, topsoil, rock, stone or other natural material deposits, including the construction, alteration or maintenance of mine roads, mine tailings, piles or dumps and mine drainage.

MOORING - Any anchor, chain, buoy, pennant or other object by which a vessel is secured at one point.

MOTOCROSS. A cross-country racecourse or trail designed or used for racing or sport by motorized vehicles for a fee, including but not limited to motorcycles, all-terrain vehicles and automobiles, excepting snowmobiles. This term does not include: (a) snowmobile trails, (b) trails designated or owned by municipal, county or state governments, or (c) trails located on private property for occasional use where no fee is charged.

MUNICIPAL BUILDING - A building or structure used for public governmental purposes, such as town offices and courtrooms.

MUSEUM - A building or structure, whether public, private, commercial or non-commercial, used for education and display of matters of a historical, scientific, technological, natural or similar nature.

NONCONFORMING LOT - Any lot lawfully of record on the effective date of this Law which does not meet the minimum lot area and/or lot width or depth requirements of this law for the zoning district in which such lot is situated.

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

NONCONFORMING USE - Any use which is lawfully in existence within a given zoning district on the effective date of this law.

NURSING OR CONVALESCENT HOME - A building other than a hospital where persons as patients, are lodged, furnished with meals and nursing care for hire.

OFFICE BUILDING - A building comprised of more than 50% of the gross floor area used for office space as compared with home occupation where offices are considered as a secondary or incidental use.

OPEN SPACE - Land not covered by buildings, pavement, open storage, mining operations, or any other use that visually obscures the natural or improved landscape, except for recreation facilities.

OWNER - The titleholder of record of real property or, if deceased, his/her estate.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet, exclusive of passageways and driveways thereto.

PERMEABLE - Ground surface through which water can percolate in a natural manner is said to be permeable. Said ground surface can be undisturbed natural terrain or a landscaped area with generally unpaved surfaces. Foliage increases the permeability of the ground surface.

PERMITTED USE - Any use listed in Section 4 of this law as a permitted use requiring house variance by the Zoning Board of Appeals or site plan review by the Planning Board before a building permit is granted by the Building Inspector, subject to all other applicable provisions of this law.

PERSON - Any individual, corporation, partnership, association, trustee, the State, and all political subdivisions of the State or any agency or instrumentality thereof.
PIER - A wharf or portion of a wharf extending from the shoreline with water on both sides.

PLACE OF WORSHIP - Any building, together with its accessory structures and uses, where persons regularly assemble for religious worship and/or related social, cultural, and fund raising activities, and which building is contained and controlled by a recognized religious body organized to sustain public worship.

PLANNING BOARD OR BOARD - The Planning Board of the Town of Day.

PLOT - A map, plan, or layout of the Town or a section or subdivision thereof, indicating the location and boundaries of individual properties and streets.

PRINCIPAL BUILDING - Any one of the following:

(a) A single family dwelling or manufactured home constitutes one principal building.
(b) A tourist cabin or similar structure for rent or hire involving three hundred (300) square feet or more of floor space constitutes one principal building;
(c) Each dwelling unit of a multiple family dwelling, including each separate dwelling unit used on a time-sharing, leased time or other similar basis whereby more than one person, group of persons or family has legal right of occupancy at differing times, constitutes one principal building.
(d) Each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred (300) square feet of floor space constitutes one-tenth of a principal building;
(e) Each commercial use structure and each industrial use structure in excess of three hundred (300) square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each eleven thousand (11,000) square feet of floor space or portion thereof of such commercial use structure constitutes one principal building;
(f) All agricultural use structures and single family dwellings or manufactured homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as one principal

building;

(g) Any other structure which exceeds twelve hundred fifty (1,250) square feet of floor space constitutes one principal building.

A structure containing a commercial use which is also used as a single family dwelling constitutes one principal building. An accessory structure does not constitute a principal building.

PRINCIPAL USE - The main or primary purpose for which land or a building is used or occupied or maintained. When more than one use is on a lot, the most intense use shall be considered the main or primary use.

PUBLIC PARKS AND PLAYGROUNDS - A lot or parcel owned or operated by the town, the county, the state or the federal government or a nonprofit agency, used for open space or recreational purposes.

PUBLIC RIGHT-OF-WAY - A parcel of land in public ownership open to the public for vehicular or pedestrian access.

PUBLIC UTILITY STRUCTURE OR USE, MAJOR - Any electric power transmission or distribution line with associated equipment of a rating of more than 15 kilovolts which is one mile or more in length; any telephone interchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty-five or more pairs of wire and designed to provide initial telephone service for new structures; and any telephone or other communication transmission tower, any pipe or conduit or other appurtenances used for the transmission of gas, oil or other fuel which is one mile or more in length, any electric substation generating facility or maintenance building and any water or sewage pipes or conduits including any water storage tanks designed to service fifty or more principal buildings Any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article Seven or Article Eight of the Public Service Law or other prior approval by the Public Service Commission under the provisions of the Public Service Law is not a major public utility use or a use for the purposes of this article except for the shoreline restrictions in which case the bodies having jurisdiction over such uses under such article or other provisions shall have the authority of the agency or a local government under this article.

PUBLIC UTILITY STRUCTURE OR USE, MINOR - Any public utility use, equipment or structure which is not a major public utility use. A public utility use does not include any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article 7 or 8 of the Public Service Law. May include any facility constructed, erected, or operated by a municipal agency or public utility, including but not limited to: telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities; electrical, telephone, gas or water transmission or distribution cables; lines, wires, conduit, pipes, or other equipment including dams, buildings, towers, and other structures or facilities associated with privately or publicly owned utilities.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, clay, rock or topsoil for sale, as an industrial or commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building.

RECREATION FACILITY OR USE, NOT LAKE RELATED. Includes any public, private, or commercially operated recreation facility, including but not limited to: playground, sports field or

structure, ski center, hiking trail, bicycling trail, ski trail, snowmobile trail, all terrain vehicle trail, firing range, paintball facility, or miniature golf facility. This definition does not include motocross.

RECREATION FACILITY OR USE, LAKE RELATED. Includes public or private beach, picnic grounds with view of lake, playground, boat launch, canoe/kayak launch, non-motorized trail, and other such recreational use that is related to the use or enjoyment of a water body or a waterfront. Such use may or may not be operated for profit. This definition does not include a commercial marina, dock or dockominium.

RESTAURANT - A place for the preparation, serving and consuming, indoors, of food and beverages, other than a tavern.

RETAIL BUSINESS - The offering for a fee, of goods and merchandise excluding restaurants, to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise. This definition does not include an adult entertainment establishment as defined herein.

RETAINING WALL - A permanent structure of cribbing, wood, masonry, stone, concrete or other material that supports a mass of soil.

RIDING STABLES - A place, site or building used for the housing, care and riding of horses or other animals.

ROADSIDE STAND. Buildings, structures or vehicles that : (a) occupy no more than one-hundred (100) square feet in ground area, (b) are used primarily for the sale of products produced on site, (c) are operated no more than one-hundred eighty (180) days per year, (d) are moveable, and (e) are removed in the off-season. This definition includes stands for the sale of agricultural products as well as crafts and other non-agricultural items.

SATELLITE DISH RECEIVER ANTENNA - Any apparatus or device, commonly known as an earth terminal antenna, earth terminal, earth station, satellite communications antenna, satellite antenna, microwave dish antenna, or dish antenna, and including as part of such apparatus or device, the main reflector, sub-reflector feed, amplifier and support structure, which is designed for the purpose of transmitting and/or receiving microwave, television, radio, satellite, or other electromagnetic energy signals into or from space, but does not include conventional television, radio and amateur radio antennas.

SAWMILL - Any buildings, site or place used for the cutting or milling of raw timber into dimensional lumber.

SCHOOL - An educational institution housing a curriculum, a physical plant consisting of adequate facilities and a qualified staff to carry out its objectives.

SENIOR CITIZEN HOUSING DEVELOPMENT - A residential development that may contain attached dwelling units where at least one of the following conditions is true: (a) the federal Department of Housing and Urban Development has determined that the dwelling is specifically designed for and occupied by elderly persons under a Federal, State or local government program, (b) it is occupied solely by persons who are 62 years of age or older, or (c) it houses at least one person who is 55 years of age or older in a least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

SETBACK - The shortest horizontal separation distance from the property line, or in the case of

shoreline property from the mean high water mark, to the closest building line of the structure.

SHOPPING CENTER - An attached building in a row or group with each building separated from adjoining building by a common wall or walls. Included is an enclosed mall characterized by business entrances facing a pedestrian walkway with a common roof covering the business area and the walkway.

SHORELINE - The high water mark at which land adjoins the waters of lakes, ponds, rivers and streams within the Town.

SIGN - Any billboard, free-standing sign, portable free-standing sign, wall sign, window sign, illuminated sign, and temporary sign and shall include any announcement, declaration, demonstration, device, display illustration, or insignia used to advertise or promote the interest of any business commercial enterprises when the same is placed on the premises on which the businesses are conducted so that it is clearly visible to the general public from an out-of-doors position.

SKI CENTER - Any trail or slope for Alpine (downhill) and/or Nordic (cross-country) skiing including lifts, terminals, base lodges, warming huts, sheds, garages, and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

SLOPE - The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.

SPECIFIED ANATOMICAL AREAS. (a) Less than completely and opaquely covered: human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. (a) Human genitals in a state of sexual stimulation or arousal, (b) acts of human masturbation, sexual intercourse or sodomy, or (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

STAND OF TREES - A contiguous group of trees, sufficiently uniform in species, arrangements of classes and condition to be identified as a homogeneous and distinguishable unit.

STORAGE SHED - An accessory structure used to store materials or small equipment, not including vehicles, which supports the principal use of the site.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it.

STREET - A public or private way which affords the principal means of access to abutting properties. The term "street" includes the terms "avenue", "place", "way", "drive", "land", "boulevard", "highway", "road", and any other thoroughfare.

STREET LINE - also RIGHT-OF-WAY-LINE - The dividing line between the street and the lot.

STRUCTURE - Anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on or in the ground other than public utility poles, wires and related equipment.

SURVEY - The determination of the location of land boundaries and natural and man-made objects, by means of surveying instruments.

SURVEY MAP - A drawing made to scale based upon survey measurements showing land boundaries, natural and man-made objects, made by or under the direction f a New York State Licensed Land Surveyor.

SURVEYOR - A person permitted to act as a land surveyor by the State of New York.

SWIMMING POOL - A structure, either permanent or temporary, designed for the purpose of wading or swimming and holding more than one hundred (100) gallons of water.

TAVERN - A place in which the principal income is derived from the sale or serving of alcoholic beverages for consumption on the premises, with or without live entertainment.

TELECOMMUNICATION TOWER - A structure on which transmitting and/or receiving antenna(e) are located.

TIMBER HARVESTING - The cutting down of trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TELECOMMUNICATIONS ANTENNA, PRIVATE - A system of electrical conductors that transmit and/or receive radio frequency signals, but not including any support system designed to increase the height of the antenna above the tower or building. Such signals shall include but not be limited to radio, television, cellular, paging, Personal Communication Services (PCS) and microwave communications.

TOURIST ACCOMMODATION - A building or group of buildings, whether detached or in connected units, used as individual sleeping or temporary dwelling units, designed for transients and providing for the accessory off-street parking facilities. The term "tourist accommodations" includes buildings designated as tourist courts, motor lodges, motels, hotels, bed and breakfast, overnight cabins, housekeeping units and similar facilities.

TOURIST ATTRACTION - Any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, amusement parks, riding stables, replicas of real or fictional places, things or people and natural geological formations.

TRAVEL TRAILER OR RECREATION VEHICLE - Any portable vehicle, including a tent camper or motor home, less than 400 square feet in size, which is designed to be transported on its own wheels, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include one or all of the accommodations and facilities customarily included in a manufactured home.

TREE CUTTING, COMMERCIAL - The cutting of trees 6” or more in diameter in exchange for any consideration to the landowner.

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

VETERINARY CLINIC OR HOSPITAL - A facility providing health services and medical or surgical

care to animals suffering from illness, disease, injury, deformity, and other abnormal conditions including related facilities such as laboratories, but excluding boarding facilities.

VIEWSHED PROTECTION AREA - The Town of Day Viewshed Protection Area, which is the area designated on the Town of Day Zoning Map, a copy of which is incorporated into the Town of Day Zoning Law.

WAREHOUSE - A building used to temporarily store or hold products or articles for use in assembly or manufacturing or for future transmission of said product or article to another location.

WETLANDS - Any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which meets the definitions contained in Section 578 of the Adirondack Park Agency Rules and Regulations.

WHARF - Any structure built or maintained for the purpose of providing a berthing place for vessels.

WIND POWER GENERATING FACILITY, SMALL - A wind conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more that 100 kW and which is intended primarily to reduce on-site consumption of utility power.

YARD, FRONT - The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front lot line.

YARD, REAR - The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such rear lot line.

YARD, SIDE - The space within and extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.