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INTRODUCTION

In accordance with Public Service Law (PSL) §130 and New York Codes Rules and Regulations 16 N.Y.C.R.R. §86.8, this appendix lists local ordinances, laws, resolutions, regulations, standards and other requirements identified by the Applicants as applicable or potentially applicable to the construction and operation of the proposed Preferred Alternatives.

Pursuant to PSL §130, no municipality or agency thereof that has received notice of filing an Article VII application may require any approval, consent, permit, certificate, or other condition for the construction or operation of a major facility for which an application for an Article VII certificate has been issued. Therefore, in accordance with this preemptive provision of PSL §130, no local approvals, consents, permits or certificates will be applied for by the Applicants in connection with the Preferred Alternatives unless explicitly noted otherwise herein. Except for those specified local substantive provisions that have been identified as potentially unreasonably restrictive in view of: (i) the existing technology; (ii) factors of costs or economics; or (iii) the needs of consumers and for which waivers are being requested from the Commission, the construction and operation of the Preferred Alternatives will comply with the requirements of all applicable local laws and regulations.

This Appendix is divided into sections.

Section 1 of this this appendix presents a complete list of applicable local laws for municipalities¹ hosting a Preferred Alternative that were not otherwise examined as part of the original license application, as supplemented by the Applicants and/or addressed in and filed with the Joint Proposal. Original Exhibit 7 submitted with the Applicants' original petition for a CECPN and Exhibit 15 submitted with the Joint Proposal (the "JP Local Law Exhibit"), respectively, contain comprehensive lists of all local laws applicable to the original Project route.

The local laws and ordinances for the following new municipalities were reviewed for applicability to the Preferred Alternatives, as well as to identify substantive requirements that are unreasonably restrictive and from which the Applicants are seeking Commission consideration of a waiver.²

- Town of Putnam
- Village of Scotia

Justification statements for those local substantive legal provisions identified as unreasonably restrictive and for which the Applicants seek waivers are summarized in Tables 1 through 9 at the end of this appendix. In municipalities where a Preferred Alternative is proposed, and for which applicable local laws were listed, and in some instances previously waived by the Commission, Section 2.1 lists any additional zoning districts that are now applicable in those municipalities by virtue of the new location of the route within that municipality.

¹ As defined in Article VII, a municipality means "a county, city, town or village in the state." PSL § 120(1).

² Municipalities hosting a Preferred Alternative for which applicable laws were listed in the original application and waivers have already been obtained are not addressed herein unless otherwise indicated. The Town of Putnam was notified during the Article VII proceedings, but local laws were not examined since the Certified Route was in Lake Champlain and not in the Town.

Section 2.2 lists any applicable local laws that have been passed by such municipalities since the Project was certified that are either new or amend local laws listed and addressed in the original application.

SECTION 1

1. APPLICABLE LOCAL ORDINANCES FOR NEW JURISDICTIONS

1.1. WASHINGTON COUNTY

1.1.1. Town of Putnam

1.1.1.1. Site Plan Review Law [Local Law No. 1, 2003]

- ***Local permits and approvals not required per PSL §130***

- Section 4.030

- 1. No on-site surface or groundwater drainage system in connection with the construction or alteration of any building, structure or natural landform shall be located or constructed in such a manner as to intensify run-off in an unacceptable manner, pollute, or cause erosion on adjoining properties. Surface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Surface drainage shall be conveyed to an existing system of storm water disposal, where available, and all surface drainage shall be designed so as not to discharge onto walkways, the street, or adjacent property in such a manner as to create a nuisance or hazard.

- Section 4.040

- All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway to avoid erosion of the shoreline, to minimize increased run-off of ground and surface water into the waterway to remove only that vegetation which is necessary to the accomplishment of the project and, generally to maintain the existing aesthetic and ecological character of the shoreline.

- Section 5.010

- All activities occurring within the Town shall conform to the requirements and guidelines of Article 8 of the Environmental Conservation Law, State Environmental Quality Review Act (SEQR), and as amended.
- ***Inapplicable by virtue of ECL § 8-0111(5)***

1.2. SCHENECTADY COUNTY

1.2.1. Village of Scotia

1.2.1.1. Code of the Village of Scotia

- Chapter 125 – Electrical Standards
 - § 125-1 Service required. Every building within the Village of Scotia used for human occupancy, whether for dwelling, employment, recreational or any other purposes, shall be wired for electrical service, and sufficient lighting equipment shall be installed throughout to provide adequate illumination for the intended uses.
 - § 125-2 Conformance with standards required. Electrical wiring and equipment shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code and shall be designed and installed in a manner to avoid potential electrical and fire hazards.
 - Chapter 129 – Environmental Quality Review - ***Inapplicable by virtue of ECL § 8-0111(5)***
 - § 129-2 Actions to be reviewed. No decision to carry out or approve an action other than an action listed in § 129-3B hereof or 6 NYCRR 617.12 as a Type II action shall be made by the Building Inspector or Planning Board or by any department, board, commission, officer or employee of the village until there has been full compliance with all requirements of this chapter and 6 NYCRR 617; provided, however, that nothing herein shall be construed as prohibiting:
 - A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the village to approve, commence or engage in such action; or
 - B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and 6 NYCRR 617 have been fulfilled.
- Chapter 150 – Uniform Fire Prevention and Building Code
 - § 150-4 Building permits.
 - ***Local permits and approvals not required per PSL §130***
 - A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or

demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

- § 150-10 Operating permits.
 - A. Operating permits required.
 - ***Local permits and approvals not required per PSL §130***
 - (1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
 - (a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;
 - (d) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village.
 - (2) Any person who proposes to undertake any activity or to operate any type of building listed in this subsection shall be required to obtain an operating permit prior to commencing such activity or operation.
- Chapter 155 – Flood Damage Prevention
 - § 155-13 Floodplain development permit.
 - ***Local permits and approvals not required per PSL §130***
 - A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 155-7, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.

- § 155-16 General standards. The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 155-7.
 - A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
 - (1) Proposals shall be consistent with the need to minimize flood damage;
 - (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
 - (3) Adequate drainage shall be provided to reduce exposure to flood damage.
 - B. Encroachments.
 - (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - (b) The Village of Scotia agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Scotia for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Scotia for all costs related to the final map revision.
 - (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 155-7, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not

result in any increase in flood levels during occurrence of the base flood; or

- (b) The Village of Scotia agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Scotia for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Scotia for all costs related to the final map revisions.
- § 155-17 Standards for all structures. The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 155-7:
 - A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) Enclosed areas below lowest floor.
 - (a) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - [2] The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
 - (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.
- C. Utilities.
 - (1) New and replacement electrical equipment, heating, ventilating, air-conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
 - (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
 - (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- Chapter 160 – Garbage, Rubbish and Refuse
 - § 160-4 Accumulation, dumping, and burying prohibited.

- A. It shall be unlawful for any person to allow garbage, bulk waste or refuse to accumulate upon any premises owned or occupied by him/her. No person shall throw, dump, or bury any garbage, bulk waste or refuse upon any premises, public or private.
 - B. If, after due notice, the owner or occupant fails to remove the accumulation of garbage, bulk waste or refuse, the Superintendent shall cause such work to be done, and the cost thereof, plus an administrative fee equal to the greater of 15% of the cost of such work or \$200, shall be assessed against the property by the Board of Trustees.
 - § 160-7 Building materials.
 - All refuse materials resulting from building construction or repair operations, such as earth, sand, brick, building blocks, stone, scrap lumber, plaster, etc., shall be removed from the site and disposed of by the owner or the contractor.
- Chapter 163 – Illicit Discharges and Connections to Stormwater System
 - § 163-5 Discharge prohibitions; exemptions.
 - A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in this § 163-5A. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited, except as described as follows:
 - (1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the Village SMO has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
 - (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements,

and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

- (3) Dye testing in compliance with applicable state and local laws is an allowable discharge but requires a verbal notification to the SMO prior to the time of the test.
- (4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.
- B. Prohibition of illicit connections.
 - (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4 or allows such a connection to continue.
- § 163-6 Prohibition against activities contaminating stormwater.
 - A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 163-2, Definitions.
 - B. Upon notification to a person he, she or it is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that the person no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- § 163-7 Prevention, control and reduction of stormwater pollutants by use of best management practices. Where the SMO has identified illicit

discharges as defined in § 163-2 or activities contaminating stormwater as defined in § 163-6 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

- A. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - B. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 163-2 or an activity contaminating stormwater as defined in § 163-6 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - C. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- § 163-8 Suspension of access to MS4; illicit discharges in emergency situations.
- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
 - B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have its MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if it is found that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the SMO.

- § 163-9 Industrial or construction activity discharges. Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.
- Chapter 174 – Noise
 - § 174-2
 - (A): No person, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. For the purposes of this law, unreasonable noise is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities.
 - B. The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.
 - (1) Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m.
 - (6) The operation of power equipment outdoors such as lawn mowers, leaf blowers, chainsaws, trimmers and other similar equipment, but not including snowblowers, between the hours of 10:00 p.m. and 7:00 a.m.
 - § 174-3(E): Exceptions. The provisions of this chapter shall not apply to the following acts:
 - (E) Noise generated by the installation and maintenance of utilities.
- Chapter 205 – Signs
 - § 205-2 General conditions for exempt and non-exempt signs.
 - A. No sign shall cause glare or reflection that may constitute a traffic hazard or public nuisance.
 - B. No sign shall be erected at any location where it may interfere with any authorized traffic sign.
 - C. No sign shall produce sound.
 - D. Other than window signs, no sign shall be constructed of glass.
 - E. No sign shall be constructed using mirror or mirror-like surface or any day-glow or other fluorescent paint or pigment.
 - F. No sign shall contain or be illuminated by flashing, intermittent, rotating or moving lights. All luminous signs, indirectly illuminated signs and lighting devices shall employ only lights emitting light of constant intensity. All light sources and immediately adjacent

reflecting surfaces shall be shielded from open view from rights-of-way. All external sign light sources must be within five feet of the sign or sign structure.

- G. No non-exempt sign or part thereof shall contain any banner, pennant, ribbon, streamer, spinner, balloon or other similar moving or fluttering devices.
- H. No sign or any structural parts thereof shall have motion other than incidental motion created by wind.
- I. No signs shall be placed, painted or drawn upon trees, man-made or natural features (excluding buildings on the site), on utility poles, bridges, culverts, towers or similar structures, not intended to hold a sign.
- J. No sign shall extend beyond the height and width of the building upon which it is mounted.
- K. No sign shall be attached to or placed upon any portion of a fire escape.
- L. No sign shall be erected that will in any way interfere with the activities of the Fire Department.
- M. All structural supports for a sign shall be excluded from the square foot measurements.
- N. Site plan approval is required to erect or make alterations to non-exempt signs on a property that has undergone any prior site plan approval.

○ § 205-4 - Exempt Signs

- Construction signs. One sign identifying the parties involved in the design, financing and/or provision of labor and materials associated with a construction or renovations on the premise is allowed. Such signs shall be removed upon completion of the work or prior to the issuance of any certificate of occupancy or final building inspection before use. All construction signs are limited to six feet in height, six square feet per face and two faces.

○ § 205-7 Sign permits. Permit required. A sign permit is required before erecting or making alterations to any sign not exempt under § 205-4 within the Village of Scotia.

- ***Local permits and approvals not required per PSL §130***

• Chapter 208 – Stormwater Management and Erosion and Sediment Control

○ § 208-4 Applicability.

- A. This chapter shall be applicable to all land development activities as defined in § 208-6 unless exempted in § 208-5.

- B. The Village Stormwater Management Officer shall review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
 - (1) Review the plans;
 - (2) Upon approval by the Board of Trustees, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost to be paid by the applicant; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter.
 - C. All land development activities subject to review and approval by the Planning Board of the Village of Scotia under subdivision or site plan or by the Board of Trustees under special permit regulations shall be reviewed in consultation with the Stormwater Management Officer and be subject to the standards contained in this chapter.
 - D. All land development activities not subject to review as stated in § 208-4C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this chapter.
 - § 208-7 Stormwater pollution prevention plans. A. Stormwater pollution prevention plan required. No application for approval of a land development activity shall be approved until the SMO has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.
 - ***Local permits and approvals not required per PSL §130***
 - § 208-8 Performance and Design Criteria.
 - All land development activities shall be subject to the following performance and design criteria:
 - A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:
 - (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version

or its successor, hereafter referred to as the "Design Manual").

- (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in this section, and the SWPPP shall be prepared by a licensed professional.
- C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.
- Chapter 210 – Streets and Sidewalks
 - ***Local permits and approvals not required per PSL §130***
 - § 210-1 Permit required. No person shall dig or excavate in or place any barricade or encumbrance upon any street, alley or other public grounds without first having obtained a permit from the Superintendent of Public Works.
 - § 210-6 Excavations.
 - ***Local permits and approvals not required per PSL §130***
 - A. A permit shall be required before any person shall make any excavation in, cut any pavement upon or tunnel under any street, sidewalk, alley or other public ground.
 - B. The permittee shall be responsible for repair and restoration of the surface or pavement to its former condition. Such restoration must be completed within 30 days of the expiration of the permit unless noted on the permit otherwise.
 - § 210-7 Driveway curb cuts.
 - ***Local permits and approvals not required per PSL §130***
 - A. A permit shall be required before any person shall cut any street curb or construct any driveway entrance from or exit into a public street or alley.
 - B. In a residential district, one driveway may be permitted for each residential lot. The drive width at the curb or pavement line shall not exceed 1/3 of the lot frontage, except that no driveway shall be

required to be less than 12 feet wide and in no case shall the driveway be greater than 20 feet.

- C. In a business district, Chapter 250, Zoning, shall apply.
- § 210-8 Encumbrances. No person shall place any sand, stone, lumber or other building materials or equipment in any street, sidewalk, alley or public grounds without first having obtained a written permit therefor. No permit shall be given for such materials or equipment to occupy more than 1/3 of a roadway or for a period of more than 30 days.
- Chapter 240 – Vehicles and Traffic
 - § 240-13 Truck route system.
 - A. A truck route system upon which all trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five tons are permitted to travel and operate shall be as set forth in Schedule X (§ 240-39), attached to and made a part of this chapter.
 - B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five tons are hereby excluded from all streets except those streets listed in Schedule X, except that this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the street from which such vehicles and combinations are excluded.
- Chapter 250 – Zoning
 - Article III – Application of Regulations
 - § 250-7. Conformity required.
 - No land or building shall hereafter be used or occupied unless in conformity with the regulations herein specified for the district within which it is located.
 - Article IV - Single Residence District
 - § 250-11. Permitted uses.
 - A. Principal uses permitted. The following uses shall be permitted within all SR Single Residence Districts:
 - (1) One-family dwellings.
 - (2) Public parks, playgrounds and neighborhood recreational areas.
 - B. Accessory uses permitted. The following accessory uses shall be permitted on the same lot with a legal principal use: [Amended 7-11-1973; 11-12-1986 by L.L. No. 5-1986]
 - (1) Customary home occupations.
 - (2) Private garages for not more than three cars.

- (3) Private swimming pools for use of residents and guests only.
- (4) Fallout shelters.
- (5) Greenhouses and nurseries, not commercially operated.
- (6) Other customary accessory uses and buildings, provided that such are clearly incidental to the principal use and do not include any activity commonly conducted as a business, except secondhand sales other than as such sales are permitted by Subsection B(7) of this section.
- (7) Each family which occupies the premises during any calendar year may conduct up to three secondhand sales within the calendar year or portion thereof during which such family occupies the premises. Such sales must be actually conducted by the family occupying the premises upon which the sale is conducted. Such sales may be conducted within or without any building located on the premises, but goods offered for sale thereat may not be placed within streets, sidewalks or other public ways.
- (8) Receive-only antennas.
- C. Additional uses by special permit. The following uses shall be permitted upon issuance of a special permit as provided in Article XIV of this chapter. [Amended 8-13-1975 by L.L. No. 2-1975]
 - (1) Churches and places of worship, including a parish house, rectory, parsonage, convent or monastery.
 - (2) Public and private schools and colleges.
 - (3) Public libraries and museums.
 - (4) Government service buildings.
 - (5) Offices for licensed professional persons.
 - (6) Public utility installations necessary for normal service to the area.
 - (7) Multiple dwellings for senior citizens to be constructed and owned by not-for-profit corporations.
- § 250-12. Lot area requirements.

- A. Lot areas. Each one-family dwelling shall be located on a lot having minimum area and width dimensions as follows:

	Area (square feet)	Width (feet)	Depth (feet)
SR-5	5,000	50	100
SR-6	6,000	60	100
SR-8	8,000	80	100
SR-10	10,000	100	100

- B. Lot coverage. All buildings, including accessory buildings, shall cover no more than 30% of the lot area.
- C. Yards required. Each lot shall have front, side and rear yards as follows:

Minimum Dimensions Side

	Front Yard Depth (feet)	Yard Width (Each) (feet)	Rear Yard Depth (feet)
SR-5*	20	8	25
SR-6	20	10	25
SR-8	30	15	25
SR-10	30	20	25

*NOTE: Exceptions in SR-5 Districts shall be as follows:

- (1) Where there are existing dwellings within 50 feet on either side and within the same block which are set back less than 20 feet from the front lot line, the minimum required front yard depth may be reduced to the average setback of such adjacent dwellings.
- (2) On lots having a lesser width than 50 feet, one side yard may be reduced to five feet but the combined width of both side yards shall equal at least 13 feet.
- D. Parking space requirements. A garage or open parking space for at least two cars shall be provided within the side or rear yard areas of each dwelling.
- § 250-13. Building regulations.
 - A. Height limits. No principal building shall exceed 35 feet in height. Accessory building height and accessory structure

height shall not exceed 15 feet. [Amended 9-13-2006 by L.L. No. 7-2006]

- B. Minimum floor area. Each dwelling in this district shall have a total floor area of at least 1,000 square feet and a minimum horizontal dimension of 20 feet, exclusive of open porches, attached garages or other accessory structures.
 - C. Accessory buildings. Accessory buildings shall observe front and side yard requirements but on the rear half of a lot may be placed not less than four feet from a lot line.
- Article VI - Business Residence District
 - § 250-17. Permitted and prohibited uses.
 - A. Uses permitted. The following uses shall be permitted within all BR Business-Residence Districts:
 - (1) All uses permitted in MR Multiple Residence Districts, subject to all restrictions specified therefor.
 - (2) Any nonresidential use not otherwise prohibited, provided that the operation of such conforms to all standards and limitations provided herein.
 - B. Uses prohibited.
 - (1) The following uses shall be prohibited within all BR Business-Residence Districts:
 - (a) Any business involving the sale of merchandise or commodities at retail upon the premises, except incidentally.
 - (b) Any use which may in any manner create a dangerous, injurious, noxious or otherwise objectionable condition; fire, explosive, radioactive or other hazard; noise, vibration, smoke, dust, odor or other form of air pollution; electrical disturbance or glare; liquid or solid waste or refuse condition conducive to the breeding or attraction of rodents or insects; or any other substance, element or condition in an amount or manner as to adversely affect the surrounding area.
 - (2) No operations or activities shall be conducted or storage of material permitted except within an enclosed building.
 - C. Additional uses by special permit.

- (1) The following uses shall be permitted upon issuance of a special permit as provided in Article XIV of this chapter:
 - (a) Any business use not specifically prohibited and having characteristics no more objectionable than office buildings, banks, regional insurance offices, research laboratories, etc.
- (2) No buildings shall be erected or use established without first securing a special permit therefor. Applications for such a permit shall be accompanied by:
 - (a) A plot plan of the lot showing the location of all existing and proposed structures, driveways, parking areas and other constructional features on the lot as well as all buildings, streets, streams and other topographical features outside of the lot but within 200 feet of any lot line;
 - (b) A description of the operations and uses proposed, given in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air or water pollution and fire or safety hazards;
 - (c) Architectural plans for any proposed building;
 - (d) Designation of the fuel proposed to be used and any necessary engineering plans for controlling smoke and ash;
 - (e) A proposed schedule of operating hours and working shifts of employees and the numbers of employees anticipated; and
 - (f) Any other data or evidence that may be required by the Zoning Board of Appeals.
- § 250-18. Hours of operation limited.
 - A nonresidential use shall not be open to the public on Sundays, normal business holidays or between the hours of 7:00 p.m. and 7:00 a.m.
- § 250-19. Lot area requirements.

- A. Residential use. Lot area requirements for single-family or multifamily dwellings shall conform to the specifications set forth for their respective districts.
- B. Business use.
 - (1) For any permitted business use a lot shall contain at least 15,000 square feet and have a minimum lot width and depth of 100 feet.
 - (2) All buildings, including accessory buildings, shall cover no more than 40% of the lot area.
 - (3) Each lot shall have front, side and rear yards with the following minimum dimensions:
 - (a) Front yard depth: 20 feet.
 - (b) Side yards, two: each equal to one-half (1/2) the height of the principal building but not less than 15 feet.
 - (c) Rear yard depth: equal to the height of the principal building but not less than 30 feet.
- § 250-20. Building regulations.
 - A. Residential use. Building requirements for single-family or multifamily residential uses shall conform to the specifications set forth for their respective districts, except that multifamily dwellings shall not exceed three stories or 35 feet in height.
 - B. Business use.
 - (1) Height limits. No principal building shall exceed three stories or 40 feet in height. Accessory building height and accessory structure height shall not exceed 20 feet. [Amended 9-13-2006 by L.L. No. 7-2006]
 - (2) Accessory buildings. Accessory buildings shall observe front, side and rear yard requirements, except that on the rear half of the lot they may be placed within 10 feet of a lot line.
 - C. Parking space requirements. Off-street parking shall be provided on the premises on which any nonresidential use is conducted. All driveways and parking areas shall be covered with a bituminous or other dust-free surface. Minimum parking space shall be provided as follows:
 - (1) One parking space for every two workers engaged during maximum employment capacity.

- (2) Space for each company-owned or -operated motor vehicle within an enclosed building or within a rear yard area, screened from view from the street by shrubbery or other means.
- (3) Adequate space for customer vehicles, in addition to Subsection C(1) and (2) above.
- (4) Required parking spaces may be located on side or rear yard areas but not in front yards.
- Article IX - General Business District
 - § 250-28. Permitted uses.
 - A. Uses permitted. The following uses shall be permitted within all General Business Districts:
 - (1) All uses permitted in RC Retail Commercial Districts, subject however to the same requirements and restrictions specified therefor.
 - (2) Such additional uses as the following typical listing:
 - (a) Automotive and appliance sales and service (new and used).
 - (b) Boat sales service and livery.
 - (c) Bottling works.
 - (d) Bus stations and taxi stands.
 - (e) Florist greenhouses.
 - (f) Milk distribution stations.
 - (g) Trucking terminals.
 - (h) Wholesale and bulk storage such as building materials and lumber, contractors' yards, feed stores, etc.
 - (3) Processing business, provided that no more than 10 persons are employed during a twenty-four-hour period. May include such types of business as bakeries and confectioneries, laundries and dry cleaners, printing plants, upholstery and furniture repair shops, etc.
 - B. Additional uses by special permit. The following uses shall be permitted upon issuance of a special permit as provided in Article XIV of this chapter:
 - (1) Philanthropic and charitable institutions.

- (2) Public and private clubs, fraternities and lodges.
- (3) Indoor theaters, bowling alleys and billiard and pool parlors.
- (4) Tourist homes and rooming and boarding houses.
- (5) Motels and auto courts.
- (6) Public swimming pools.
- (7) Gasoline service stations.
- (8) Auto drive-in stands.
- (9) Public utility installations.
- (10) Undertaking establishments.
- § 250-29. Lot area requirements.
 - A. Lot areas. No business shall be permitted on a lot containing less than 7,500 square feet, having a lot width less than 50 feet or a depth less than 150 feet.
 - B. Lot coverage.
 - (1) All buildings shall cover no more than 30% of the lot area.
 - (2) Any buildings constructed or reconstructed for a business use on the first floor and designed for residential use above the first floor shall have an open lot area equal to 150 square feet per dwelling unit provided therein.
 - C. Yards required. Yards shall be required as follows:
 - (1) Front yard: none required; if provided, it shall be at least 20 feet deep.
 - (2) Side yards: none required on interior lots; if provided, they shall be at least four feet wide. Buildings on corner lots shall observe the front yard requirements for the intersecting street.
 - (3) Rear yards: at least 20 feet deep.
 - D. Parking requirements. See Article XIII, Supplemental Regulations, § 250-55B.
 - E. Off-street loading areas. See Article XIII, Supplemental Regulations, § 250-56.
 - F. Driveways, entrance and exit. See Article XIII, Supplemental Regulations, § 250-57.
- § 250-30. Building regulations.

- A. Height limits. No principal building shall exceed six stories or 75 feet in height. Accessory building height and accessory structure height shall not exceed 20 feet. [Amended 9-13-2006 by L.L. No. 7-2006]
- Article XIII – Supplemental Regulations
 - § 250-45. Applicability.
 - The provisions of this chapter shall be subject to exceptions, additions and modifications as provided by these supplementary regulations.
 - § 250-49. Visibility at intersections.
 - On a corner lot no fence, wall, hedge or other structure or planting shall be allowed in excess of three feet in height above the street level within the triangular area formed by the intersecting curblines and a straight line joining said curblines at points 20 feet from the point of intersection. This does not apply in a commercial or business district where no front yard is required.
 - § 250-50. Fences.
 - A. Fences in front yards. No fence, wall or hedge over four feet in height shall be permitted in any required front yard area, except wire mesh or other material providing at least fifty-percent open construction.
 - B. Use of barbed wire. [Added 3-14-19738]
 - (1) It shall be unlawful for any person, firm or corporation to use or to permit the use of barbed wire in the construction of fences within the Village of Scotia.
 - (2) The prohibition of barbed wire in fence construction contained in Subsection B(1) shall not apply to the use of barbed wire as follows:
 - (a) Within a building. Barbed wire may be used for any otherwise lawful purpose wholly within a house, garage or other building.
 - (b) Within a fenced area. Barbed wire may be used for any otherwise lawful purpose wholly within an area completely enclosed by an impassable fence or other structure having a minimum height of six feet, provided that any gate or entranceway to such enclosed area is kept securely closed

and locked at all times except while persons or animals are actually passing through the same.

- (c) Use not less than six feet above ground level. Barbed wire may be used for any otherwise lawful purpose, provided that such use occurs not less than six feet above the surface of the ground directly beneath the barbed wire.
- § 250-51. Removal of topsoil.
 - Stripping, excavation and removal of topsoil for sale or use other than on the premises from which it is taken is hereby prohibited except in industrial districts under special permit.
- § 250-52. Building height exceptions.
 - Height limitations shall not apply to church spires, belfries, ornamental towers, chimneys, ventilators, water towers or elevator enclosures. A cornice or parapet wall may extend not more than five feet above the height limit of the building.
- § 250-58.2. Architectural review.
 - A. Intent and purpose. The Board of Trustees of the Village of Scotia finds that inappropriate or poor quality of design in the exterior appearance of buildings adversely affects the desirability of the immediate and neighboring areas for business, residential or other use. This may further impair the benefits of occupancy of existing property, prevent the most appropriate development and produce degeneration of property thereby causing attendant deterioration of conditions affecting the public health, safety, comfort and general welfare. Further, the proper relationship between the taxable value of real property in such areas and the cost of municipal services may be destroyed. It is the purpose of this section to prevent these and other harmful effects and thus to promote the health, safety, comfort and general welfare of the community, to promote the public convenience and prosperity and to conserve the value of buildings.
 - B. Delegation to Planning Board. The Village Planning Board is hereby charged with the responsibilities of administering and carrying out the intent established by this section.
 - C. Architectural review districts. The following areas shall be subject to the architectural review law and the adopted design guidelines:

- (1) Central Business District: The two Retail Commercial Districts, the General Business District and the Waterfront District that run along Route 5, as shown on the Zoning Map of the Village of Scotia.
- D. Application procedures. It shall be the duty of the Building Inspector to refer to the Planning Board plans for any identified actions listed below and which require such reference in conformity with the purposes set forth above. The Planning Board shall review all applications for the following actions that lie within the districts set forth in this section:
 - (1) Any action requiring site plan approval.
 - (2) Any application for a sign or sign structure.
 - (3) Any demolition of a structure under nonemergency conditions.
- E. Actions of Planning Board.
 - (1) The Planning Board may approve, conditionally approve subject to specified modifications or disapprove any application referred to it by the Building Inspector, provided that such disapproval shall be by the majority vote of said Planning Board and provided that the Planning Board finds that the application would, if approved, be so detrimental to the desirability, property value or development of the surrounding area as to provoke one or more harmful effects set forth above.
 - (2) The Planning Board may impose appropriate conditions and safeguards in connection with its approval, including but not limited to building design, building materials and landscaping elements of the site.
 - (3) Applications which have been approved by action of the Planning Board shall be signed and dated by the Chairman of the Planning Board and filed with the Clerk of the village.
 - (4) The Planning Board must act on all complete applications within 62 days of their receipt, unless an extension has been mutually agreed to by the Planning Board and applicant.
- F. Effect of Planning Board action.

- (1) The Building Inspector shall refuse any permit application disapproved by the Planning Board. The Building Inspector may approve any application conditionally approved by the Planning Board as soon as the conditions specified in such conditional approval have been fulfilled, either by taking remedial or corrective action as required by the conditional approval, if appropriate, or submitting revised plans, drawings and specifications to incorporate the conditions required. If the Planning Board shall have approved any application and such application is otherwise in conformance with all codes and ordinances of the Village of Scotia, then the Building Inspector shall forthwith issue the permit applied for. The Building Inspector shall likewise issue the permit as applied for in the case of any application referred to such Planning Board and on which said Planning Board has failed to act within 62 days of such referral to the Planning Board, unless an extension has been mutually agreed to by the Planning Board and applicant.
- (2) A certificate of occupancy shall not be issued until a field inspection is made by the Building Inspector to ascertain that site improvements and construction have been made in compliance with the approval granted by the Planning Board pursuant to this section.
- G. Standards to guide the Planning Board. The Planning Board shall be guided by the standards established in the Design Guidelines for the Village of Scotia adopted by the Village Board of Trustees and by the Village Master Plan.
- H. Expiration. Unless otherwise specified or extended by the Planning Board, decisions on all applications granted after the effective date of this section shall expire if the applicant fails to obtain the necessary permit to conduct any project and begin actual construction or to comply with the conditions of said authorization within one year from the filing date of such decision. Unless otherwise specified or extended by the Planning Board, all approvals on applications granted prior to the effective date of this chapter shall expire if the applicant fails to obtain the necessary permit and begin actual construction or comply with the conditions of said authorization within one year from the effective date of this section.
- Article XIII A – Site Plan Approval

- ***Local permits and approvals not required per PSL §130***
- Article XIV – Special Use Permits
 - ***Local permits and approvals not required per PSL §130***
- Article XVI - Administration and Enforcement
 - § 250-77. Building permits.
 - ***Local permits and approvals not required per PSL §130***
 - No building or structure shall be erected, moved or structurally altered until a permit therefor has been obtained.
 - A. Application for permit. There shall be submitted with all applications for building permits three copies of a layout or plot drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected or details of the proposed alterations, together with such other information as the Building Inspector may require for the enforcement of this chapter. Concurrent with each such application, an occupancy certificate shall also be applied for.
 - B. Permit issued. When approved and upon payment of all permit fees, one copy of plans shall be returned to the applicant or owner, together with a building permit.
 - C. Expiration. A permit shall automatically expire if no construction shall have been started within six months from the date of its issue. [Amended 10-13-1993 by L.L. No. 4-1993]
 - § 250-78. Occupancy certificates.
 - ***Local permits and approvals not required per PSL §130***
 - No land shall be occupied or used and no building hereafter erected, moved or altered shall be occupied, used or changed in use until an occupancy certificate shall have been issued by the Building Inspector stating that the building and the use thereof comply with all village ordinances.
 - A. Application. An occupancy certificate shall be applied for coincident with the application for a building permit.
 - B. Issuance. Said certificate shall be issued within 10 days after final inspection shall have shown that the construction is approved as complying with the

provisions of this chapter and of the building and plumbing codes of the village.

- C. Record of certificates. The Building Inspector shall maintain a record of all certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest therein.
 - D. Temporary certificate. A temporary occupancy for not more than 60 days for a part of a building or premises may be permitted by the Building Inspector prior to completion and final inspection.
 - E. Order of Appeals Board. No building permit or occupancy certificate shall be issued for any building where construction, addition or alteration or use thereof would be contrary to any provision of this chapter, except upon written order of the Board of Appeals.
- § 250-79. Fees.
 - A fee payable to the Village Clerk-Treasurer shall be required with each application in accordance with a Schedule of Fees approved and maintained by the Board of Trustees.

SECTION 2

2. JURISDICTIONS PREVIOUSLY REVIEWED

2.1. LOCAL LAWS NOW APPLICABLE TO PROJECT BECAUSE OF PREFERRED ROUTE RELOCATIONS

2.1.1. WASHINGTON COUNTY

2.1.1.1. Town of Whitehall

- Town of Whitehall has no zoning districts.

2.1.1.2. Town of Fort Ann

- Line remains in Industrial Mixed Use zoning district.

2.1.2. SCHENECTADY COUNTY

2.1.2.1. Town of Glenville

- Line remains in the following zoning districts:
 - Suburban Residential
 - Research/Development/Technology
 - General Business

- Multi-Family Residential
- Riverfront Commercial
- Land Conservation

2.1.2.2. Town of Rotterdam

- Original route crossed following zoning districts:
 - I-2 General Industrial
 - I-1 Light Industrial
 - Retail Business
 - Agricultural
 - Planned Residential Development
 - B-1 Retail Business
 - B-2 General Business
 - I-2 Heavy Industrial
 - R-1 One Family Residential
 - R-2 Two-Family Residential
- Preferred Alternative Route crosses following additional zoning districts:
 - A-1 Rural (Zoning Map Designation)(A Agricultural District Zoning Law Designation)
 - § 270-16. Applicable regulations.
 - The following regulations shall apply to all A (Agricultural District) Zones.
 - § 270-17. Permitted uses.
 - The following principal uses are permitted as of right in the A District:
 - A. Single-family dwellings.
 - B. Churches or similar places of worship, parish houses, convents and community houses.
 - C. Customary agricultural operations, including all buildings, structures and uses appurtenant to and used in general farming, agricultural truck farming, gardening, poultry raising, tree nurseries and greenhouses, subject to the following restrictions:
 - (1) No building in which farm animals are kept shall be closer than 150 feet to any adjoining residential building.

- (2) No storage of manure or odor or dust-producing substances shall be permitted within 150 feet from any adjoining residential building.
 - (3) No greenhouse heating plant shall be operated within 50 feet of any adjoining residential building.
- D. Public and private schools.
- E. Firehouses and Town maintenance and service facilities.
- F. Public parks, playgrounds and other municipal recreational uses.
- G. Public libraries and museums.
- H. Wind energy facilities subject to the requirements of the Town of
- Rotterdam Wind Energy Facility Law. [Added 10-8-2008 by L.L. No. 10-2008]
- § 270-18. Special uses. [Amended 11-24-1999 by L.L. No. 17-1999]
 - The following special uses may be permitted or denied subject to special use review under Article XIX of this chapter:
 - A. Golf courses and golf driving ranges.
 - B. Ski lifts, ski slopes and trails and accessory facilities.
 - C. Horseback riding clubs and public and private stables.
 - D. Cemeteries.
 - E. Mobile homes. (See Rotterdam Trailer Ordinance.)
 - F. Commercial extraction of topsoil, sand, gravel or stone.
 - G. Towers.
 - H. Temporary accessory home-care units per Article IV, § 270-15.2.
 - I. Bed-and-breakfasts.
 - J. Kennels, however, must comply with the following: [Added 7-11-2001 by L.L. No. 6-2001]

- (1) Kennel pens and exercise area(s) may not be operated within 300 feet of a residence other than the residence of the owner or operator thereof.
- (2) Kennel pens may not be located within 100 feet of an adjoining property line.
- (3) The minimum lot size required is 10 acres.
- (4) Dogs must be confined within a building between the hours of 10:00 p.m. and 7:00 a.m.
- (5) Conditions to be considered when hearing a request to allow a kennel special use permit shall include, but are not limited to, the following:
 - (a) Provisions for controlling offensive noise and odor.
 - (b) Approved disposal plan for animal waste.
 - (c) Training and/or expertise of the owner/operator.
 - (d) Maximum numbers of animals to be maintained.
 - (e) The effect on the character of the neighborhood.
 - (f) Existing or proposed natural or man-made buffers.
- K. Private recreational uses. [Added 6-12-2002 by L.L. No. 11-2002]
- L. Disturbance on a wetland or watercourse area of any class or in a wetland or watercourse buffer area as defined in this chapter. [Added 4-27-2005 by L.L. No. 9-2005]
- M. Solar farms and solar power plants in accordance with § 270-153. [Added 2-22-2017 by L.L. No. 1-2017]
- N. Adaptive reuse of religious and educational buildings in accordance with § 270-167D. [Added 6-26-2019 by L.L. No. 9-2019]
- § 270-19. Accessory uses.
 - Accessory uses permitted in the A District shall be limited to the following:
 - A. Private garages with not more than three stalls for the parking or storage of private automobiles.

- B. Roadside produce stands.
- C. Buildings and structures for lawn care, property maintenance and permitted agriculture.
- D. Private swimming pools, tennis courts and other private recreational facilities for use of residents and not run for gain.
- E. Permitted home occupations.
- F. Accessory kennels.
- G. Accessory parking and loading.
- H. Fallout shelters.
- I. Dish antennas and accessory towers.
- J. Small wind energy facilities and wind measurement towers subject to the requirements of the Town of Rotterdam Wind Energy Facility Law. [Added 10-8-2008 by L.L. No. 10-2008]
- § 270-20. Maximum building height.
 - The maximum building height shall be three stories, not exceeding 40 feet, for every residential use.
- § 270-21. Yard and property line requirements. [Amended 11-24-1999 by L.L. No. 17-1999]
 - A. Front yard depth shall be 25 feet.
 - B. Side yard width shall be 15 feet.
 - C. Rear yard depth shall be not less than 25 feet.
 - (1) For buildings exceeding three stories in height, 1/2 of the additional height shall be added to the minimum depth of 25 feet, except that a private garage may be built five feet from the rear and side property lines.
 - D. Front property line: a minimum of 150 feet.
- § 270-22. Lot area.
 - The minimum lot area required for each principal use is one acre.
- § 270-23. Lot coverage.
 - Lot coverage shall not exceed 30%.
- § 270-24. Parking. [Amended 11-24-1999 by L.L. No. 17-1999]

- Off-street parking requirements applicable in the A District are set forth in § 270-149 of this chapter.
- § 270-25. Additional regulations.
 - For additional regulations relative to special uses, see Article XIX.
- Land Conservation Overlay District
 - § 270-91.1. Purpose.
 - The LC Overlay District is established to provide for areas identified in the Comprehensive Plan for the preservation of recreation, open space, or environmentally sensitive lands. It is also intended to facilitate the classification of lands in need of preservation, to provide for the protection of the aquifer, the preservation of wetlands or other lands unsuitable for development. In most cases, these properties will contain deed restrictions and/or restrictive covenants.
 - § 270-91.2. Regulations to apply.
 - The following regulations shall apply to all LC Overlay Districts.
 - § 270-91.3. Permitted uses.
 - The following uses are permitted as of right in the LC Overlay District:
 - A. Activities permitted within conservation areas and conservation easements in accordance with site plan approval and/or development agreements. Said use must be in compliance with underlying zoning.
 - B. Public parks and public recreation facilities.
 - C. Pumping and/or treatment of public water supplies.
 - D. Wetland compensatory mitigation areas.
 - E. Maintenance of existing utility/transmission lines, equipment, and associated activities.
 - F. Maintenance of existing cemeteries.
 - G. Routine maintenance activities, including vegetation control, forestry, field, and stream maintenance.
 - § 270-91.4. Special uses.
 - The following special uses may be allowed:

- A. Installation of utility/transmission lines, equipment and associated activities.

2.1.3. ALBANY COUNTY

2.1.3.1. Town of Bethlehem

- Original route crossed following zoning districts:
 - Rural Light Industrial
 - Heavy Industrial
 - Residential C
- Preferred Alternative Route crosses following additional zoning districts:
 - Residential A District (RA)
 - § 128-24. District purposes.
 - Residential "A" and "B" Districts. Areas of the Town designated under these districts are characterized by traditional suburban residential development, including developed single-family dwellings, as well as undeveloped residential building lots. These areas also include active agricultural lands facing immediate growth pressures to convert to nonagricultural uses. The purpose of these districts is to protect the residential viability of established residential settlements.
 - § 128-27. Residential "A" District.
 - A. Minimum lot area, yard, setback and height requirements. See Schedule of Area, Yard and Bulk Requirements, § 128-100.
 - B. Principal uses. See Schedule of Uses, § 128-99.
 - C. Accessory uses. Uses customarily accessory to and subordinate to a principal use.
 - (1) Location. An accessory building shall not be located in a front yard. For corner lots, a structure accessory to a single-family residential use may be located in a front yard, opposite the side yard as determined by the Building Inspector, and shall have a minimum setback of not less than 20 feet from the front property line. An accessory building may be located within the required side yard or rear yard setback, provided that such accessory building shall be set back not less than five feet from any side or rear lot line and shall be located not less than five feet from the principal structure unless fire rated as per

applicable New York State Building Codes.
[Amended 10-8-2008 by L.L. No. 3-2008; 2-8-2012
by L.L. No. 1-2012]

- (2) Height. An accessory building shall not exceed 18 feet in height. See § 128-10, Exceptions, of this chapter.
- (3) Maximum coverage. The total lot coverage of all accessory structures shall not exceed 5% of the total lot area.
- D. Specific regulations for the district.
 - (1) Land divisions pursuant to § 103-20 of the Town Subdivision Regulations are permitted.
 - (2) For uses involving the adaptive reuse conversion of a residential structure to nonresidential use, the following shall apply:
 - (a) The alteration or expansion of an existing building shall not cause the total building size (post construction) to exceed 15% of the total lot area.
 - (b) The lot shall derive access from a state or county highway and shall be located within 1,000 feet of one of the following intersections:
 - [1] Maple Avenue and Route 9W.
 - [2] Creble Road and Old School Road.
 - [3] Delaware Avenue and Elm Avenue.
 - [4] Route 9W and Corning Hill Road.
 - (c) The Planning Board is hereby expressly authorized to require such additional front, side and rear yard setbacks as may be required to ensure that the nonresidential use does not interfere with the quiet enjoyment of adjoining residential properties. The additional setback area, as well as the minimum yard setback area, shall be planted with a mixture of evergreen and deciduous plantings at a height so as to adequately screen the parking area from neighboring properties and streets. The species type, location and planted height of such landscaping shall be subject to the approval of the Planning Board.

- (3) Residential uses proposed for previously undeveloped property abutting a Rural, General Commercial, Rural Light Industrial, or Heavy Industrial District shall include a fifty-foot landscaped buffer set back from the adjoining district. The landscaped buffer shall be in addition to any other setback requirement for the lot and shall be planted with a mixture of evergreen and deciduous plantings. The Planning Board shall use its discretion to establish appropriate landscape buffer setbacks for redevelopment projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas.
- (4) All streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service.
- E. Design guidelines. The following guidelines shall be considered by the Planning Board in the site plan and subdivision review of any new development project involving undeveloped land in the Residential "A" District. The Planning Board shall use its discretion as to the applicability of these guidelines to redevelopment projects involving the conversion or the rehabilitation of existing structures and previously disturbed land areas.
 - (1) Encourage the installation of sidewalks.
 - (2) Encourage the integration of new subdivisions within the existing neighborhoods.
 - (3) The adaptive reuse of structures should be encouraged in such a way so as to complement the character of the existing neighborhood.
 - (4) The development of public parks, athletic facilities, educational amenities and other low-density uses that require large acreage should be encouraged.
 - (5) Existing tree rows and hedgerows, stone walls, and similar features should be retained as much as possible in the development of any new use or the expansion of any existing use.

- (6) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.
- (7) On-street parking should be discouraged with nonresidential uses.
- (8) Off-street parking lots and loading areas, accessory use structures or storage other than sheds should be screened from walkways and streets utilizing appropriate vegetation and/or fencing.
- (9) Where practicable, new buildings adjacent to existing structures should be designed in a manner consistent with the general architectural features of such existing structures in terms of form, materials, and fenestration and roof shape.
- (10) New or in-fill buildings should be located in line with existing buildings to maintain the integrity of the existing building setback line of the street.
- (11) Major modifications to the existing landscape, such as extensive grading, clear-cutting of trees, or other similar activities, should be avoided to the extent possible.

2.1.4. GREENE COUNTY

2.1.4.1. Town of Catskill

- Line remains in Highway Commercial District – No Change.

2.1.4.2. Village of Catskill

- Line remains in original districts:
 - C-1 Commercial
 - C-2 General Commercial
 - CH-combination of C-1 and C-2
 - R-1 One Family Residence
 - R-3 Commercial Residence
- Line now also located in Waterfront District
 - § 3.8.3 Permitted Uses
 1. The manufacture, assembly, or repair of marine products such as boats, sails, and hardware.
 2. Boat rental facilities.

3. Charter boat and fishing guide operations.
4. Mariculture and aquaculture activities.
5. Fishing/Marine supply stores.
6. Wholesale and retail fish stores.
7. Community centers when part of coastal public access or public recreational access.
8. Municipal parks, playgrounds, and beaches.
9. Scientific, historic, artistic, and educational activities and similar uses which by their nature require access to coastal waters.
10. Structures needed for navigational purposes.
11. Public park trails, fishing docks and piers, and swimming facilities.
12. Specialty boat facilities, including tour, cruise and dinner boats.
13. Support facilities necessary for successful functioning of above uses, for example, parking areas, snack bars, first aid stations, and short-term storage facilities. To the extent possible, such facilities will be sited inland of the principal use.
14. Municipal public safety uses associated with other uses in this district.
15. Boat launches.

2.1.5. ROCKLAND COUNTY

2.1.5.1. Town of Clarkstown

- Original route located in following zoning district:
 - Residential 160, Conservation Density Residence
- Preferred Route now crosses following zoning districts
 - M: Manufacturing
 - § 290-6(M). Purpose of districts. M. This district permits the full range of office, manufacturing, storage and related uses, subject to performance standards and screening provisions, on sites which are adjacent to major regional roadways, causing a minimum of disruption to the residential activities of the community, while serving the economy of the town and region.
 - R-15: Medium Density Residence

- § 290-6(D). Purpose of districts. R-15. This is the medium-density residential district of the town that is most attractive to subdivision activity and is mapped over a majority of the residential areas as a large belt surrounding the hamlet centers.
- LIO: Light Industrial Office
 - § 290-6(L). Purpose of districts. LIO. The purpose of the Limited Light Industrial Office District is to permit the development of selected industrial uses on land planned and suited to such uses but at the same time protecting the character of the surrounding residential areas or planned residential areas. Manufacturing operations are to be permitted only if they are incidental or accessory to the primary operation of the plant, or allowed by special permit of the Town Board. This district is planned and intended for industrial land uses characterized by low land coverage, with large year-round landscaped setbacks for protection of residential areas, attractive building designs and developing an industrial parklike setting. The regulations are designed to promote industrial developments using the highest acceptable planning standards to properly handle any obnoxious and objectionable external effects upon the surrounding residential areas, circulation systems, drainage and other natural features. All references throughout this entire chapter to "IO Industrial Office" are hereinafter deemed to refer to "LIO Light Industrial Office." [Amended 8-8-1995]
- R-22: Medium Density Residence
 - § 290-6(C). Purpose of districts. R-22. This district is in the middle of the range of single-family residential districts and generally on the periphery of the fifteen thousand-square-foot subdivision areas, and acts as a transitional district between said subdivision areas and the lower density areas.
- MF-2: Multi-Family 9-13 units per acre
 - § 290-6(P). Purpose of districts. MF-1, MF-2 and MF-3: The Multifamily MF-1, MF-2 and MF-3 Zones are established in order to provide additional housing opportunities in attached housing developments. These zones are designed for areas which can provide local services necessary to support relatively intensive housing development and where such developments

will be compatible with the existing scale of development. As such, these zones are intended to be located in the dense portions of the town's hamlets. [Added 9-15-1988; amended 2-24-1998]

- COS: Commercial Office Support
 - § 290-6(Y). Purpose of districts. COS. The Commercial Office Support (COS) District provides commercial and retail land uses that support the CO District's "office park" setting on major transportation corridors. The primary use is intended to be a variety of commercial office, research and other similar activities. Light industrial uses, such as technology research that operate in an office-like setting and are compatible with commercial office uses, are generally allowed. The COS District permits retail uses that complement the character and scale of the area while serving employees working within approximately 1/2 mile of the location. [Added 8-5-2014 by L.L. No. 8-2014]
- CO: Commercial Office
 - § 290-6(X). Purpose of districts. CO. The purpose of the Commercial Office (CO) District is to provide for "office park" or "executive park" areas of commercial mixed-use in campus-like settings on major transportation corridors. The primary use is intended to be offices for a variety of commercial, research and similar activities. Light industrial uses, such as technology research that operates enclosed in office-like settings and are generally compatible with commercial office uses, are encouraged and allowed. [Added 8-5-2014 by L.L. No. 8-2014]

2.1.5.2. Town of Haverstraw

- Original route crossed following zoning district:
 - PIO – Planned Industrial Office
- Preferred Route does not cross any established zoning districts

2.1.5.3. Village of Haverstraw

- R-1 First Residence
- R-1C First Residence Conversion
- R-1T First Residence Townhouse
- R-2 Second Residence

- R-2(M) Mountain Protection
 - HB Highway Business
 - PO Professional Office
 - SP Special Purpose
 - PI Planned Industrial
 - PI(M) Mountain Protection
 - Line does not cross any new established zoning districts
- 2.1.5.4. Village of W. Haverstraw
- Original districts:
 - R-3 Residence District
 - PLI Planned Light Industrial
 - R-4 Multiple Family District
 - C Commercial
 - Preferred Route does not cross any new established zoning districts
- 2.1.5.5. Town of Stony Point
- Original zoning districts:
 - PW - Planned Waterfront
 - RR - Rural District Residential
 - SR - Special Recreation
 - R-1 - Low Density Residential
 - LI - Light Industrial
 - Preferred Route passes through following new zoning districts:
 - § 215-21: MHC – Manufactured Housing Community District
 - BU – Business District
 1. Local convenience commercial uses
 2. Local office-business uses
 3. Same as RR No. 3 (churches)
 4. Wireless communications facilities on existing radio, television, transmission towers, etc. as per A(1)(a)1
 5. Wireless communications facilities on existing buildings as per A(1)(b), subject to Article X1
 6. Wireless communications facilities on existing utility structures as per A(1)(c)1

- 7. Office buildings for business and professional use, including administrative, scientific, research and development, training, statistical, financial and similar purposes to connection with such use
- 8. Corporate parks
- 9. Medical and dental clinics and health service facilities
- 10. Commercial recreational establishments, indoor recreation use only, where the floor area of the proposed use and all related accessory uses total less than 4,000 square feet
- 11. Health, tennis, racquetball, sport, swim, dance, martial arts and other athletic or fitness club open to the general public on a membership basis and primarily intended to promote the health of members and where all activities take place indoors
- 12. Restaurants with no drive-through service
- 13. Automotive hand-wash and detailing facilities conducted completely within a permanent structure
- 14. Shopping centers containing multiple nonresidential permitted uses
- 15. Banks, including those with drive-through service
- SRC -Senior Citizen Housing District
- Permitted Uses – None

2.2. NEW LOCAL LAWS AND/OR ZONING AMENDMENTS POST-CERTIFICATION

2.2.1. WASHINGTON COUNTY

2.2.1.1. Town of Dresden

- N/A

2.2.1.2. Town of Whitehall

- Local Law No. 1, 2019 – Amending Local Law No. 4, 2000 Town of Whitehall Sign Law
 - Article III
 - #2 – Sizes of Signs
 - a. The maximum sign area for any one face of an off-premise sign shall not exceed 250 square feet, excluding the base or apron, trim, supports, and other structural elements.
 - b. The sign area shall be measured by the smallest square, circle, rectangle, or combination thereof which will encompass the entire sign face.

- c. Signs may be back-to-back, double faced, V-type, and multiple-faced with not more than two faces to each facing and such structure shall be considered as one off-premise sign
- #5 Setback Requirements Follow State of New York a. In no case shall any portion of an off-premise sign overhang into or be placed in the public right-of-way, unless allowed by the public entity. An off-premise sign may overhang into the property on which it exists up to the point of the public right-of-way or adjacent public or private property.
- #6 Lighting Off-premise signs may be illuminated subject to the following restrictions:
 - a. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited if such signs interfere with traffics safety. Reflective surfaces or devices on sign faces, and multiple-faced signs, with illumination, are permitted, provided such signs do not interfere with traffic safety and comply with Subsections C and D of this Section.
 - b. Electronic variable message signs giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial electric variable-message signs which function in the same manner as multiple-faced signs are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.
 - c. Signs must be effectively shielded to prevent beams or rays from being directed toward any portion of the traveled ways, and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
 - d. No sign shall be illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
- #7 Sign Permits
 - ***Local permits and approvals not required per PSL §130***
 - a. No off-premise sign shall be erected without securing a permit from (Town of Whitehall) and payment of the permit fee as set by resolution of the Town Board. Before such permit is issued, an inspection shall determine that the off-premise sign complies with the provisions of this Local Law.
- Other Signs

- Section B. The size, type and location of any sign or advertising device shall be allowed only in accordance with the following regulations, and whenever districts are set forth in these regulations.
 - a. Signs in agricultural and residential districts.
 - 5. Temporary business signs advertising a sale, rental, construction or improvement of the premises on which they are located shall be allowed, provided that such signs shall not exceed a combined total of six (6) square feet area, shall not be illuminated and shall be promptly removed by the property owner when the circumstances leading to their erection no longer apply.
 - b. Signs in Commercial and Industrial Districts.
 - 4. Temporary signs advertising the sale or rental or construction or improvement of the premises on which they are located shall be allowed, provided that such signs shall not exceed a combined total of ten (10) square feet in area and shall be promptly removed by the agent or owner when the circumstances leading to their erection no longer apply.
 - c. General Regulations.
 - 1. Signs shall be constructed of durable materials and shall be maintained in good condition. Signs which are permitted to deteriorate shall be removed upon direction of the Building Inspector and/or Compliance Officer following notification to the owner.
 - 2. No sign shall be erected so that any portion thereof shall be any closer than ten (10) feet to the nearest lot line or within five (5) feet of any utility pole.
 - 3. No signs shall be erected which may cause hazardous or unsafe conditions. Any sign which shall have been erected and which, since the date of its erection, because of changed conditions, becomes hazardous shall be removed following notice to owner.
 - 4. Signs to be erected by a nonprofit community service organization which are intended as a public service for the good of the community may be erected upon the granting of a special permit.
 - 5. All signs of temporary nature, such as political posters, banners, promotional devices and other signs of a similar nature, may be granted a temporary permit for a period not to exceed thirty (30) days, provided that such signs are not attached to fences, trees, utility poles

or the like and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. A fee as set by resolution of the Town Board and on file in the town offices shall be paid upon the issuance of a permit for such sign or group of identical signs, and a cash deposit of fifty dollars (\$50.00) shall be deposited with the town clerk to ensure removal of such sign or signs at the expiration of the permit. In the case that the sign is categorized as a "Billboard" sign, a fee as set forth by resolution of the Town Board and on file in the town offices shall be paid upon the issuance of a permit for such sign or group of identical signs, and a cash deposit of two hundred dollars (\$200.00) shall be deposited with the town clerk to ensure removal of such sign or signs at the expiration of the permit. The Building Inspector and/or Compliance Officer, after seven (7) days written notice to the failure of the permit holder to do so, shall cause said sign or signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal.

- 6. Signs erected for the purpose of posting private lands shall be in accordance with Article 11 of the Environmental Conservation Law of the State of New York.
- 7. Such off-premises directional signs as may be necessary to direct persons to commercial, industrial, service or community facilities may be erected in any zone, subject to the following:
 - a) No such sign shall exceed ten (10) square feet per establishment, and no more than thirty-two (32) square feet of signage shall be on any one (1) lot.
 - b) No commercial or service use shall be permitted to have more than one (1) directional sign.
 - c) Text shall be limited to name or identification, arrow or direction and distance but shall contain no advertising message.
 - d) Such signs shall not be illuminated.
 - e) Such signs shall be limited to arterial and collector streets only.

- f) An applicant for a sign permit hereunder shall be required to produce evidence of approval for the erection of the sign by the owner of the property on which it is to be placed.
- g) Permits for such signs shall be subject to approval of the Planning Board of the Town of Whitehall, Local Compliance Officer, Town Supervisor or any person duly appointed by the Town Board.

2.2.1.3. Town of Fort Ann

- Local Law No. 4, 2019 – Establishing Regulations for Flood Damage Prevention in the Town of Fort Ann
 - Section 4.2
 - 4.2-1 - Purpose
 - A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring [sic] that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
 - 4.3 – Application for a Permit
 - ***Local permits and approvals not required per PSL §130***
 - Section 5 – General Standards
 - 5.1-2 ENCROACHMENTS
 - (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development,

will not increase the water surface elevation of the base flood more than one foot at any location, or,

- (ii) the Town of Fort Ann agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Fort Ann for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Fort Ann for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the Town of Fort Ann agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Fort Ann for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Fort Ann for all costs related to the final map revisions.
- (3) In Zones AI-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town of Fort Ann shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.
- 5.2 STANDARDS FOR ALL STRUCTURES The following standards apply to new development, including new and substantially improved

structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

- 5.2-1 ANCHORING New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- 5.2-2 CONSTRUCTION MATERIALS AND METHODS
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade and;
 - (iii) openings not less than three inches in any direction.

Openings maybe equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

- 5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
 - (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
 - (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 5.2-4 STORAGE TANKS
 - (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
 - (2) Above-ground tanks shall be:
 - a. anchored to prevent flotation, collapse or lateral movement during conditions of the base flood or;
 - b. installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in Section 3.2 plus two feet.
 - 5.4 NON-RESIDENTIAL STRUCTURES: The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.
 - (1) Within Zones A1 -A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:

- (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely flood proofed to that level to meet the flood proofing standard specified in sub-section 5.4(1)(ii)
 - (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
 - (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
 - (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.
- Zoning map last updated 2008.

2.2.2. SCHENECTADY COUNTY

2.2.2.1. Town of Glenville

- Local Law No. 7, 2013
 - § 255-7: Truck Exclusions

- A. All trucks, tractors, tractor-trailers and commercial vehicles with a maximum gross weight of vehicle and load capacity of four tons are hereby excluded from the following highways within this town:
 - Wolf Hollow Rd. between intersection with Route No. 5 and its intersection with West Glenville Rd.
 - Touareuna Road between its intersection with Wolf Hollow Rd. and its intersection with West Glenville Rd.
- Local Law No. 5, 2013
 - Addition to Section 270-10
 - HC Highway Commercial District
 - § 270-19.1 The following apply to the HC Highway Commercial District.
 - A. Purpose: to establish a hybrid commercial/light industrial zoning district along the western Route 5 corridor of Glenville in an effort to attract a variety of land uses, including those that are best suited for rural highway corridors

The following apply to the HC Highway Commercial District.

 - B. Uses permitted by right:
 - (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Accessory apartments.
 - (4) Home occupations.
 - (5) Agricultural activities/farms.
 - (6) Cemeteries.
 - (7) Bed-and-breakfast establishments.
 - (8) Professional offices.
 - (9) Instructional services.
- Local Law No. 2, 2013
 - § 270-68. § 270-68. General provisions and prohibitions.
 - C. No sign will be placed in the right-of-way of any public highway or street. No signs shall be placed on any other Town property, except for informational signs placed by the Town and such other signs as may be specifically authorized by the Town.

- E. No sign will be illuminated by periphery, flashing, intermittent, rotating or moving lights except in association with LED signs, per regulations prescribed herein, or if associated with a holiday display.
 - F. No sign will impair, confuse or unduly affect vehicular, bicycle or pedestrian traffic due to its design, color, placement or lighting. No ground sign will impair visibility at street corners by sign placement within 30 feet of the edge of the pavement of any intersection.
 - I. No sign will interfere with any public safety activity. Fire escapes, doorways, windows and other functional entrances or exits shall not in any way be obstructed.
 - K. No sign will be attached to any public utility pole.
 - § 270-71. Temporary signs.
 - A. General regulations.
 - (1) Temporary signs do not require a permit from the Town Building Department.
 - (2) In no case will a temporary sign exceed 20 square feet in size.
 - (3) Temporary signs will not be attached to fences, trees, utility poles, street signs, rocks or other parts of the natural landscape.
 - (4) Temporary signs (with the exception of holiday decorations) will not be illuminated.
 - (5) Temporary signs will not be placed in a position which obstructs or impairs traffic, or in any manner that creates a hazard or disturbance to the health, safety and welfare of the public.
 - (6) Temporary signs are subject to the provisions of Section 270-68 of this ordinance.
- Local Law No. 10, 2017
 - § 130-1. Permit required;
 - ***Local permits and approvals not required per PSL §130***
 - Except as permitted by Town Code §238-17, no person shall dig or excavate in or place any barricade or encumbrance upon any town right-of-way, town road or other public grounds without first having obtained a permit from the Town Highway Superintendent.

- § 130-6. Excavations.
 - ***Local permits and approvals not required per PSL §130***
 - A. A permit shall be required before any person shall make any excavation in, cut any pavement upon or tunnel under any street, sidewalk, road or other public ground.
 - B. The permittee shall be responsible for repair; and restoration of the surface or pavement to its former condition. Such restoration must be completed within 30 days of the expiration of the permit unless noted on the permit otherwise.
- § 130-8. Encumbrances.
 - ***Local permits and approvals not required per PSL §130***
 - No person shall place any sand, stone, lumber or other building materials or equipment in any street, sidewalk, road or public grounds without first, having obtained a written permit therefor. No permit shall be given for such materials or equipment to occupy more than 1/3 of a roadway or for a period of more than 30 days.
- § 130-9. Safety precautions.
 - A. Barricades and lights. Any person making an excavation in or encumbering any public street, road or grounds shall erect and maintain a suitable guard, fence or barricade to protect the public from injury. He shall maintain sufficient warning lights on such barricades between the hours of sunset and sunrise.
 - B. Unauthorized removal of barricades. It shall be unlawful for any person to remove, tear down, run over or interfere with any barricade or warning light lawfully placed to protect any construction, excavation or street, road or public grounds.

2.2.2.2. Town of Rotterdam

- § 134-12 Floodplain Development Permit Required
 - ***Local permits and approvals not required per PSL §130***
 - A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new

development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 134-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

- § 134-15: GENERAL CONSTRUCTION STANDARDS:

The following standards apply to new development, including new/ and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 134-6.

- (B) ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless: (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or, (ii) the Town of Rotterdam agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Rotterdam, for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Rotterdam for all costs related to the final map revision.
 - (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 134-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the Town of Rotterdam agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and .floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Rotterdam for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Rotterdam for all costs related to the final map revisions.
- 134-16: Standards for All Structures
 - (B) CONSTRUCTION MATERIALS AND METHODS
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (C) UTILITIES
 - (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
 - (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- Chapter 247 – Streets and Sidewalks
 - § 247-19
 - *Local permits and approvals not required per PSL §130*
 - No person, corporation or other legal entity shall occupy, march proceed or close any Town highway or part thereof without having first obtained a temporary street closure permit from the Town of Rotterdam. Applications for such a permit shall be made in writing to the Town Clerk, and shall be reviewed and approved by the Superintendent of Highways, the Department of Public Works, and the Chief of Police. The permit shall be issued by the Superintendent of Highways, through the Town Clerk's office.
- Local Law No. 16, 2019
 - Chapter 188 – Noise
 - § 188 It shall be unlawful for any person to make, continue, cause, permit or allow, verbally or mechanically, any noise disturbance.
 - § 188-45 The following acts and the causing thereof are declared to be loud, disturbing or unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:
 - B. Noisy vehicles. No person shall:
 - (4) No person shall load any garbage or trash on a compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district nor within 300 feet of any hotel or motel between the hours of 11:00 p.m. and 6:00 a.m. the following day.
 - C. Discharge of exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine or motor, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - D. Construction, demolition, excavation. The erection (including excavating), demolition,

alteration or repair of any building other than between 6:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety and then only with a permit from the Town Building Inspector/Code Enforcement Officer, which permit may be renewed for a period of three days or less while the emergency continues.

- E. Noise near schools, other institutions. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street
- I. Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property. The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property and resulting in loud grinding, hammering, sawing and similar noise shall be prohibited:
 - (1) Between the hours of 9:00 p.m. and 6:00 a.m. the following day, if said noise can be heard inside any residence, regardless of whether the windows of such residence are open.
 - (2) At any other time if said noise is unnecessary or unreasonable under the circumstances.
- J. Noise in the conduct of any business. The creation of noise in the operation, conduct and/or maintenance of any business, factory, plant yard or manufacturing establishment (except as otherwise provided in this chapter), including but not limited to excavating, blasting, grinding, breaking, crushing or processing of any substance (where permitted), shall be prohibited
 - (1) Between the hours of 9:00 p.m. and 6:00 a.m. the following day, if said noise

can be heard inside any residence, other than in the building where the premises are located, regardless of whether the windows of said residence are open.

- (2) At any other time if said noise is unnecessary or unreasonable under the circumstances.
- M. Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at approximately 50 feet from the source if on a public space or public right-of-way. For the purposes of this section "vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. This section shall not apply to construction activities performed in compliance with all applicable federal, state and any local laws and ordinances.

2.2.3. ALBANY COUNTY

2.2.3.1. Town of Bethlehem

- Local Law No. 3, 2015 – Amendments to Flood Damage Prevention
 - § 69-15
 - C. Standards for All Structures
 - (2) Construction materials and methods.
 - (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage:
 - (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (c) For enclosed areas below the lowest floor of a structure within Zones A1-

A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- [1] a minimum of two openings having a total net area of not less than one square inch for every, square foot of enclosed area subject to flooding; and
 - [2] the bottom of all such; openings no higher than one foot above the lowest adjacent finished grade. Openings may be equipped with louvers, valves, screen or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.
- (3) Utilities.
 - (a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment "shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood arid to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also elevated or designed to prevent water from entering and accumulating within the components unless they conform to

the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

- (b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed; in each discharge line passing through a building's exterior wall; and,
- (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

2.2.4. GREENE COUNTY

2.2.4.1. County of Greene

- No County Code.

2.2.4.2. Town of Catskill

- Local Law No. 6, 2015
 - §123.2 Noises prohibited. No person shall make or cause to be made any distinctly and loudly audible sound that unreasonably annoys, disturbs, injures, endangers or affects the comfort, repose, health, peace, safety or welfare of any reasonable person of ordinary sensibilities or precludes their enjoyment of property or affects their property's value within the geographical boundaries of the Town of Catskill.
 - §123.3 Enforcement
 - 2. To assist in the enforcement of Section 123-2, the following noise events shall constitute prima facie evidence of a violation of this Chapter when occurring between the hours of 10:00 p.m. and 7:00 a.m., except

as otherwise noted. This list shall not be deemed exclusive:

- C. Sounds from vehicles. When a vehicle is being used for purposes other than lawful travel on a roadway and such vehicle produces or reproduces a sound in a manner which disturbs the peace, quiet or repose of a person or persons of ordinary sensibilities, considering the time, place and purpose for which the sound is produced. In such event, the vehicle's owner or, if the vehicle's owner is not present at the time of the violation, then the person in charge or control of the vehicle is responsible for the violation.
- H. Exhaust. The discharge into the open air of exhaust from a steam engine, stationary internal combustion engine, motor boat, motor vehicle or snowmobile^ except through a muffler or other device that will effectively prevent loud or explosive noises and complies with all applicable laws and regulations.
- L. Building construction and repair. The erection, excavation, demolition, alteration or repair of any building between 9:00 p.m. and 6:00 a.m. of the following day on weekdays and all day Sunday except owner-occupancy work on single-family residences. The Town Code Enforcement Officer or Town Supervisor may, in cases of emergency, grant permission to repair at any time when the inspector finds that the repair work will not affect the health or safety of persons in the vicinity.
- M. Schools, courts, churches, hospitals. The creation of my excessive noise on any street or private property adjacent to any school, institution of learning, church, court or hospital while these institutions are in use that unreasonably interferes with the property's use if conspicuous signs are displayed in the streets indicating that the institution or property is a school, hospital or court street.
- Local Law No. 4, 2017 – Signs
 - § 134-6 Temporary and permanent signs

- A. Temporary signs.
 - ***Local permits and approvals not required per PSL §130***
 - (1) Any signs of a temporary nature, except as otherwise provided by this chapter, shall be permitted for a period not exceeding 6 weeks prior to the activity or event nor exceeding 10 days after the activity or event: Such signs will not exceed 16 square feet in area in Commercial or industrial districts or eight square feet in area in residential districts. (2) A refundable deposit equal to twice the permit fee shall be submitted to the Code Enforcement Officer to insure removal of such signs upon expiration of the permit period. The permit holder shall be liable to pay for the removal of the signs. The Code Enforcement Officer, after seven days' written notice to the permit holder to remove such signs, and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be applied to the cost of removal. The seven days' written notice provided herein shall be computed from the date of mailing of such notice. Said notice shall be directed to the permit holder at the address provided to the Code Enforcement Officer on the permit application
- § 134-7 Illuminated signs.
 - A. Illuminated signs, either directly illuminated or indirectly illuminated, or lighting devices may be permitted, provided that such signs employ only lights emitting a constant intensity, and no sign shall be illuminated by or contain a flashing or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed as to permit beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance to adjoining properties. All illuminated signs shall bear the Underwriters Laboratories, Inc. seal or be inspected and certified by a Town-authorized electrical inspection company.
 - B. All illuminated signs or lighting devices shall be turned on no sooner than 1/2 hour before the premises

and/or business is open to the public and shall be extinguished no more than 1/2 hour after the premises and/or business is closed to the public.

- Local Law No. 5, 2018
 - § 134-4 Sign Permit, Application and Fees
 - ***Local permits and approvals not required per PSL §130***
 - A. Except as provided in Section 134-6, an Applicant shall apply to the Code Enforcement Officer for a sign permit for any sign to be located in the Town of Catskill. The issuance of a sign permit is required for, but not limited to, the erection, alteration or relocation of a sign.

2.2.4.3. Village of Catskill

- Local Law No. 3, 2013
 - Article 11 - WEIGHT OR LOAD LIMITS
 - Section 130 – Restrictions: All vehicles of a gross weight, loaded or unloaded, of five (5) tons or more are hereby excluded from any Village streets (other than for loading or unloading), excluding Route 9W, Route 385, and Main Street.

2.2.5. ROCKLAND COUNTY

2.2.5.1. County of Rockland

- None

2.2.5.2. Town of Clarkstown

- Local Law No. 8, 2014
 - SECTION 3. Add the following text to §290-5 "Establishment of districts", subsection A:
 - CO COMMERCIAL OFFICE
 - COS COMMERCIAL OFFICE SUPPORT
 - SECTION 4. Add the following text to §290-6 "Purpose of districts":
 - Z. CO - The purpose of the Commercial Office (CO) district is to provide for "office park" or "executive park" areas of commercial mixed-use in campus-like settings on major transportation corridors. The primary use is intended to be offices for a variety of commercial, research and similar activities. Light industrial uses, such as technology research that operates enclosed in

office-like settings and are generally compatible with commercial office uses are encouraged and allowed.

- SECTION 5. Add the following section, §290-7.6, to Article II of the zoning code in its entirety:

- H. Conditional Uses. Conditional uses require a special permit from the Planning Board, the Zoning Board of Appeals, or the Town Board. Conditional uses permitted in this district include:

- (4) Public utilities, substations, telephone exchange centers and utility rights-of-way;

- SECTION 6. Add the following section, §290-7.7, to Article II of the zoning code in its entirety:

- §290-7.7 Commercial Office Support

- A. Purpose and Intent.

- (1) The Commercial Office Support (COS) district provides commercial and retail land uses that support the CO districts "office park" setting on major transportation corridors. The primary use is intended to be a variety of commercial office, research and other similar activities. Light industrial uses, such as technology research that operate in an office-like setting and are compatible with commercial office uses are generally allowed. The COS district permits retail uses that complement the character and scale of the area while serving employees working within approximately one-half mile of the location.

- H. Conditional Uses. Conditional uses require a special permit from the Planning Board, the Zoning Board of Appeals, or the Town Board. Conditional uses permitted in this district include:

- (3) Public utilities, substations, telephone exchange centers and utility rights-of-way;

- Local Law No. 6, 2013

- Section 7. Amend Chapter 220 - QUARRYING AND BLASTING as follows:

- Change § 220-3. Hours of operation, by lettering the first paragraph "A." and by adding the following paragraph:

- B. Whenever blasting is to be conducted, the Chief Fire Safety Inspector or Building Inspector shall be notified 24 hours in advance of blasting, the location and intended time of such blast specified by the blaster.
- Local Law No. 3, 2014
 - 4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR
The Director of Environmental Control or his designee is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions
 - *Local permits and approvals not required per PSL §130*
 - 4.4-3 ALTERATION OF WATERCOURSES. The Local Administrator shall:
 - (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
 - (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - 5.1 GENERAL STANDARDS The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.
 - 5.1-2 ENCROACHMENTS
 - (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development,

will not increase the water surface elevation of the base flood more than one foot at any location, and,

- (ii) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not cause any existing structures to be inundated to a greater extent than already existing, and that no new structures will be subject to flooding by the base flood.
 - (iii) the Town of Clarkstown agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Clarkstown for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Clarkstown for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels

during occurrence of the base flood, and,

- (ii) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not cause any existing structures to be inundated to a greater extent than already existing, and that no new structures will be subject to flooding by the base flood.
 - (iii) the Town of Clarkstown agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Clarkstown for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Clarkstown for all costs related to the final map revisions.
- 5.2 STANDARDS FOR ALL STRUCTURES
 - 5.2-2 CONSTRUCTION MATERIALS AND METHODS
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - 5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
 - (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
 - (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- Local Law No. 5, 2019
 - ***Local permits and approvals not required per PSL §130***
 - Section 5. Amend Section 250-30. Insurance required, to read as follows: No permit shall be issued by the Superintendent of Highways for the excavation in any street or highway unless the person to whom the permit is to be issued shall have filed in the form of a certificate of insurance with the application for such permit a comprehensive general or commercial general liability insurance policy in full force and effect with minimum limits of coverage for bodily injury and property damage equal to \$ 1,000,000 per occurrence, combined single-limit bodily injury and property damage, and

\$2,000,000 general aggregate and/or products completed, operations aggregate, Commercial Auto Liability Insurance covering the use of all Owned, Non Owned, and Hired Vehicles with combined Bodily Injury and Property Damage Limit of at least \$ 1,000,000; along with an Umbrella Liability policy equal to \$2,000,000 each occurrence. All insurance carriers must be authorized to do business in the State of New York and have a Moody's A rating or higher. The Umbrella must be excess over the General Liability, Automobile and Employers Liability. The General and Umbrella policies must name the Town of Clarkstown as an additional insured on a primary and non-contributory basis. Each applicant shall also file with the Highway Department evidence, in the form of a certificate of insurance, that the statutory workers' compensation and disability insurance has been obtained by the applicant for all employees engaged in the roadwork. The Town Attorney shall approve the policy or certificate for form.

2.2.5.3. Town of Haverstraw

- None

2.2.5.4. Village of Haverstraw

- Local Law No. 7, 2015
 - § 112-4 Permit required.
 - ***Local permits and approvals not required per PSL §130***
 - No person shall conduct or cause to be conducted any land operations to clear, fill or grade any property without securing a permit from the enforcement officer. The fee for said permit shall be as set forth in the village schedule of fees.

2.2.5.5. Village of W. Haverstraw

- Local Law No. 4, 2016 – Sidewalks
 - ***Local permits and approvals not required per PSL §130***
 - § 208-2 Construction of sidewalks or curbs. The Village shall be responsible for the maintenance, repair and/or removal of sidewalks and curbs located on Village property or within any Village right of way along a public street. Except where expressly authorized by resolution of the Village Board, no person, including any adjacent property owner. It shall be

unlawful for any person to-shall construct, repair, replace or remove an existing sidewalk or curb of concrete, stone or similar material in or on any Village property or public right of way. [sic] Village without first obtaining from the Village Clerk, who shall act under the direction of the Board of Trustees of the Village, a location and grade for such sidewalk and curb. The Village Board-shall determine, in its sole discretion, whether and where to construct, repair, replace or remove any such sidewalk or curb.

- Local Law No. 9, 2017 – Noise
 - § 147-2 Statement of policy. It is hereby declared to be the policy of the Village of West Haverstraw to safeguard the right of its residents within the privacy of their, homes to be free from intrusive unwanted sounds. Problems concerning the disturbance of peace and quiet, by noise from various activities are best solved by thoughtful discussions and cooperative agreements between affected parties. However, to resolve remaining problems of noise which is disturbing to others, it is the policy of the Village of West Haverstraw to establish standards, variance procedures, enforcement procedures and penalties.
 - § 147-4 Method of sound-level measurement; unregulated activities; maximum levels. No person, including any owner or occupant, of any premises shall operate or permit to be operated or use or cause to be operated in the Village of West Haverstraw any sound source that, produces a sound level exceeding the limitations in this section. The measurement of any sound or noise shall be made with a sound level meter using the A-weighted scale and slow response except for sounds or noises which occur in single or multiple bursts with a duration of less than one second for which fast response shall be used. The sound level determination or measurement shall be conducted not nearer to the sound source than the closest property line of the parcel on which such noise is generated, except where otherwise specified, and in no case on public or private streets. When the determination or measurement is made for a dwelling unit of a multi-dwelling unit building as the receiving property, all exterior doors and windows of the dwelling unit shall be closed and the determination or measurement shall be taken in the center of a room.
 - B. Other activities. Noise produced by other activities on properties within any residential or nonresidential zoning district shall not exceed 60 dB(A) during the hours of 8:00 a.m. to 6:00 p.m. or 45 dB(A) during the hours of 6:00 p.m. to 8:00 a.m. on any other property

used for residential purposes within any residential zoning district unless otherwise permitted in § 147-7, Exceptions. However, the restrictions contained in this Subsection B shall not be applicable to specific activities or noise sources that are subject to and governed by § 147-5, 147-6 and/or § 147-7.

- §147-5. Prohibited acts. The following acts are declared to be excessive, unusually loud, unusually disturbing and unnecessary noises in violation of this chapter:
 - K. Exhaust and mufflers. No person shall cause or permit the operation of any device, vehicle, construction equipment or lawn maintenance equipment, including but not limited to any diesel engine, internal combustion engine or turbine engine, that has been modified or become defective so as to cause the level of sound emitted to be greater than that emitted as originally manufactured.
- § 147-7. Exceptions.
 - E. Sounds created by public utilities in carrying out the operations of their franchise are exempted from the limitations of this chapter.
- Local Law No. 1, 2018
 - Chapter 209 – Road Excavations
 - Article I – Regulations Relating to Utilities
 - § 209-1. Permit required.
 - ***Local permits and approvals not required per PSL §130***
 - A. It shall be unlawful for any utility or municipal corporation to make an excavation in or disturb the surface of any Village street, road, sidewalk, public right-of-way road, or other Village property for the purpose of installing or repairing sewer, water, drainage, gas, telephone, cable television or other utilities, or for any other reason, without a permit, in writing, from the Village Superintendent of Public Works. A separate permit shall be required for each and every road opening.
 - B. In the event an emergency requires an excavation at such time or times when the Village offices shall be closed, the applicant

shall notify the Haverstraw Town Police Department of the proposed excavation and the next business day the applicant shall make proper application for a permit in the same manner as if there had been no emergency.

- C. Openings are not permitted on Saturdays, Sundays or Holidays, unless an emergency exists, such as a water leak, gas leak or sewer stoppage.
 - D. Permits shall have a thirty-day duration unless for a large project, in which case any longer duration is to be approved by the Superintendent of Public Works or his designee, in advance, upon a showing deemed acceptable by same. If work is not completed within the permit period applicant must apply for an extension, in an amount established by resolution of the Village Board. No extension of a permit granted for work between November 15 and April 1 shall be granted, except for good cause shown.
- § 209-4. Safe crossings and barricades. The permittee shall maintain safe and adequate crossings along the line of opening and keep the opening properly guarded by suitable barricades and warning signs, and provide flagmen and detour signs where necessary during the day and by barricades and lights at night.
 - § 209-5. One-half of road opened.
 - If the permit work requires the excavation of the full width of the road, only one-half of the road shall be opened at any point in time, which half shall be properly backfilled before the other half is opened so as to permit the free flow of traffic. In some cases it may be possible to open on each side of the road and jack or drive a pipe from opening to the other. This should be done whenever possible. The road must be kept open to traffic at all times and the utility or its contractor shall take all necessary precautions for the safety of the traveling public, whenever necessary supplying flagmen, lights, barricades, signs, etc. A permit to close the road to traffic will only be issued in the most unusual circumstances, and a permit allowing closure shall expressly provide for such condition.
- §209-7. Backfilling.

- B. All backfill must be with a pervious material such as stone screening, second-grade crushed stone, sand, run-of-bank gravel or other pervious material acceptable to the Village. Soils containing a high percentage of clay, loam or silt shall not be used. The backfill material shall be moistened and mechanically tamped until thoroughly compacted. All excess material shall be removed from the roadway.
 - C. Upon completion of the backfill, a temporary pavement shall be provided. Such temporary pavement shall be maintained by the applicant until the permanent pavement is installed.
- § 209-8. Restoration and maintenance.
 - A. The utility or its contractor shall restore all road openings in accordance with the methods and procedures set forth in this Chapter, or in any regulations, reasonably established hereunder, and, thereafter, shall maintain such areas for a period of not less than two years, performing such additional work as may be necessary to make good any deficiencies that may develop due to settlement, shrinkage or other causes. The two-year maintenance period shall start from the date the permanent restoration has been made and approved.
 - B. Permanent pavement shall be installed prior to November 15 for openings, except upon application to, and with the prior approval of, the Superintendent of Public Works or his designee.
 - C. Any street opening or excavation performed within five years of a road restoration project by the Village shall require permittee restoration from road edge to road edge or curb to curb, except upon application to, and approval by, the Village Board. Restoration may include milling, if reasonably necessary to restore the condition of the road to that which existed before the street opening or excavation, and shall include resurfacing.
 - D; Any street opening or excavation performed more than five years after a road restoration project by the Village shall require permittee restoration to 1/2 the width of the road, except upon application to, and approval by, the Village Board. Restoration may include milling, if reasonably necessary to restore the condition of the road to that which existed before the

street opening or excavation, and shall include resurfacing.

- E. In its discretion, the Village may relieve the permittee of the obligation to mill and pave, or to pave, as may be required by this section, where the Village and the permittee enter into an agreement, pursuant to which the permittee pays to the Village the cost of restoration. In such event, the permittee shall have no further maintenance responsibility for the areas opened or excavated, except as may result from the work performed by the permittee.
 - F. All temporary and permanent restorations, including methods and materials, shall be performed in accordance with regulations adopted by the Superintendent of Public Works, as approved by the Village Board.
- § 209-9. Shoulder trenches. Shoulder trenches shall be replaced with a pervious material to within six inches of the surface. The final six inches shall consist of second-grade crushed stone thoroughly rolled to the contour" pf the road.
 - § 209-10. Responsibility for damage. In the event the permittee shall make any opening or excavation, such permittee shall be responsibility for any damage or injury that may occur as a direct result of such opening or excavation from the time of the opening through and including the two-year maintenance period.
 - §209-11. Insurance. Before any Road Opening Permit shall be issued, the utility or municipal corporation will be required to file with the Village adequate and satisfactory evidence that it, and any contractor it utilizes, is covered by public liability insurance with limits of not less than \$2,000,000, and \$2,000,000 excess, for Bodily Injury, and \$500,000 for Property Damage, naming the Village, its officers, employees and agents as Additional Insured thereon. In the event the utility or municipal corporation is self-insured, it may submit, in lieu of the above required coverage, documentation of such self-insured status, together with an indemnification in favor of the Village, its officers, employees and agents, both in a form approved by the Village. In addition to Utility insurance, the permittee and its contractor shall provide adequate evidence of workers compensation and disability coverage, in form and amounts required by law. Said certificates of insurance shall be reviewed and approved by the Village Attorney.

- §209-12. Winter excavations. No opening permits shall be issued between November 15 and April 1 (the "winter months"), unless an emergency exists which may pose a danger to the public health, safety or welfare to persons or property. Because proper restoration cannot generally be made during the winter months, the following rules and regulations will pertain during this period:
 - (i) the backfill of all trenches or openings made during the winter months shall only be with screenings, second-grade crushed stone or pre-approved run-of-bank gravel, and if the opening is in shoulder, the last nine inches shall be made with second-grade crushed stone thoroughly rolled to the contour of road. If the opening is in pavement, there shall be placed in the trench six inches of one and one-half inch crushed stone, dust bound, and surfaced with three inches of compacted bituminous concrete. No rocks larger than five inches in any direction or frozen dirt shall be placed in the trench as backfill.
 - (ii) Notwithstanding anything which may appear to the contrary in this Chapter, or the permit application and regulations, the applicant by accepting the permit assumes all responsibility for the maintenance of said opening from November 15 to April 1 and further assumes all liability for damages resulting from or in any way connected therewith during this period and the further period of maintenance.
- §209 13. Guarantee against loss. By accepting a permit, and performing work thereunder, the utility, or municipality if it is employing its own forces for the road opening covered by the permit, and its contractor, if the work is being done by contract for the municipality or municipal agency, agrees to indemnify and hold harmless the Village, its officers, employees and agents from any and all claims, injuries, damages, causes of action or other liability of any kind whatsoever, including attorneys' fees, action resulting from any negligence or fault of the permittee, its agents or servants in connection with the work covered by the permit.
- § 209 14. Village list of scheduled improvements.
 - All utilities or municipal corporations proposing to install or repair sewer, water, drainage, gas, telephone, cable television or other utilities in, on or over any street, sidewalk or any public right-of-way in the Village, or otherwise dig in or open, the same, shall be

responsible for reviewing the Village's list of streets and sidewalks scheduled for repair or reconstruction, to be maintained by the Department of Public Works, and shall make provision to undertake and complete any such work, except emergency work, that might result in the opening or use of any such, street, sidewalk or public right-of-way, prior to or during the construction of the project undertaken by the Village.

- Except as otherwise set forth in § 209-8, no opening permit shall be issued, nor shall any excavation or opening be made, in any street, sidewalk or any public right-of-way, in which a road restoration project by the Village has been completed within five years prior to the date of the application for such permit unless the Village Board, by resolution, shall approve the issuance of such permit. In such a circumstance, the Village Board may impose whatever conditions and additional charges it deems necessary in the granting of such permit.

Article II – Regulations Other Than Utility

- § 209-16. Permit required.
 - A. It shall be unlawful for any person, firm, corporation or other entity to make an excavation in or disturb the surface of any Village street, sidewalk, public right-of-way, or other Village property for the purpose of installing or repairing sewer, water, drainage, gas, telephone, cable television or other utilities, or for any other reason, without a permit, in writing, from the Village Superintendent of Public Works. A separate permit shall be required for each and every road opening.
 - B. In addition, any excavation within the road or right-of-way for the installation or replacement of driveway aprons, sidewalks or curbs, or any occupancy of the sidewalk or street area will require a permit.
 - C. The area of opening under this permit is limited to 10 square yards.
- § 209-18 - Insurance
 - Before any Opening Permit will be issued, the permittee or their contractor will be required to file with the Village adequate and satisfactory evidence, that each is covered by public liability insurance with limits of not less than \$2,000,000, and \$2,000,000 excess, for

BODILY Injury, and \$500,000 for Property Damage, each naming the Village, its officers, employees and agents as Additional Insured thereon, and that under this coverage, it will guarantee to indemnify the parties named above. In addition to liability insurance, the permittee and its contractor shall provide adequate evidence of workers compensation and disability coverage, in form and amounts required by law. Said certificates of insurance shall be reviewed and approved by the Village Attorney.

- §209-21. Inspection by Village. The Village shall inspect the opening at the time of opening, prior to backfilling, and upon temporary and permanent restoration, and at various intervals during the work, as deemed reasonable by the Superintendent of Public Works. A fee shall be charged for each such inspection. The applicant shall specify on the application the date the excavation is to be made. If the permittee fails to open the road on the date specified, unless the Village office is notified the day before, inspection fees will be charged for every day failed to do so. However, no openings shall be made on Saturdays, Sundays or holidays unless an emergency exists such as a water or gas leak or sewer stoppage.
- § 209-22. Exercise of care. In making the excavation the permittee shall preserve the roadway from unreasonable destruction and shall cause the excavation, installation or repair of utility and backfilling to be one continuous operation.
- § 209-23. Safe crossings and barricades. The permittee shall maintain safe crossings along the line of opening and keep the same property guarded by suitable barricades and warning signs, and provide flagmen and detour signs where necessary during the day and by barricades and lights at night.
- §209-24. One-half of road opened. If the permit work requires the excavation of the full width of the road, only one-half of the road shall be opened at any point in time, which half shall be properly backfilled before the other half is opened so as to permit the free flow of traffic. In some cases it may be possible to open on each side of the road and jack or drive a pipe from one opening to the other. This should be done whenever possible. The road must be kept open to traffic at all times and the utility or its contractor shall take all necessary precautions for the safety of the traveling public, whenever necessary supplying flagmen, lights, barricades, signs, etc. A permit to close the road to traffic will only be issued in the most unusual circumstances, and a permit allowing closure shall expressly provide for such condition.

- §209-25. Approval for tunneling. Tunneling or mechanical methods of boring under the road for service installations may be permitted only on written approval of the Village Superintendent of Public Works, or his representative.
- §209-26. Backfilling.
 - A. All backfill must be with a pervious material such as stone screening, second-grade crushed stone, sand, run-of-bank gravel or other pervious material acceptable to the Village. Soils containing a high percentage of clay, loam or silt shall not be used. The backfill material shall be moistened and mechanically tamped until thoroughly compacted. All excess material shall be removed from the roadway.
 - B. Upon completion of the backfill, a temporary pavement shall be provided. Such temporary pavement shall be maintained by the applicant until the permanent pavement is installed.
- § 209-27. Temporary repair by Village. In the event the Village is required to make temporary and permanent restoration of pavement, due to the failure of the permittee to do so, as directed by the Superintendent of Public Works, the Village may do so at the expense of the permittee.
- § 209-28. Restoration and maintenance.
 - A. The permittee shall restore all road openings in accordance with the methods and procedures set forth in this Chapter, or in any regulations reasonably established hereunder, and, thereafter, shall maintain such areas for a period of not less than two years, performing such additional work as may be necessary to make good any deficiencies that may develop due to settlement, shrinkage or other causes. The two-year maintenance period shall start from the date the permanent restoration has been made and approved.
 - B. Permanent pavement shall be installed prior to November 15 for openings, except upon application to, and with the prior approval of, the Superintendent of Public Works or his designee.
 - C. Any street opening or excavation performed within five years of a road restoration project by the Village may require permittee restoration from road edge to road edge or curb to curb, except upon application to, and approval by, the Village Board. Restoration may include milling, if reasonably necessary to restore the

condition of the road to that which existed before the street opening or excavation, and shall include resurfacing.

- D. Any street opening or excavation performed more than five years after a road restoration project by the Village may require permittee restoration to 1/2 the width of the road, except upon application to, and approval by, the Village Board. Restoration may include milling, if reasonably necessary to restore the condition of the road to that (which existed before the street opening or excavation, and shall include resurfacing.
 - E. In its discretion, the Village may relieve the permittee of the obligation to mill and pave, or to pave, as may be required by this section.
 - F. All temporary and permanent restorations, including methods and materials, shall be performed in accordance with regulations adopted by the Superintendent of Public Works, as approved by the Village Board.
- § 209-29. Shoulder trenches.
 - Shoulder trenches shall be replaced with a pervious material to within six inches of the surface. The final six inches shall consist of second-grade crushed stone thoroughly rolled to the contour of the road.
 - § 209-30. Responsibility for damage. In the event the permittee shall make any opening or excavation, such permittee shall be responsibility for any damage or injury that may occur as a direct result of such opening or excavation from the time of the opening through and including the two-year maintenance period.
 - § 209-31. Insurance. If the work of opening and/or restoration is to be performed by a contractor, the contractor must first file with the Superintendent of Public Works adequate and satisfactory evidence, in the form of a certificate of insurance, that he is covered by public liability insurance in the amounts of \$1,000,000 to \$2,000,000 and \$500,000 for property damage, and that under this coverage, or by separate policies in the above amounts, the Village of West Haverstraw is named and fully indemnified. The contractors, must also file with the Superintendent of Public Works adequate and satisfactory evidence that he is fully covered for workers' compensation

insurance. Said certificates of insurance shall be reviewed and approved by the Village Attorney.

- § 209-32. Restoration by Village. If the permittee shall not have received permission to restore the pavement, the Village will restore the pavement excavated, and the deposit made by the permittee shall be used in defraying expense of making such restoration, the inspection cost and the permanent maintenance of such opening. A refund will be made to permittee of any balance remaining of the deposit made, refund shall be made through the regular Village voucher within six months after the opening has been restored.
- § 209-33. Winter excavations.
 - A. No opening permits will be issued between November 15 and April 1 unless an emergency exists which may pose a danger to the public health, safety or welfare, or to property. In the event an emergency exists and permits are necessary, the deposits will be doubled and the fees increased for such permits during this period, due to the fact that proper pavement repairs cannot be made during the winter, and the following rules and regulations will pertain during this period.
 - i) The backfill of all trenches, during the winter period shall only be made with screenings, second-grade crushed stone or approved run-of-bank gravel, and if the opening is in shoulder, the last nine inches shall be made with second-grade crushed stone thoroughly rolled to contour of road. If the opening is in pavement, there shall be placed in the trench six inches of one and one-half inch crushed stone, dust bound, and surfaced with three inches of compacted bituminous concrete. No rocks larger than five inches in any direction or frozen dirt shall be placed in the trench as backfill.
 - (ii). Notwithstanding anything which may appear to the contrary in this permit application and regulations, the applicant by accepting this permit assumes all responsibility for the safe maintenance of said opening from November 15 to April 1 and further assumes all liability for damages resulting from or in any way connected therewith during this period.
- §201 -34. Guarantee against loss. By accepting a permit, and performing work thereunder, the permittee and its contractor, if

the work is being done by contract, agrees to indemnify and hold harmless the Village, its officers, employees and agents from any and all claims, injuries, damages, causes of action or other liability of any kind whatsoever, including attorneys' fees, action resulting from any negligence or fault of the permittee, its agents or servants in connection with the work covered by the permit.

2.2.5.6. Town of Stony Point

- Local Law No. 2, 2013 Adopting New Zoning Law
 - § 215-72. Freshwater wetlands protection and buffer requirements
 - A. Any lot or site containing freshwater wetlands shall comply with the requirements of Chapter 116, Freshwater Wetlands. Any wetland located within the Town of Stony Point is deemed a freshwater wetland and shall be subject to the requirements contained in Chapter 116 and the regulations contained herein.
 - B. The following additional standards shall apply to freshwater wetlands located in the Town of Stony Point. These regulations are in addition to any requirements that may be imposed by the New York State Department of Environmental Conservation or the United States Army Corps of Engineers (ACOE) for activities effecting freshwater wetlands regulated by said agencies. Where a conflict exists, the regulations that are most protective of freshwater wetlands shall apply.
 - (1) It shall be a matter of Town policy to limit disturbance in close proximity to any freshwater wetland in the Town. No building, structure or impervious surfaces shall be situated, nor shall grading of land or clearcutting of vegetation be permitted within the required wetland conservation buffer areas established herein. For any freshwater wetland regulated by the New York State Department of Environmental Conservation or equal to or greater than 12.4 acres in size, the minimum freshwater wetland conservation buffer shall be 100 feet. For any freshwater wetland regulated by the United States Army Corps of Engineers, the freshwater wetland conservation buffer shall be in accordance with any conditions established by said agency as part of its permitting process.

- (2) Regulated activities. No building permit shall be issued, nor shall any site plan or subdivision plan be approved except in conformity with these regulations. The following activities shall not be permitted within a wetland conservation buffer without first obtaining Planning Board approval:
 - (a) The construction of a building, structure or impervious surface or grading or filling activities exceeding 200 square feet.
 - (b) Any disturbance exceeding 500 square feet shall require Planning Board approval. The maximum amount of fill placed within a wetland conservation buffer shall not exceed 100 cubic yards.
 - (c) Clearcutting of existing vegetation exceeding 10% of the wetland conservation buffer; however, in no case shall said disturbance be conducted within 25 feet of the streambank.
- (3) Town Engineer approval required for utility installation within a wetland conservation buffer for existing uses. Drainage by ditches, underdrains or other systems shall be approved by the Town Engineer in accordance with § 215-112 of this Zoning Chapter. Disturbance shall be minimized to the maximum extent practicable. Nothing herein shall be construed to permit alteration to the stream's natural course. Subsequent to installation, the disturbed area of the stream conservation buffer shall be restored to its natural state.
- (4) For regulated activities, the distances established herein shall be considered the minimum setback and may be increased depending on the nature of the terrain, the proposed disturbance and potential impacts to the stream that may result.
- § 215-72.1. Stream protection
 - A. Purpose. Stream and riparian areas, the habitat bordering streams, are critical for water quality protection, erosion control, and as a living environment

for many species of birds and wildlife. The riparian area adjacent to the stream shall be herein referred to as the stream conservation buffer. One of the most important methods of protecting stream quality is to limit stream disturbance within close proximity to a stream and its riparian area. The New York State Department of Environmental Conservation has established a water quality classification system for streams and designated the streams in the Town of Stony Point in accordance with this system.

- (1) Stream conservation buffer area. No building permit shall be issued, nor shall any site plan or subdivision plan be approved, except in conformity with these regulations. Activities shall be regulated within any stream conservation buffer area, defined as that area measured perpendicular to a stream and located within a minimum distance from the stream established herein, or such greater distance as may be established by any permitting agency with authority over streams. The minimum distances are as follows:
 - (a) Seventy-five feet of the top of the streambank of a stream designated trout spawning (TS) or trout production (T) waters:
 - (b) Fifty feet of the top of a streambank of a stream designated A, B or C streams.
 - (c) Twenty-five feet of the top of a streambank designated D or any non-designated stream.
 - (d) No stream buffer is required for intermittent or ephemeral streams, however, the Town Engineer shall review and approve any activity requiring a building permit that would fill, grade, reroute or otherwise alter a non-designated intermittent or ephemeral stream to ensure that said activity shall not have a negative impact on drainage and property or otherwise negatively impact the proper functioning of said stream. The Planning Board shall

approve said activities in conjunction with site plan or subdivision plan review. NYSDEC's manual entitled "Stream Corridor Management" shall be used as a guide in decision-making. To the maximum extent practicable, the intermittent stream should be left in its natural state.

- (2) Regulated activities. No building permit shall be issued, nor shall any site plan or subdivision plan be approved except in conformity with these regulations. The following activities shall not be permitted within a stream conservation buffer without first obtaining Planning Board approval:
 - (a) The construction of a building, structure or impervious surface or grading or filling activities exceeding 200 square feet. The maximum amount of fill placed within a stream conservation buffer shall not exceed 100 cubic yards.
 - (b) Any disturbance exceeding 500 square feet shall require Planning Board approval.
 - (c) Clearcutting of existing vegetation exceeding 200 square feet and in no case shall said disturbance be conducted within 25 feet of the streambank.
- (3) Town Engineer approval required for utility installation within a stream conservation buffer for existing uses. Drainage by ditches, underdrains or other systems shall be approved by the Town Engineer in accordance with § 215-112 of this Zoning Chapter. Disturbance shall be minimized to the maximum extent practicable. Nothing herein shall be construed to permit alteration to the stream's natural course. Subsequent to installation, the disturbed area of the stream conservation buffer shall be restored to its natural state.
- (4) For regulated activities, the distances established herein shall be considered the minimum setback and may be increased

depending on the nature of the terrain, the proposed disturbance and potential impacts to the stream that may result.

- (5) These regulations are in addition to any regulations or requirements that may be imposed by the New York State Department of Environmental Conservation, the United States Army Corps of Engineers or other county, state or federal agency for activities affecting streams. Where any conflict exists, the regulations that are more protective of the area regulated herein shall apply.
- Local Law No. 4, 2018
 - Section 3. Amendment
 - Chapter 112, Section (6)(A) of the Town Code is hereby amended to add § 112(6)(A)(4) and shall read as follows:
 - § 112(6)(A). Basis for establishing areas of special flood hazard.
 - (4) Notwithstanding the provisions of subsections (1), (2), and (3), above, with respect to the real property identified on the Town of Stony Point Tax Map as Section 20.02, Block 11, Lot 7.1 and 9, the areas of special flood hazard are identified on the "Revised Base Flood Elevation Map" dated March 27, 2018 prepared by Brooker-Engineering PLLC, and the documents supporting said Map.

TABLES

Table 1 Village of Scotia Local Law and Ordinance Waiver Requests			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Chapter 250 – Zoning Permitted Use § 250-11 § 250-17 § 250 -28	Electric transmission/public utility uses are not specifically listed as permitted uses within the following zoning districts: Single Residence District; Business Residence District; and General Business District.	Factors of cost and economics	<p>The Project’s planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, the Applicants would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p> <p>Moreover, it is reasonably necessary to locate the Project in this/these zoning district(s) in order to render safe and adequate service. The Project is a linear project whose overland construction will predominately occur along existing railroad rights-of-way. Re-routing of the Project around certain zoning districts would serve to lengthen its distance, affect more jurisdictions and increase overall Project impacts.</p>

Table 2
Town of Glenville
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
Permitted Uses § 270-19.1	Electric transmission/public utility uses are not specifically listed as permitted uses within the Highway Commercial District.	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, the Applicants would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p> <p>Moreover, it is reasonably necessary to locate the Project in this/these zoning district(s) in order to render safe and adequate service. The Project is a linear project whose overland construction will predominately occur along existing railroad rights-of-way. Re-routing of the Project around certain zoning districts would serve to lengthen its distance, affect more jurisdictions and increase overall Project impacts.</p>

Table 3
Town of Rotterdam
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
Chapter 270 – Zoning Permitted Uses § 270-17 § 270-91.1	Electric transmission/public utility uses are not specifically listed as permitted uses within the A-1 Rural Zoning District and Land Conservation Overlay District.	Factors of cost and economics	<p>The Project’s planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, the Applicants would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p> <p>Moreover, it is reasonably necessary to locate the Project in this/these zoning district(s) in order to render safe and adequate service. The Project is a linear project whose overland construction will predominately occur along existing railroad rights-of-way. Re-routing of the Project around certain zoning districts would serve to lengthen its distance, affect more jurisdictions and increase overall Project impacts.</p>
Local Law No. 16, 2019 Chapter 188 - Noise	<ul style="list-style-type: none"> • Unlawful for any person to make, continue, cause, permit or allow, verbally or mechanically, any noise disturbance • Lists acts declared to be loud, disturbing or unnecessary including unloading trucks, exhaust, construction/demolition/excavation, noise from tools 	Existing technology and factors of cost and economics	Waivers requested during Project construction with regard to noise level and vibration limits. Construction activities will result in transient and temporary increases in ambient noise levels and vibration along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. The Applicants and their contractors

	<ul style="list-style-type: none"> • Prohibits noise from tools between hours of 9 pm and 6 am or any other time when noise is determined unnecessary or unreasonable • Prohibits vibration under certain circumstances 	<p>will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels and vibration measured in the field to fixed numerical maximums stated within its text, the noise law employs the subjective term “unreasonable”, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable noise will vary from person to person, depending upon the precise activity occurring at the Project site, and the Applicants cannot and do not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer’s determination to local officials, whose own opinions on compliance could differ. Consequently, the Applicants’ onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise and vibration law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the</p>
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			<p>cable being laid according to a strict schedule.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
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Table 4
Town of Bethlehem
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
Permitted Uses § 128-27	Electric transmission/public utility uses are not specifically listed as permitted uses within the Residential A District (RA).	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, the Applicants would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p> <p>Moreover, it is reasonably necessary to locate the Project in this/these zoning district(s) in order to render safe and adequate service. The Project is a linear project whose overland construction will predominately occur along existing railroad rights-of-way. Re-routing of the Project around certain zoning districts would serve to lengthen its distance, affect more jurisdictions and increase overall Project impacts.</p>

Table 5
Town of Catskill
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
§123.2 Noises prohibited. § 123.3 Enforcement	<ul style="list-style-type: none"> No person shall make or cause to be made any distinctly and loudly audible sound that unreasonably annoys, disturbs, injures, endangers or affects the comfort, repose, health, peace, safety or welfare of any reasonable person of ordinary sensibilities or precludes their enjoyment of property or affects their property's value within the geographical boundaries of the Town of Catskill. Lists noise events constituting prima facie evidence of a violation 	Existing technology and factors of cost and economics	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. The Applicants and their contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs the subjective term “unreasonable”, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable noise will vary from person to person, depending upon the precise activity occurring at the Project site, and the Applicants cannot and do not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer’s determination to local officials, whose own opinions on</p>

			<p>compliance could differ. Consequently, the Applicants' onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
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Table 6
Village of Catskill
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
Permitted Uses § 3.8.3	Electric transmission/public utility uses are not specifically listed as permitted uses within the Waterfront District.	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, the Applicants would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p> <p>Moreover, it is reasonably necessary to locate the Project in this/these zoning district(s) in order to render safe and adequate service. The Project is a linear project whose overland construction will predominately occur along existing railroad rights-of-way. Re-routing of the Project around certain zoning districts would serve to lengthen its distance, affect more jurisdictions and increase overall Project impacts.</p>

Table 7
Town of Clarkstown
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
Permitted Uses § 290-6(M) § 290-6(D) § 290-6(L) § 290-6(C) § 290-6(P) § 290-6(Y) § 290-6(X)	Electric transmission/public utility uses are not specifically listed as permitted uses within the M: Manufacturing District; R-15: Medium Density Residence; LIO: Light Industrial Office; R-22 Medium Density Residence; MF-2: Multi Family 9-13 Units; COS: Commercial Office Support, and; CO: Commercial Office.	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, the Applicants would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p> <p>Moreover, it is reasonably necessary to locate the Project in this/these zoning district(s) in order to render safe and adequate service. The Project is a linear project whose overland construction will predominately occur along existing railroad rights-of-way. Re-routing of the Project around certain zoning districts would serve to lengthen its distance, affect more jurisdictions and increase overall Project impacts.</p>

Table 8
Town of Stony Point
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
Permitted Uses § 215-21	Electric transmission/public utility uses are not specifically listed as permitted uses within the MHC: Manufactured Housing District; BU: Business District, and; SRC: Senior Citizen Housing District.	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, the Applicants would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p> <p>Moreover, it is reasonably necessary to locate the Project in this/these zoning district(s) in order to render safe and adequate service. The Project is a linear project whose overland construction will predominately occur along existing railroad rights-of-way. Re-routing of the Project around certain zoning districts would serve to lengthen its distance, affect more jurisdictions and increase overall Project impacts.</p>

Table 9
Village of West Haverstraw
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
Local Law No. 1, 2018 Chapter 209 – Road Excavations § 209-1 § 209-12	<ul style="list-style-type: none"> • Openings are not permitted on Saturdays, Sundays or Holidays, unless an emergency exists, such as a water leak, gas leak or sewer stoppage. • No opening permits shall be issued between November 15 and April 1 (the "winter months") 	Factors of Cost and Economics	These local requirements constrain road construction means, methods, procedures, and scheduling in ways that could and would conflict with New York State Department of Transportation requirements and the Environmental Management and Construction Plan approved by Commission staff and NYSDOT. In particular, blackout periods could severely delay completion of roadwork in Rockland County and increase community impacts.