



**Chapter 285**  
**ZONING**

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**ARTICLE I**  
**Intent, Applicability and Definitions**

**285-1. Title.**

This chapter shall constitute and be known as “The Zoning Ordinance of the City of Cohoes,” New York, heretofore known as the “Cohoes Zoning Ordinance” and may be cited as such.

**285-2. Intent; word usage.**

- A. The intent of this chapter is not to cause harm to property owners of Cohoes; to encourage appropriate and orderly physical development; promote public health, safety, convenience and general welfare; classify, designate and regulate the location and use of buildings, structures and land for mixed use, residential, commercial, industrial or other uses in appropriate places; and, for said purpose, to divide into districts of such number, shape and area as may deemed best suited to carry out these regulations and provide for their enforcement.
- B. This chapter is one of the key mechanisms for implementing the City’s long-term planning goals which will guide development in Cohoes to provide a balance of developed uses and open space throughout the City; to create residential neighborhoods close to but not negatively impacted by recreation, employment and shopping opportunities; and to avoid the negative impacts of uncontrolled access and demands for inefficient expansion of public utilities.
- C. These regulations are in accordance with the City’s long-term planning goals and have been made with reasonable concern for the character of each district and their suitability for particular uses.
- D. For the purposes of this chapter, all terms used in the present tense include the future tense. All terms in the plural number include the singular number, and all terms in the singular number include the plural number, unless the natural construction of the term indicates otherwise. The term “person” includes a firm, association, organization, partnership, trust, company or individual. The term “shall” is mandatory and directory. The term “may” is permissive. The term “used” includes the terms “designated, intended or arranged to be used.”

**285-3. Applicability.**

- A. Except as herein provided, no building or land in the City of Cohoes shall be used or occupied nor shall any building or part thereof be erected, moved or altered unless in conformity with the regulations of this chapter. Existing buildings, structures and uses, which do not comply with the regulations of this chapter, shall be allowed to continue subject to the provisions of Article VIII of this chapter relating to nonconformities.

- B. The provisions of this chapter shall be separable in accordance with the following rules:
- (1) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, the City will change promptly, and such judgment shall not affect any other property, building or structure.
  - (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure.

**285-4. When effective; lawfully issued variances or special use permits; pending applications.**

- A. This chapter shall become effective 30 days from the date of adoption. Except as specified in subsequent amendments to this chapter, the effective date shall be August 12, 2006.
- B. Any variance or special use permit which could be lawfully issued under the most recent provisions of this chapter shall continue to be valid. Any variance or special use permit which could not be issued after the effective date of these regulations shall be allowed to continue subject to the provision of Article VIII relating to nonconformities.
- C. Any construction or alteration of a building or structure which has not yet obtained a certificate of occupancy but which has commenced construction at least 90 days before the effective date in accordance with a valid building permit shall be allowed to complete construction. If such building or use is not in conformance with the regulations of this chapter it shall be subject to the provisions of Article VIII relating to nonconformities.
- D. This chapter and any amendments thereof shall apply to all applications pending and not yet finally decided on the date of adoption except that in any case where a public hearing has been held, the application shall be decided in accordance with the law in effect on the date of such hearing.

**285-5. Definitions.**

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

ACCESSORY DWELLING – A second residential structure that is found on the same lot as the principal dwelling and is not connected to said principal dwelling.

ADULT – Any person 18 years of age or older. (A minor is any person under the age of 18).

**ADULT BOOKSTORE** – An establishment having any portion of its stock-in-trade books, magazines, videos, computer software, or other periodicals, films or viewing on the premises by use of motion-picture devices or any other coin-operated means, and materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or male or female genitalia, anatomical areas or an establishment with a segment or section devoted to the sale or display of such material, and which establishment customarily excludes any minor by virtue of age.

**ADULT ENTERTAINMENT CABARET** – A public or private establishment, or any part thereof, which presents any of the following entertainments or services on one or more occasions for observation by patrons therein and which is operated for profit; topless female dancers; strippers; male or female impersonators; exotic dancers; topless waitressing, bussing or service; or service or entertainment where the servers or entertainers wear pasties or G-strings or both. Adult entertainment cabarets customarily exclude minors by reason of age.

**ADULT PEEP SHOW** – A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

**ADULT THEATER** – A theater that customarily presents motion pictures, films, videotapes or slide shows, that are open to the public generally but excludes any minor by reason of age whether or not they are accompanied by a parent or guardian.

**ADULT USE** – See “adult bookstore,” “adult entertainment cabaret,” “adult theater” and “adult peep show.”

**A-FRAME SIGN** – A portable sign with two or more steeply angled sides.

**ALLEY** – A publicly or privately owned service-way less than 22 feet in width providing a secondary means of access to abutting properties.

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

**ANIMAL HOSPITAL** – A facility providing animal medical care, run by a licensed Doctor of Veterinary Medicine (DVM).

**APARTMENT** – See “dwelling, multifamily.”

**ARCHITECTURAL FEATURE** – A prominent or significant part or element of a building, structure or site.

**HISTORIC PRESERVATION AND ARCHITECTURAL REVIEW BOARD(ARB)** – A board appointed by the Common Council that evaluates design proposals and issues a certificate of appropriateness for the Historic Overlay District.

**AREA OF SHALLOW FLOODING** – A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM), with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

**AREA OF SPECIAL FLOOD HAZARD** – The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 - 99, V, VO, VE or V1 - 30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

**ATTENTION-GETTING DEVICE** – Any flag, streamer, spinner, light, balloon or similar device or ornamentation used for purposes of attracting attention for promotion.

**AWNING and/or CANOPY** – A roof-like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

**AWNING and/or CANOPY SIGN** – Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

**BANNER** – Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges.

**BAR OR TAVERN** – A business establishment with a New York State Liquor License authorizing sale of liquor for on-premises consumption in which liquor sales represent 25 percent or more of sales receipts.

**BASEMENT** – A story partly underground but having at least 1/2 of its height above finished grade.

**BASE FLOOD** – The flood having a one-percent chance of being equaled or exceeded in any given year.

**BED AND BREAKFAST** – A dwelling in which overnight accommodations and breakfast are provided or offered for transient guests for compensation.

**BERM** – An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.



**BILLBOARD** – A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any uses of premises wherein it is displayed or posted.

**BOARDING OR ROOMING HOUSE** – A dwelling where not less than five or more than 10 unrelated persons are furnished sleeping accommodations or lodged for a fee with or without meals.

**BOAT LAUNCH** – Access provided by a graded area for watercraft to be dropped into and removed from the water.

**BREAKAWAY WALL** – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**BUFFER** – A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features.

**BUILDING** – Any structure having a roof supported by columns, piers or walls and intended for commerce, shelter, housing or enclosure of persons, animals or chattel.

**BUILDING, ACCESSORY** – A subordinate building, including tool or storage sheds, playhouses, and playsets, located on the same lot with the principal building, occupied by or devoted to an accessory use. Where an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the principal building.

**BUILDING, PRINCIPAL** – A building in which is conducted the main use of the lot on which said building is located.

**BUILDING AREA** – The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

**BUILDING DIRECTORY SIGN** – a sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

**BUILDING HEIGHT** – The vertical dimension measured from the average elevation of the finished grade adjoining the exterior walls of a building to the highest point of the roof for flat roofs, to the deck-line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**BUILDING FRONTAGE** – The width of a building facing a street or public parking lot; in the case of a corner lot, it may be either frontage at the option of the applicant. Where a mall exists, ‘building frontage’ shall mean that portion of the building perimeter facing a street or designated parking areas; in the case of two such perimeters, it may be either frontage at the option of the applicant.

**BUILDING PERMIT** – That permit issued by the Zoning Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the district in which it is located, and stating that all construction, relocation or extension of buildings are in compliance with the provisions of this Chapter, §1203.3(b) of the New York State Uniform Code, and with New York State Fire and Building Code and other Regulations.

**BULLETIN BOARD** – See “changeable-copy sign.”

**BULK AND USE REGULATIONS** – The maximum size of a building and its location on a lot as defined by density and dimension standards viewed as appropriate for the specific zoning district.

**CARNIVAL** – An amusement show, usually traveling from place to place, having sideshows, Ferris wheels, merry-go-rounds, games of skill or chance, etc.

**CELLULAR TOWERS** – A structure on which transmitting and/or receiving antenna(e) are located. It includes, without limit, freestanding towers, guyed towers, monopoles and other similar structures.

**CELLAR** – A story partly underground and having 1/2 or more of its clear height below finished grade. A “cellar” shall not be counted as a story in determining the building height.

**CEMETERY** – Property used for the interring of the dead.

**CERTIFICATE OF APPROPRIATENESS** – A certificate issued by the Historic Preservation and Architectural Review Board approving any erection of new buildings or structures, signs, demolitions, reconstructions, alterations, reductions, enlargements, restorations, or the movement of buildings or structures in Historic Overlay Districts.

**CERTIFICATE OF OCCUPANCY** – A certificate issued by the Zoning Officer signifying that a parcel of land is being used in a lawful manner with respect to the provisions of this chapter and in accordance with §1203.3(c) of the New York State Uniform Code.

**CHANGEABLE-COPY SIGN** – A sign or portion thereof with character, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

CIRCUS – An exhibition of wild animals and acrobatic acts, together with sideshows and vending concessions.

CLUB, PRIVATE – A nonprofit social organization whose premises are restricted to its members and their guests.

CLUB, MEMBERSHIP – An organization catering exclusively to members and their guests for recreational, athletic or social purposes which are not conducted primarily for gain, providing that there are not any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COASTAL HIGH-HAZARD AREA – The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE, VO, or V.

COLLECTOR STREET – A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

CONGREGATE HOUSING – Congregate Housing is a community living option, which provides the elderly some support while promoting independence.

CONTRACTOR'S YARD – An enclosed parcel of land, structure(s) or a combination thereof used for the storage of machinery, equipment and non-hazardous materials required for construction.

CONVENIENCE STORE – Small commercial establishments, catering primarily to residents of nearby areas, providing frequently needed retail goods and personal services.

CONVENTION CENTER – A building used for the gathering of groups of people or providing large-scale meeting space.

COPY – Character, letters or illustrations that can be changed or rearranged on a changeable-copy sign.

CULTURAL USE FACILITY OR MUSEUM – Any building, room or area with the capacity to hold one hundred (100) or more persons and designed or utilized primarily for the presentation to the general public of live theater, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific material.

CURB LEVEL – The mean street grade established by municipal code or, in the absence of an established grade, the mean level of the existing curb or of the lot at the street line.

**DAYCARE CENTER** – A place other than an occupied residence providing or designed to provide daycare for seven or more persons on a regularly scheduled basis for more than three but less than 24 hours per day. Also see §390, 1(c) of the Social Services Law of the State of New York.

**DEAD-END STREET or CUL-DE-SAC** – A street or portion of a street with only one vehicular traffic outlet.

**DECIDUOUS** – A plant with foliage that is shed annually.

**DEED OR TRACT RESTRICTIONS** – Legal language recorded in an instrument in the chain of title for a lot, which describes specifically limitations or restrictions on the use of the property.

**DENSITY STANDARDS** – Determine the measure of the quantity of a particular use allowed at a particular location. The four basic measures include dwelling units per acre, minimum lot sizes, floor-area ratio (FAR), and maximum height restrictions.

**DEVELOPMENT** – Any man-made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within an area of special flood hazard.

**DIRECTIONAL SIGN** – Any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance” and “exit.”

**DOCK** – A structure, either immobile or floating, which provides access for watercraft and which allows watercraft to tie-up for a limited amount of time.

**DRAINAGE RIGHT-OF-WAY** – The lands required for the installation of stormwater sewers or drainage ditches or field tiles are required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**DRIVE-IN FACILITY** – A use or portion of a use which by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product which may be consumed or used in a motor vehicle on the premises.

**DRY-CLEANING FACILITY** – An establishment used to collect, distribute and/or clean articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal. A dry-cleaning facility may also press or clean fabric on site using the dry-cleaning process.

**DRY-CLEANING OUTLET** – An establishment used primarily to collect and distribute articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal elsewhere. A dry-cleaning outlet may also include equipment to press

articles of fabric cleaned elsewhere or dry-cleaning machines using only noncombustible and nonflammable solvents.

DWELLING – A building or portion thereof used exclusively as the residence or sleeping place of one or more persons, and may include garage space for personal automobiles.

DWELLING, ATTACHED OR ROW – A single-family dwelling with party walls separating it from adjacent units on both sides.

DWELLING, DETACHED – A dwelling having no party wall in common with another building.

DWELLING, MULTI-FAMILY – A building or portion thereof containing three or more dwelling units designed or used for occupancy by three or more families living independently of each other.

DWELLING, SEMI-DETACHED – A single-family dwelling separated by a party wall from only one adjacent dwelling unit.

DWELLING, SINGLE-FAMILY – A dwelling unit designed for or occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit. The dwelling can consist of a modular home, or a lumber-constructed home on a permanent foundation, cellar, or basement.

DWELLING, TWO-FAMILY – A building containing two dwelling units and used or intended to be used exclusively for occupancy by two families living independently of each other, or two single-family dwellings having a party wall in common.

DWELLING UNIT – One or more rooms providing living facilities for one family or housekeeping unit, including equipment for cooking, living and sleeping purposes and provisions for the same.

DWELLING UNIT, ACCESSORY – An accessory use involving a separate and complete dwelling unit either in or added to an existing single-family dwelling, or a separate accessory building on the same lot as the principal dwelling.

EASEMENT – The authorization by property owner for use by another, for a specified purpose, of any designated part of such property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER – A person licensed as a professional engineer by the State of New York.

EVERGREEN – A plant with foliage that persists and remains green year-round.

EXTERIOR ENTRANCE – A direct entrance from a public way to a habitable or tenantable space.

FAMILY- One person or a group of persons living together as a single household occupying a dwelling unit.

FAMILY DAYCARE HOME – An occupied family residence providing day care for three to six children for more than three hours per day. See §390, 1(e) of the Social Services Law of the State of New York.

FARM or AGRICULTURAL OPERATION – The use of a parcel of land of one acre or more for gain in the raising of agricultural products, trees, nursery stock, livestock, poultry or dairy products. It includes necessary farm buildings and the storage of necessary equipment.

FASCIA SIGNS – See “wall sign.”

FENCE – A structure bounding an area of land designed to either limit access to the area or to screen such area from view, or both. The term “fence” shall include tennis court enclosures, backstops, and similar structures.

FLAG – Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity, or for decorative purposes.

FLAMMABLE LIQUIDS – As defined by the New York State Uniform Fire Prevention and Building Code.

FLOOD BOUNDARY – An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) – An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

**FLOOD INSURANCE RATE MAP** – An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** – The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevations of the base flood.

**FLOOD-PROOFING** – Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** – See “Regulatory Floodway.”

**FLOOR AREA RATIO** – The ratio between total site area and total floor area permitted in any district. The floor area of the building considered for the computation of floor area ratio shall be restricted to those levels above the surface of the ground and shall not include any basement or garage spaces under the surface. Garage facilities above the surface shall be included in the computations. Where the ground level changes a full story height or more along a building facade, the floor area of such story shall be prorated in proportion to the average story height above grade. Total site area shall be the entire site within the property lines of any development.

**FLOOR AREA, TOTAL** – The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy, storage, or the conduct of business. Said areas shall be measured between the inside face of exterior walls or from the centerline of walls separating two uses. Said areas shall not include areas below the average level of adjoining ground, garage space or accessory building space (includes basement but not cellar).

**FREESTANDING SIGN** – A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

**FUNERAL HOME** – A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE** – A secondary building used in conjunction with a primary building which provides for the storage of motor vehicles and in which no occupation, business or services for profit are carried on.

**GASOLINE STATION** – See “motor vehicle service station.”

**GASOLINE STATION, NEIGHBORHOOD** – A business that provides only gasoline sales and small convenience items.

**GOLF COURSE, PRIVATE** – A recreation facility consisting of at least nine holes, each with tee, green, and fairway, located on a parcel of land containing at least twenty-five acres, as distinguished from golf driving ranges and miniature golf. Club membership is required in order to use the facility.

**GOLF COURSE, PUBLIC** – A recreation facility consisting of at least nine holes, each with tee, green, and fairway, located on a parcel of land containing at least twenty-five acres, as distinguished from golf driving ranges and miniature golf. Club membership is not required to use the facility.

**GRAPHIC SIGN** – A sign, which is an integral part of a building façade. The sign is painted directly on, carved in or otherwise permanently embedded in the facade.

**GREEN** – Located in a central position in the neighborhood and surrounded by streets and/or building lots on at least three sides. It is designed and landscaped as a space for common neighborhood use.

**GREENHOUSE, Commercial** – A glass or plastic enclosed structure for cultivating plants that must have controlled temperature and humidity, used for wholesale or retail purposes.

**GREENHOUSE, PERSONAL** – A glass or plastic enclosed structure for cultivating plants that must have controlled temperature and humidity, not used for wholesale or retail purposes.

**GREENSPACE** – Any non-impervious vegetated surface.

**GROUND SIGN** – See “freestanding sign.”

**HANGING SIGN** – See “perpendicular sign.”

**HISTORIC OVERLAY DISTRICT** – That area of the City of Cohoes which has been officially designated in the National Register of Historic Places by the Department of the Interior as shown on the map approved by the New York State Office of Parks, Recreation, and Historic Preservation and shown on the zoning map, and which has a special character and historical and aesthetic interest and value and represents various eras in the history of the city and, as a result thereof, constitutes a distinct section of the city and is designated as a Historic Overlay District pursuant to an amendment to this chapter.

**HOLIDAY DECORATION SIGN** – Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.



HOME OCCUPATION – Any occupation or profession, excluding motor vehicle repairs on the premises, which:

- A. Can be conducted without substantial change in the appearances, character or traffic generation of the residence.
- B. Is carried on by a member of the household residing in the dwelling unit.
- C. Is clearly incidental and accessory or secondary to the use of the dwelling unit for residential purposes.

HOMEOWNER’S ASSOCIATION – An organization of residential property owners residing within a particular development who contractually agree to provide, reserve and maintain commonly owned facilities and/or open space, in accordance with New York State Law.

HOTEL – A building having more than two stories and containing rooms intended, designed, used, rented or hired out, to be occupied for sleeping purposes by transient guests and/or the general public.

HORTICULTURAL USE – Any land or greenhouses used for the commercial production, sale, or research of vegetative products.

ILLUMINATED (DIRECTLY) SIGN – A sign designed to give forth artificial light directly from a source of light within such a sign.

ILLUMINATED (INDIRECTLY) SIGN – A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs.

IMPERVIOUS SURFACE – The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, asphalt driveways or parking areas.

IN-LAW APARTMENT – An apartment within an existing dwelling in which a family member resides and which includes a separate kitchen.

INN – A commercial facility for the housing and feeding of transients.

JUNKYARD – A place where waste, discarded or salvaged materials are bought, recycled, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled or where automobile wrecking takes place, but not including pawnshops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing.

**KENNEL** – A lot or parcel of land where four but no more than 20 adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital, clinic or pet shop. An adult dog is one of either sex, altered or unaltered, that has reached the age of four months.

**LETTER OF CREDIT** – A security which may be accepted as a guaranty of a requirement that certain improvements be made before the Zoning Officer issues a certificate of occupancy, including escrow agreements and other similar collateral and surety agreements acceptable in form and amount to the Municipal Attorney and Municipal Engineer and approved by the Common Council.

**LANDSCAPED AREA** – That area of a site plan not consisting of structures or pavement. Landscaped area shall consist of those areas on a site plan that are planted, seeded or provide similar vegetative or landscaped cover, including ponds.

**LAUNDRY, SELF-SERVE** – A business establishment providing clothes washers and dryers for hire to be used by customers on the premises.

**LIGHT INDUSTRY** – See “Light Manufacturing.”

**LIGHT MANUFACTURING** – A facility which manufactures, designs, assembles, or processes a product for wholesale or retail. The industry does not produce high volumes of polluting wastes and is compatible with other uses of the district.

**LOGO** – Any picture, shape or drawing, with or without letters or words, used to identify a product, service, business or organization.

**LOT** – A parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use and the customary accessory use and open spaces belonging to the same. A lot, within the meaning of this chapter, may or may not be a lot as shown on a subdivision plot or assessment record.

**LOT ALTERATION** – Any change in the dimension or orientation of a lot line not resulting in or constituting subdivision or resubdivision as defined herein, where there is no increase in the number of lots and no reconfigured lot is in excess of 10,000 square feet in area.

**LOT AREA** – An area of land, which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

**LOT COVERAGE** – The percentage of the lot area covered by impervious buildings or structures and including parking areas, driveways and walkways.

LOT DEPTH – The mean horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

LOT LINES – The property lines bounding the lot. In the case of a lot abutting more than one street, any such lot line will be considered a front lot line.

LOT WIDTH – The mean width measured at right angles to the front lot line or, for wedge-shaped lots, flag-shaped lots or lots with side boundary lines not perpendicular to the front lot line, the width measured at the required minimum front setback.

MACHINE SHOP – A building used for the purpose of fabricating metal parts for various applications.

MACHINERY OR TRANSPORTATION SERVICES, SALES, AND REPAIR – A building or collection of buildings used for the purposes of selling, servicing and repairing machinery and transportation equipment including automobiles, trucks, tractor trailers, and construction and maintenance equipment.

MAJOR STREET – A street that serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

MAJOR SUBDIVISION – Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any sized subdivision requiring any new street or extension of municipal facilities.

MANUFACTURING INDUSTRIES – Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like. The processing, preparation and production activities customarily deal with man-made or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. "Manufacturing" shall also include the handling of any waste products and materials. Manufacturing processes and treatments include but are not limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

MARINA – Any waterfront facility which provides docking, mooring, storage of more than four boats for rental or sale or for the commercial launching of boats. The term may include facilities with or without supply and repair services.

MARQUEE – Any hood, awning or permanent construction that projects from a wall of a building, usually above an entrance.

**MASSING** – The sense of bulk, size, and shape of a structure, usually perceived by reference to the surrounding space and nearby structures and natural features such as trees.

**MEAN SEA LEVEL** – For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MINOR STREET** – A street intended to serve primary access to abutting properties.

**MINOR SUBDIVISION** – Any subdivision which contains not more than four lots fronting on an existing street; does not include any new street or road; does not require the extension of municipal facilities; does not adversely affect adjacent properties; and is not in conflict with any provision of the Comprehensive Plan and Official Zoning Map of the City of Cohoes, or these regulations.

**MOBILE HOME** – A structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein and complies with Part 1220 of the New York State Uniform Fire Prevention and Building Code and federal Department of Housing and Urban Development standards; excluding, however, travel trailers, motorized homes, pickup coaches and camping trailers. This definition does not include modular manufactured homes as defined by the New York State Uniform Fire Prevention and Building Code.

**MOBILE HOME, DOUBLE-WIDE** – A mobile home consisting of two sections, combined at the site, with a combined width of no less than 20 feet, while still retaining their individual chassis for possible future movement and complying with Part 1220 of the New York State Uniform Fire Prevention and Building Code and federal Department of Housing and Urban Development standard; excluding however, travel trailers, motorized homes, pickup coaches and camping trailers. This definition does not include modular manufactured homes as defined by the New York State Uniform Fire Prevention and Building Code.

**MOBILE HOME PARK** – A parcel of land where two or more mobile homes are parked or which is planned and improved for the placement of mobile homes by the public.

**MOBILE SIGNS** – See “portable sign.”

**MODULAR HOME** – A factory-manufactured home which incorporates structures or components designed for residential occupancy, constructed by a method or

system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a foundation on a building site. Such home shall be constructed and installed in accordance with the requirements of Subchapter B of the New York State Fire Prevention and Building Code and shall bear an insignia of approval issued by the New York State Fire Prevention and Building Code Council. Factory-manufactured homes shall be deemed to be single- or two-family or multiple dwellings. This definition does not include doublewide mobile homes as defined by the New York State Uniform Fire Prevention and Building Code.

**MOTEL** – A building or group of buildings having two stories or less, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing accessory off-street parking and, if desired, restaurant facilities. The term “motel” shall also include tourist courts, motor lodges and similar uses.

**MOTOR VEHICLE REPAIR** – Engine repair, body work, frame straightening, painting, upholstering, steam cleaning, electrical work, tune-ups and all other vehicle repair services not specifically listed in the definition of motor vehicle service stations.

**MOTOR VEHICLE SALES AREA** – Any building, land area or other premises used for the display or sale of new or used automobiles, motorcycles, trucks, trailers or boats, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises.

**MOTOR VEHICLE SERVICE STATION:**

- A. Any building, land area or other premises, or portion thereof, used or intended to be used for any one or a combination of the following activities:
  - 1. Retail dispensing or sales of motor vehicle fuels.
  - 2. Retail dispensing or sales of motor vehicles lubricants, including oil changing and chassis lubrication where substantial disassembly is not required.
  - 3. Retail dispensing or sales of motor vehicles coolants.
  - 4. Hand- or machine-washing in a single bay motor vehicle wash.
  - 5. Incidental repair or replacement of parts, such as windshield wiper blades, light bulbs, air filters, oil filters, batteries, belts, tires, fuses, lubrication of vehicles, and the like.
  
- B. Motor vehicle wrecking, repair, parking or storing of motor vehicles for hire, and the operation of more than one towing vehicle shall not be deemed permissible accessory uses of a motor vehicle service station.

**MOTOR VEHICLE WASH** – Any building or premises, or portion thereof, the use of which is devoted to the business of washing motor vehicles for a fee, whether by automated cleaning devices or otherwise.

**MOTOR VEHICLE WRECKING** – The dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**MUNICIPAL ENGINEER** – The designated engineer of the Code Enforcement of Cohoes or a position assigned with similar duties.

**NATURAL RPRODUCT EXTRACTION** – The process of removing natural materials limited to the mining of stone, gravels, sand, clay, topsoil, and other consolidated and unconsolidated earth materials either occurring at the surface or at depth.

**NATURE PRESERVE** – An area designated for the preservation of unique or locally significant natural resources for the purposes of protection and public education.

**NATURE PRESERVE, PRIVATE** – An area designated for the preservation of unique or locally significant natural resources for the purposes of protection.

**NEIGHBORHOOD** – A residential development, or mixed-use development where the primary use is residential housing.

**NEIGHBORHOOD IDENTIFICATION SIGN** – A sign specifically used to identify a particular neighborhood, block or development.

**NONCONFORMING BUILDING** – A lawfully pre-existing building which in its design or location does not conform to the regulations of this chapter for the district in which it is located.

**NONCONFORMING LOT** – A lot of record lawfully existing at the date of adoption of this chapter or any amendment thereto which does not have the minimum width or depth, or contain the minimum area for the district in which it is located.

**NONCONFORMING SIGN** – Any lawfully pre-existing sign that does not meet the requirements of this article.

**NONCONFORMING USE** – Any use of any building, structure or land lawfully existing at the date of adoption of this chapter or any amendment thereto which does not conform to the use regulations of the district in which it is situated.

**OFFICE BUILDING** – A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business, in part or in whole will be classed as an office building.

**ONE-HUNDRED YEAR FLOOD** – See “Base Flood.”

OPEN SPACE and USABLE OPEN SPACE – An area or areas of a lot, including required yards, which are:

- A. Open and unobstructed from ground to sky, except by facilities specifically designed, arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation.
- B. Landscaped, maintained or otherwise treated to create a setting appropriate to recreation or relaxation.
- C. Accessible and usable by the general public, business patrons or residents of all dwellings or stores it is intended or required to serve.

OUTDOOR RECREATION, PRIVATE CLUB – Activity based facility with use restricted to members and their guests. Activities including private golf courses, golf driving ranges, golf pitch and putt courses; recreation courts; open space; playing fields; swimming pools; bike trails; hiking trails; and similar facilities for outdoor recreation. Outdoor recreation shall not include miniature golf, archery ranges, shooting ranges or other high traffic generators.

OUTPATIENT HEALTH CENTER - A business establishment providing primarily health services, such as emergency care, laboratory facilities or minor surgery to ambulatory patients rather than diagnostic treatment typical of a doctor's office.

OVERLAY ZONE – An additional layer of regulations related to a specific environmental or historical constraints such as floodplain boundaries, historic landmarks, historic structures, or wetlands that supersede the restrictions of the underlying zoning district.

PARKING AREA or LOT – Any place, lot, parcel, or yard used in whole or in part of storing or parking four (4) or more motor vehicles under the provision of this ordinance.

PARKING GARAGE – A garage, in which licensed motor vehicles used for personal conveyance or conveyance of passengers are parked.

PARKWAY – A narrow strip of open space surrounded by streets on all sides and generally intended for use in a smaller neighborhood.

PERFORMANCE BOND – A financial tool used to guarantee that in the event of a developer or contractor's default, funds are available to finish the construction of a site improvement or infrastructure installation and ensure its proper functioning.

PERPENDICULAR SIGN – Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure.

PETITION – Any request made in writing.

PLACE OF WORSHIP – A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLACE OF WORSHIP, FIRST FLOOR – A place of worship which locates in the first floor of a building formerly used for any purpose except a place of worship.

PLANNING BOARD– The officially established Planning Board of the City of Cohoes.

PLAT – A map, drawing, or rendering of a subdivision that usually contains narrative elements.

PLAYHOUSE – a structure designed for the use of children and may include outdoor miniature houses, swing sets, slides, etc.

POLE SIGN – A sign that is mounted on a freestanding pole or other supports.

POLITICAL SIGN – A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election or caucus.

PORTABLE SIGN – A sign, whether on its own trailer, wheels or otherwise designed to be mobile and not structurally attached to the ground, a building, a structure or another sign.

PRELIMINARY PLAT or PLAN – A drawing or drawings, clearly marked ‘preliminary plat’ or ‘preliminary plan’, showing the significant features of a proposed subdivision, as specified in §285-119 of this chapter, submitted to the Planning Board for the purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PROFESSIONAL OFFICE – Premises where professional services are provided by medical practitioners, attorneys, architects, engineers, photographers, brokers, or other providers of business or personal services.

PROPERTY LINE – See also “lot lines.”

PROTECTED USE – For the purpose of measuring separation from sexually oriented businesses, "protected uses" shall include public and private schools, places of worship, day-care centers and public uses.



PUBLIC USES – Any one or more of the following uses, including grounds and accessory buildings necessary for their use:

- A. Places of worship, cemeteries, parish houses and convents.
- B. Public parks, playgrounds and recreational areas when authorized or operated by governmental authority.
- C. Nursery schools, elementary schools, high schools, colleges or universities having curriculum approved by the Board of Regents of the State of New York.
- D. Public libraries and museums.
- E. Nonprofit fire, ambulance and public safety buildings.

PUBLIC UTILITIES – Any facility or related equipment, including but not limited to all lines, pipes, transformers, poles, etc., performing an essential public service and subject to special governmental regulation. Nonessential components of public utility operations, such as general storage and maintenance facilities, are excluded from this definition.

PUBLIC WAY — All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys, and parks, as well as the interior and areas surrounding public buildings.

PUSHCART — A cart or barrow, manually propelled, used to vend food intended for individual portion service.

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

RECREATION, INDOOR COMMERCIAL – Business primarily devoted to the amusement of the general public such as theaters, bowling alleys, indoor amusement arcades and health clubs. Incidental food service is also included.

RECREATIONAL AREA – A space designed and used for active and passive participatory athletic and general recreation activities.

REFLECTIVE SURFACE – Any material or device which has the effect of intensifying reflected light, such as Scotchlite (trademark), Dayglo (trademark) or glass beads.

**REGULATORY FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in §285-45D of this chapter.

**RESIDENTIAL CARE FACILITY** – A community-based residence under public, voluntary, nonprofit or proprietary sponsorship which provides residential services and twenty-four-hour supervision to four or more persons. Such a facility is operated by sponsor-approved staff.

**RESTAURANT** – Any establishment, however designed, at which food is sold for consumption on the premises to patrons seated within an enclosed building or elsewhere on the premises. A snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park, or an approved vendor operating the recreational facilities for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

**RETAIL** – The sale of goods, articles or consumer services individually or in small quantities directly to the consumer.

**RESUBDIVISION** – Revision of all or part of an existing filed plat.

**RIGHT-OF-WAY** – A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer or other similar use.

**ROOF SIGN** – A sign that is mounted upon the roof of a building.

**SALVAGE YARD** – See “Junk Yard”.

**SAND DUNES** – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**SANDWICH SIGN** – See “A-frame sign.”

**SCREEN** – A method of reducing the impact of noise, glare and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

**SEE-THROUGH LETTERED SIGNS** – Letters on a sign with transparent background, such as lettering on a window.

**SENSITIVE AREAS** – Areas that include features such as steep slopes and unique habitat.

SERVICE USE – Uses which provide skilled professional labor to consumers including insurance offices, restaurants, financial services, business-to-business consulting, and other similar services.

SETBACK, MINIMUM FRONT – The least required horizontal distance between the front lot line, or in instances where sidewalks are present or required from the interior sidewalk edge, and the principal building measured at the shortest point. On waterfront lots which border water on one or more lot lines, the lot line on the road front is considered the principal front lot line.

SETBACK, MINIMUM REAR – The least required horizontal distance between the rear lot line and the principal building measured at the closest point.

SETBACK, MINIMUM SIDE – The least required horizontal distance between the side lot line and the principal building measured at the closest point.

SHADE TREE – Usually a large deciduous tree (rarely, evergreen) planted for its high crown of foliage or overhead canopy.

SHOPPING CENTER – A grouping of retail and service uses providing a wide range of such uses, including apparel and/or home furnishings.

SHRUB – A woody plant, smaller than a tree, consisting of several stems from the ground or small branches near the ground, may be deciduous or evergreen.

SIGN – Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors or on the exterior of any building or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person or business or cause when such is placed in view of the general public.

SIGN AREA – The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the areas shall be defined by projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines said sign.

SIGN PERMIT – No sign shall be hereafter erected, placed or maintained at any place in the City of Cohoes except as provided Article XI and only after a permit therefore has been obtained in compliance with the provisions of Article XI, unless stated otherwise.

SITE PLAN REVIEW – See Article XIV.

SPECIAL EVENT – Any occasion, including but not limited to fairs, shows, exhibitions, City-wide celebrations, festivals, etc., within a specifically defined area of the City of Cohoes for a period of time not to exceed 10 days.

**SPECIAL USE PERMIT** – A permit provided by the Planning Board for a use requiring review, for uses that are not permitted expressly in a district but are listed as requiring a special use permit.

**STABLE, COMMERCIAL** – Premises on which two or more horses not the property of the proprietor are boarded, or on which horses are maintained commercially for hire, exhibition, or sale.

**STABLE, PRIVATE** – Premises on which is maintained not more than one horse not the property of the proprietor, and including horses of the proprietor not maintained for commercial purposes; is accessory to a farm or dwelling.

**STAND** – Any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles and is used for the display, storage or transportation of articles offered for sale by a vendor.

**STEEP SLOPE** – Grade change of 15 percent or more.

**STORY** – That portion of a building between the surface of any floor and the surface of the floor next above, and any portion of a building used for human occupancy between the topmost floor and the roof. For purposes of height measurement, in determining the permissible number of stories, a basement or cellar shall not be counted.

**STORY, HALF** – A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

**STREET** – A public or private thoroughfare which affords the principal means of access to abutting property. Includes streets, roads, avenues, lanes or other traffic ways, between right-of-way lines.

**STREET LINE** – That line determining the limit of the highway right-of-way or the public street, either existing or contemplated.

**STREET PAVEMENT** – The wearing or exposed surface of the roadway used by vehicular traffic.

**STREET WIDTH** – The width of the right-of-way, measured at right angles to the centerline of the street.

**STRINGCOURSE** – A horizontal band (such as bricks) in a building forming a part of the design.

**STRUCTURAL ALTERATIONS** – Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

STRUCTURE, MIXED USE – a structure which contains multiple uses, such as retail, office, commercial, or residential.

SUBDIVIDER – Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either personally or on behalf of ownership, lessee or building development, and shall include resubdivision.

SUBDIVISION – The legal division of any tract of land into two or more lots, plots, sites or other divisions of land for any purpose, whether immediate or future, of transfer of ownership, lease or building development, and shall include resubdivision.

SUBDIVISION PLAT or FINAL PLAT – A drawing, in final form, showing a proposed subdivision, containing all information or details required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

SURVEYOR – A person licensed as a land surveyor by the State of New York.

SWIMMING POOL, PRIVATE – A swimming pool operated as an accessory use to a residential dwelling unit or units located on an individual residential lot.

SWIMMING POOL, PUBLIC – A publicly or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

TELECOMMUNICATIONS TOWER OR TOWERS – A structure on which transmitting and/or receiving antenna(e) are located. It includes, without limit, freestanding towers, guyed towers, monopoles and other similar structures.

TEMPORARY OR SEASONAL OCCUPANCY – The use of any premises, structure or use for living and/or sleeping purposes for 180 days or less in any calendar year.

TEMPORARY OUTSIDE SALES – Selling of retail items outdoors for a limited amount of time for events such as sidewalk sales, open markets, art displays, and festivals.

TEMPORARY USE – Any activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this chapter. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

TENANT – An occupant who temporarily holds or occupies land, a building or other property owned by another.

TENANT IDENTIFICATION SIGN – A sign designed or intended to identify a tenant, occupant or establishment.

TOOL OR STORAGE SHED – An enclosed building, 200 square feet or less constructed on a permanent foundation, used for storage of domestic supplies and non-commercial equipment. Tool or Storage sheds are not intended for habitation.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) – A development pattern that caters to the pedestrian requiring a walkable scale and a mix of residential and commercial uses similar to a traditional village.

TRAVEL TRAILER – A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses and not for year-round living.

UNDEVELOPED PLATS – Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20 percent or more of the lots within the plat are unimproved.

USE – The specific purposes for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY – A use clearly incidental and subordinate to the principal use whether located in a principal or accessory building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.

USE, PRINCIPAL – The main use for which a building or lot is used or intended to be used.

VARIANCE, AREA – The authorization by the Zoning Board of Appeals for the use of land in a manner, which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VENDOR – Any individual, including an employee or agent of a group of individuals, partnership or corporation, who sells or offers to sell food, beverages, goods or merchandise on any public way from a pushcart, stand, motor vehicle, or from his or her person.

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

VEHICLE SIGN – Signs displayed on licensed and registered motor vehicles which are used in conjunction with a business.

WALL SIGN – A sign attached to and erected parallel to the face of a building and supported throughout its length by such building.

WAREHOUSE – A building designed or used for the storage of commodities.

WATERCRAFT – Vehicles both motorized and person-powered which are used for mobility on the water, including but not limited to motorboats, canoes, and kayaks.

WATERFRONT RETAIL SERVICES – Any business specifically oriented to the sales, rental, or servicing of waterfront related equipment.

WHOLESALE – The buying or selling or arranging for sale of goods or commodities, usually in bulk, for purchasers other than individual customers, to include offices, freight distribution centers, large storage facilities and the use of delivery trucks in the routine operation of the business.

WINDOW AREA – The total area of any single windowpane or series of windowpanes separated by mullions.

WINDOW SIGN – A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

WINDOW SIGN, TEMPORARY – A window sign not permanently affixed that does not identify the tenant, occupant or establishment and is limited to a maximum use of 120 days.

YARD, FRONT – An open space extending the full width of the lot between the front lot line and the principal building, unoccupied and unobstructed by any buildings or structures from the ground upward.

YARD, REAR – An open space extending the full width of the lot between the rear lot line and the required minimum rear setback, unoccupied and unobstructed by any buildings or structures from the ground upward, except those permitted by §285-47.

YARD, SIDE – An open space extending from the front yard to the rear yard between the side lot line and the required minimum side setback, unoccupied and unobstructed by any buildings or structures from the ground upward, except those permitted by §285-47.

ZONING BOARD – The officially established Zoning Board of Appeals of the City of Cohoes.

ZONING DISTRICT – The classification of lands as established in this chapter.



## **ARTICLE II Administration**

### **285-6. Enforcement.**

It shall be the duty of the City Planner, who for this purpose shall be known as the Zoning Officer, to keep a record of all applications for permits and a record of all permits issued with a notification of all special uses relating thereto. Such records shall be filed by the Zoning Officer and shall be available for review by the Common Council of the City of Cohoes and the City Clerk. The Planning Board of the City of Cohoes shall issue no permit for the use of any property not in conformity with the requirements of this chapter and all other regulations of the City of Cohoes.

### **285-7. Duties of the Zoning Officer.**

- A. For the purpose of this chapter, it shall be the duty of the Zoning Officer, and any duly authorized assistants, to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this chapter and to issue certificates and permits as outlined in the following section.
- B. If, in the course of work, the Zoning Officer determines that any plans, buildings or premises are in violation of the provisions of this chapter, he/she shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and the remedies which may be invoked, and the violator's right of appeal, all as provided for by this chapter.
- C. On the serving of notice by the Zoning Officer to the owner of any property in violation of any of the provisions of this chapter, the Certificate of Occupancy for such building or use shall be held null and void. A new Certificate of Occupancy shall be required for any use of such building or premises.
- D. The Zoning Officer shall maintain a permanent record of all matters and all actions taken. Such records shall be available for review by the Common Council and other municipal officials and shall be available for inspection by the public.

### **285-8. Certificates and permits.**

- A. The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this chapter. A building permit or special use permit shall be prerequisite to the erection or alteration of a building structure or use thereof, but only if the alteration increases the dimensions or changes the use of existing facilities thereof.

- B. Building permit. The Zoning Officer is hereby empowered to issue a building permit for any plans regarding the construction or alteration of any building or part of any building, or the change in the use of any land or building or part thereof, where it has been determined that such plans are not in violation of the provisions of this chapter.
- C. Special use permit. Upon written direction of the Planning Board, the Zoning Officer is hereby empowered to issue any special use permit provided for by this chapter after site plan review, if required as specified in §285-123. Special use permits are those uses having some special impact or uniqueness which requires a careful review of their location, design, configuration and desirability on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect. A special use permit may be issued with conditions, including requirements for review and renewal, based upon careful review by the Planning Board (see §285-20D).
- D. Certificate of Occupancy. The Zoning Officer is hereby empowered to issue a Certificate of Occupancy which shall certify that all provisions of this chapter have been complied with in respect to the location and use of the building, structure or premises in question. The Zoning Officer is also empowered to issue a Certificate of Occupancy for nonconforming uses, provided that the nonconforming use is defined and the sections of this chapter not being conformed to are listed. New York State Fire and Building Code must be conformed to in order to receive a Certificate of Occupancy for either a conforming or nonconforming use.
- E. Certificate of Appropriateness. A Certificate of Appropriateness is required to certify that provisions of this chapter have been complied with in respect to the special approval required for the erection, modification, demolition, alteration or restoration of new or existing buildings or structures in the Historic Overlay District. When a Certificate of Appropriateness is required, a Certificate in accordance with §285-44 must be granted before a building permit, sign permit, fence permit, or demolition permit can be issued.

**285-9. Application procedures.**

- A. Procedures of a building permit.
  - 1. All applications for a building permit shall be made to the Zoning Officer in the detail specified in §285-10 of this article and shall be in compliance with the New York State Uniform Fire Prevention and Building Code.
    - a. Where the proposed use is a permitted single- or two-family residential use the Zoning Officer shall carefully consider the application for compliance with this chapter and either issue or deny a building permit.

- b. When the application is for any other use in any district, a preliminary site plan application, in accordance with Article XIV, shall serve as the building permit application, and the Planning Board shall be responsible for reviewing compliance with this chapter and directing the Zoning Officer to approve, approve with conditions, or deny an application.
  - 2. Building permits shall be issued in duplicate and one copy shall be posted conspicuously on the premises while any alterations are being completed.
- B. Procedures for appeal. Should an applicant choose to appeal a decision by the Zoning Officer to deny issuance of a building permit, an application for an appeal shall be filled out, submitted along with supporting documents to the Zoning Officer for referral to the Zoning Board of Appeals for action. Where applicable under §239-m and §239-n of the General Municipal Law, one copy of the application shall also be submitted to the County Planning Board.
- C. Procedures for special use permit. All applications for special use permits shall be made to the Zoning Officer. The Zoning Officer, after determining that an application is in proper form, shall transmit one copy of the application and all supporting documents to the Planning Board for action thereon. Where applicable under §239-m and §239-n of the General Municipal Law, one copy of the application shall also be submitted to the County Planning Board.
- D. Procedures for a Certificate of Occupancy. Following the completion of the construction, reconstruction or alteration of any building or where a change in the use of a structure is proposed, the applicant shall transmit by registered mail or deliver in person to the Zoning Officer a letter stating that such construction has been completed or that a new use has been proposed. Within seven (7) days of the receipt of this letter, the Zoning Officer shall make all necessary inspections of the completed structure or proposed use to determine the conformance with this chapter. A Certificate of Occupancy shall be issued only if the Zoning Officer finds that the construction or proposed use complies with all the requirements and provisions of this chapter.
- E. Procedures for a Certificate of Appropriateness. Applications for Certificates of Appropriateness shall be made to the Zoning Officer on forms provided, at least fifteen (15) days prior to the next scheduled meeting of the Historic Preservation and Architectural Review Board.

**285-10. Application details.**

- A. Application for a building permit (Where site plan review is not required). Each application for a building permit shall be made on forms available from the Zoning Officer. The materials to be submitted with the application shall clearly show the conditions of the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building and the

appearance and function of the proposed use of building. At a minimum, the application shall include the following information and plans for both before and after conditions.

1. The location, use, design, dimensions, setbacks and height of each use and building.
2. Location of any easements and water supply and sewage disposal facilities.

B. Application for a special use permit. Each application for a special use permit shall be made on forms available from the Zoning Officer and shall contain at least the following information.

1. The applicant's name and address and interest in the subject property.
2. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
3. The street address or legal description of the subject property.
4. An application for site plan approval, as required by Article XIV of this chapter.
5. A written statement addressing each of the standards set forth in §285-20D and stating specifically how the proposed special use permit relates to and meets each such standard.
6. Any additional information which may be required to demonstrate compliance with any additional standards imposed on the special use permit by the particular provision of this chapter authorizing the special use.

#### **285-11. Application fees.**

Each application for a permit provided for by this article shall be accompanied by a fee, payable in cash or other form of security, approved by the Municipal Attorney in accordance with the schedule established by resolution of the Common Council. The fee schedule is provided in Chapter A290 of the City's Code, and is available at the City Clerk's Office.

#### **285-12. Public hearing.**

Certain actions related to appeals, permits, and site plan review require public hearings to be held. The Zoning Board of Appeals shall conduct a public hearing on applications referred to it by the Zoning Officer in accordance with the procedures and requirements established in General City Law §81-a for appeals. The Planning Board shall hold a public hearing on applications referred to it in accordance with the procedures and requirements established in General City Law §27-a and §27-b for special use permit and/or Site Plan Review. Public notice of all such hearings shall be printed in an official newspaper of general circulation at least five (5) days prior to the date of the hearing. Specific notice requirements for hearings vary as outlined in the appropriate sections of this Chapter.

### **285-13. Planning Board action on permit applications.**

Within 62 days from the date of such public hearing, and following a report back by the County Planning Board when applicable, the Planning Board shall by resolution either approve, approve with conditions or disapprove the application so heard. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the board. In approving the application for a special use permit, the Board may impose reasonable conditions and restrictions directly related and incidental to the proposed special use permit.

- A. If an application is approved by the Planning Board, the Zoning Officer shall be furnished with a copy of the approving resolution of the Board and shall issue the permit applied for in accordance with the conditions imposed by the Board.
- B. If any application is disapproved by the Planning Board, the reasons for such denial shall be set forth in the Board's resolution, and a copy of such resolution shall be transmitted to the Zoning Officer. The Zoning Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval and the procedures for appeal.
- C. The City Clerk shall maintain a record of all approved or denied applications. Such permanent record shall be available to the Common Council, the Planning Board, the Zoning Officer and, where applicable, the County Planning Board.

### **285-14. Revocation and expiration of permits.**

- A. The Zoning Officer may revoke a building permit at any time if it appears that the application is false or misleading in any material respect, or that work being completed differs materially from that proposed in the application.
- B. Any zoning or special use permit not exercised within one (1) calendar year from its date of issuance shall become null and void.

**ARTICLE III**  
**Boards**

**285-15. Creation, appointment and organization of Zoning Board of Appeals.**

- A. A Zoning Board of Appeals, pursuant General City Law §81, is hereby created by the Common Council of the City of Cohoes.
- B. Appointment of members. The Zoning Board of Appeals shall consist of five (5) members and up to two (2) alternates. The Mayor shall designate the chairperson thereof. In the absence of a chairperson, the Board of Appeals may designate a member to serve as acting chairperson.
- C. Appropriation of Zoning Board of Appeals. The Common Council is hereby authorized and empowered to make such appropriation as it may see fit for the Zoning Board of Appeals expenses. Such charges and expenses less fees, if any collected, shall be a charge upon the taxable property and shall be assessed, levied and collected. The Zoning Board of Appeals shall have the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not the appropriation that may be made therefore by the Common Council for such Zoning Board of Appeals.
- D. Common Council members ineligible. No person who is a member of the Common Council shall be eligible for membership on the Board of Appeals.
- E. Terms of members first appointed. In the creation of a new Board of Appeals, or the reestablishment of terms of an existing Board, the appointment of members to the Board shall be for terms so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a five-year (5) term.
- F. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint the new member for the unexpired term.
- G. Removal of members. The mayor shall have the power to remove, after public hearing, any member of the Zoning Board of Appeals for cause. Any Zoning Board of Appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Common Council by local law or ordinance and as set forth in §285-16 of this Article.
- H. Chairperson duties. All meetings of the Board of Appeals shall be held at the call of the chairperson and at such other times as such Board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

#### **285-16. Minimum requirements for Zoning Board of Appeals members.**

- A. Training. Each Board member is required to complete three (3) hours of training per calendar year. At the discretion of the remaining members or the mayor, failure to comply with this requirement may be grounds for recommending removal from the Board.
- B. Attendance. Each Board member shall be required to attend 75 percent of the scheduled meetings in each calendar year. At the discretion of the mayor, failure to attend the required number of meetings may be grounds for removal from the Board. In addition, failure to attend three (3) consecutive meetings may be grounds for removal from the Board.
- C. Compensation. The Common Council may, as part of the annual budget, provide for the compensation of Zoning Board of Appeals members and alternates. If compensation is provided for, it shall be on a per meeting attended basis. In addition, the City shall provide reimbursement for all approved training and out-of-pocket expenses associated therewith.

#### **285-17. Powers and duties of Zoning Board of Appeals.**

The Zoning Board of Appeals shall have all the powers and duties prescribed by §81-b of the General City Law of the State of New York and by this chapter. These powers and duties are more particularly specified as follows:

- A. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect hereto.
- B. Appeals. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
- C. Variances. When in its judgment, the public safety, convenience and welfare will be served, the Zoning Board of Appeals may vary or modify the application of the regulations or provisions of this chapter relating to the use, construction or alteration of structures or use of the land. In such cases, the Zoning Board is empowered to grant exceptions in harmony with the general purpose and intent of this chapter. Variances will be granted in appropriate and specific cases only after

public notice and hearing and subject to such appropriate conditions and safeguards the Zoning Board of Appeals may impose.

1. As used in this chapter, a variance is authorized for height, area, size of structure, size of yards and open spaces or for establishment or expansion of a use otherwise not allowed. A variance shall not be granted solely because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
2. Variance procedures.
  - a. An application for the approval of a variance shall be made, by an owner of an interest in the lot, to the Zoning Officer on forms available therefrom, accompanied by the necessary fees and documents as provided in this chapter and the regulations issued hereunder.
  - b. The application shall be accompanied by a map drawn to an appropriate scale and showing all existing and proposed characteristics of the site and adjacent properties necessary for consideration of the variance request. For applications where site plan approval is also required, a preliminary site plan in accordance with Article XIV of this chapter shall be required.
  - c. A use variance shall not be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
    - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence;
    - [2] That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
    - [3] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
    - [4] That the alleged hardship has not been self-created.
  - d. In making its determination on granting an area variance, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
    - [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
    - [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
    - [3] Whether the requested area variance is substantial;



[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

e. The Board of Appeals, in the granting of variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

f. The Zoning Board of Appeals shall fix a reasonable time and place for a public hearing thereon and shall provide for the giving of notice as follows:

[1] A notice shall be published in the official newspaper of the city at least five (5) days prior to the date thereof, the cost of such publication shall be borne by the appealing party and shall be paid to the board prior to the hear of such appeal.

[2] The Zoning Officer shall mail a copy of such notice to all agencies, municipalities, authorities, etc., as prescribed in §81-a of the General City Law and §239-m of the General Municipal Law.

[3] The applicant shall be required to erect a sign or signs giving notice of such public hearing and the purpose thereof, which sign(s) shall be prominently displayed on the premises facing each public street or road on which the property abuts. The sign(s) shall be furnished to the applicant for this purpose by the Zoning Officer and shall be set back 15 feet from the property line and shall not be less than two (2) nor more than six (6) feet above the grade at said property line. Said sign shall be displayed for a period of not less than 10 days immediately preceding the public hearing date or any adjournment date thereof. The applicant shall file with the Zoning Officer, prior to the public hearing, an affidavit regarding compliance with the provision of this section and that the sign(s) will be removed from the premises and returned to the Zoning Officer within three days after such public hearing is held. The Zoning Officer shall collect from the applicant a fee as currently fixed by the appropriate Common Council, as a deposit per sign, which sum shall be refunded to the applicant upon the return of said sign in good condition.

[4] The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal.

- g. The Board shall approve, with or without conditions, or disapprove the application within 62 days of the public hearing as specified in §81-a of General City Law and shall communicate its action, in writing, to the applicant, and to the Zoning Officer within five (5) days of the meeting at which it decided upon the application. When applicable, compliance shall be required in accordance with the provisions of §239-m and §239-n of the General Municipal Law.
- h. The Zoning Officer shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.

**285-18. Creation, appointment and organization of Planning Board.**

- A. A Planning Board, pursuant to General City Law §27 is hereby created by the Common Council of the City of Cohoes.
- B. Authorization. The Planning Board shall consist of five (5) members and up to two (2) alternates. The Mayor shall appoint the members of such Board and designate the chairperson thereof. In the absence of a chairperson, the Planning Board may designate a member to serve as chairperson.
- C. Appropriation for Planning Board. The Common Council is hereby authorized and empowered to make such appropriation as it may see fit for Planning Board expenses. Such charges and expenses less fees, if any collected, shall be a charge upon the taxable property and shall be assessed, levied and collected. The Planning Board shall have the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefore by the Common Council for such Planning Board.
- D. Common Council members ineligible. No person who is a member of the Common Council shall be eligible for membership on such Planning Board.
- E. Terms of members first appointed. The terms of members of the Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a five-year (5) term.
- F. Vacancy in office. If a vacancy shall occur other wise that by expiration of term, the Mayor shall appoint the new member for the unexpired term.
- G. Removal of members. The Mayor shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board

member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Common Council by local law or ordinance and as set forth in section §285-19 of this Article.

- H. Chairperson duties. All meetings of the Planning Board shall be held at the call of the chairperson and at such other times as such Board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

**285-19. Minimum requirements for Planning Board members.**

- A. Training. Each Board member is required to complete three hours of training per calendar year. At the discretion of the mayor, failure to comply with this requirement may be grounds for recommending removal from the Board.
- B. Attendance. Each Board member shall be required to attend 75 percent of the scheduled meetings in each calendar year. At the discretion of the mayor, failure to attend the required number of meetings without good cause may be grounds for removal from the Board. In addition, failure to attend three (3) consecutive meetings without good cause may be removal from the Board.
- C. Compensation. The Common Council may, as part of the annual budget, provide for the compensation of Planning Board members and alternates. If compensation is provided for, it shall be on a per meeting attended basis. In addition, the City shall provide reimbursement for all approved training and out-of-pocket expenses associated therewith.

**285-20. Powers and duties of Planning Board.**

The Planning Board shall have the powers and duties as specified below.

- A. Plats. The Planning Board may approve plats showing lots, blocks or sites, with or without streets or highways, and conditionally approve preliminary plats and pass and approve the development of plats already filed in the office of the Clerk of the County of Albany if such plats are entirely or partially undeveloped.
- B. Street changes. The Planning Board has the power and authority to change the City's Official Map by approving and filing an approved subdivision plat. The Planning Board can recommend the discontinuance of an existing street or a portion thereof to the City Council. The City Council has the authority to determine if, and act upon, the discontinuance of a street.
- C. Site plan. The Planning Board will approve, approve with conditions or deny site plans in accordance with Article XIV of these regulations.

- D. Special use permits. The Planning Board will hear and decide upon application for such permits as specified in this chapter. A permit for any special permit use shall be granted only if evidence is presented which establishes that:
1. The proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the City's long term planning goals and this chapter.
  2. The proposed building, hours of operation, use, or intensity of operation involved will not have a substantial or undue adverse effect upon adjacent property the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
  3. The proposed building or use will be constructed, arranged and operated so as not to dominate the immediate vicinity, or to interfere with or devalue the development and use of neighboring property in accordance with the applicable district regulations.
  4. The proposed building or use will be adequately served by essential public facilities and services.
  5. The proposed building or use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use.
  6. All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.
  7. Where requested, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the special use permit.
  8. In the review and approval of special use permits, the following additional factors shall be considered:
    - a. General conformance with the City of Cohoes long term planning goals and guidelines for development associated with them.
    - b. Consistency with development standards and guidelines of the zoning district in which it is located.
    - c. Criteria for the review of site plans enumerated in Article XIV.

**285-21. Creation, appointment and membership of the Historic Preservation and Architectural Review Board.**

- A. A Historic Preservation and Architectural Review Board, pursuant to General Municipal Law §119-dd is hereby created by the Common Council of the City of Cohoes.
- B. Authorization. The Historic Preservation and Architectural Review Board shall consist of five (5) members and up to two (2) alternates. The Mayor shall appoint the members of such Board and designate the chairperson thereof. In the absence of a chairperson, the Historic Preservation and Architectural Review Board may designate a member to serve as chairperson.

- C. Appropriation for Historic Preservation and Architectural Review Board. The Common Council is hereby authorized and empowered to make such appropriation as it may see fit for Historic Preservation and Architectural Review Board expenses. Such charges and expenses less fees, if any collected, shall be a charge upon the taxable property and shall be assessed, levied and collected. The Board shall have the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefore by the Common Council for such Board.
- D. Common Council members ineligible. No person who is a member of the Common Council shall be eligible for membership on such Historic Preservation and Architectural Review Board.
- E. Terms of members first appointed. The terms of members of the Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a five-year (5) term.
- F. Vacancy in office. If a vacancy shall occur other wise that by expiration of term, the Mayor shall appoint the new member for the unexpired term.
- G. Removal of members. The Mayor shall have the power to remove, after public hearing, any member of the Board for cause.
- H. Chairperson duties. All meetings of the Board shall be held at the call of the chairperson and at such other times as such Board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

**285-22. Powers generally of the Historic Preservation and Architectural Review Board.**

- A. The Mayor shall appoint from its membership a chairman and such officers as deemed necessary, who shall serve annual terms as such and who may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the board.
- B. The board shall keep a full public record of its proceedings, including minutes of its proceedings and other official actions, which shall be filed with the City Clerk.
- C. The board shall submit a report of its activities to the Common Council at least once a year.

- D. The board may recommend to the Common Council the designation of additional landmarks and properties to be included in the Historic Overlay Districts.
- E. Limitations. The Historic Preservation and Architectural Review Board is authorized to review and act upon matters within the Historic Overlay District.
- F. Adoption of criteria for the identification of significant historic, architectural and cultural landmarks and for delineation of Historic District.
- G. Conduction of surveys of significant historic, architectural and cultural landmarks and Historic Districts within the City of Cohoes.
- H. Making recommendations to the Common Council concerning the utilization of state, federal or private funds to promote the preservation of landmarks and Historic District within the City of Cohoes.

**285-23. Review procedure by the Historic Preservation and Architectural Review Board.**

- A. In order to be heard by the Board at its next regular meeting, a complete application for a certificate of appropriateness shall be made to the Zoning Officer, on forms provided, at least fifteen days prior to the next scheduled meeting. In the event of an appeal pursuant to §285-23 F, a notice of appeal shall be filed with the Zoning Officer at least fifteen days prior to the next scheduled meeting.
- B. The Board shall meet at least once a month provided there are applications to consider. However, they need not meet if no applications are pending for their review.
- C. Professional Review. The applicant will provide renderings, site plans, and other information related to the proposed construction, renovation or alteration of structures or buildings in the Historic Overlay District at least thirty (30) days prior to the next board meeting for review. A licensed architect familiar with the historic vernacular of the Historic Overlay District will provide a written review to the board prior to the meeting. Any professional fees associated with projects requiring review by the Historic Preservation and Architectural Review Board will be the responsibility of the applicant. Fees will be based upon a percentage of the overall project estimated cost, not to exceed five (5) percent.
- D. The Board shall vote on any application not later than 62 days after the conclusion of the hearing on the application unless the time is extended with the written consent of the applicant.

- E. Upon approval by the Board a Certificate of Appropriateness shall be issued within five (5) business days of the decision. A Certificate of Appropriateness shall be valid for a period of one (1) year from the date of the Board's action, unless otherwise specified by the Board or Council.
- F. In the case of disapproval of an application before the Board, the Board shall briefly state its reasons in writing, which shall be included as part of the public record. The Board may make recommendations to the applicant for reconsideration in the future. In the case of disapproval accompanied by recommendations, the applicant may again be heard before the Board, if he files an amended application that addresses the recommendations of the board within ninety (90) days.
- G. Any property owner aggrieved by any decision of the Historic Preservation and Architectural Review Board may present to the Common Council a notification of appeal within thirty (30) calendar days after the decision is rendered by the Board. The Common Council shall schedule a public hearing as part of its consideration of the matter and render a decision within 62 calendar days after the hearing. The Common Council may affirm the decision of the Board, or may reverse or modify the Board's decision, in whole or in part.
- H. The Board shall not reconsider or review, more than once, any decision it makes within one (1) year of initial application. Multiple applications submitted for the same property within one (1) year of each other must be substantially different to warrant review, except for cases of appeal and amended applications as provided for herein.

**285.24. Final Appeal of Architectural Review decisions.**

Any property owner aggrieved by the final decision of the Common Council pursuant to §285-23G may present to the city court of the City of Cohoes a duly certified petition setting forth the alleged illegality of the action of the Common Council, provided such petition is filed within thirty (30) days after the final decision is rendered by the Common Council. The filing of said petition shall stay any action pursuant to the decision of the Common Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay any action pursuant to the decision of the Common Council if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may affirm the decision of the Common Council, or it may reverse or modify the decision of Common Council, in whole or in part, if it finds upon review that the decision of the Common Council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion.

**285-25. Conflict with other laws.**

Whenever the requirements of this chapter vary from the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern, except where the New York State Fire and Building Code apply, those regulation shall govern.

**285-26. Amendments.**

- A. The regulations, restrictions, uses and boundaries provided in this chapter and the Official Map may be amended, supplemented, changed, modified or repealed in accordance with the provisions of §29 and §83 of General City Law for all property in the City of Cohoes and all other applicable laws of the State of New York and in accordance with the following procedures.
- B. Whenever any person, firm or corporation desires that any amendments or changes be made in this chapter, including the text and/or the Zoning District Map as to any property in Cohoes, there shall be presented to the Common Council a petition requesting such change or amendment. The petition shall clearly describe the property and its boundaries and shall indicate the existing zoning district and the requested zoning district. The petition shall also show existing highways, municipal boundary lines and state parks, name and addresses of all property owners bordering the proposed change. A filing fee pursuant to regulations adopted by the Common Council shall be paid at the time of filing the petition.
- C. All such amendments shall be referred to the Planning Board for review and recommendation.



**ARTICLE IV**  
**Violations**

**285-27. Enforcement.**

It shall be the duty of the Zoning Officer, and of the Director of Code Enforcement, and any duly authorized assistants to enforce the provisions of this chapter and to enforce any determination of the Zoning Board of Appeals, Historic Preservation and Architectural Review Board, and/ or the Planning Board.

**285-28. Penalties for offenses.**

Any person violating any of the provisions of this chapter shall be subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

**285-29. Continued violation.**

From the date of initial violation notice, each week or seven (7) days of continued violation shall be considered a separate and distinct offence.

**285-30. Other relief.**

Nothing contained in this article shall preclude the municipality or its agents from seeking such other relief as may be lawful in order to compel adherence to the terms of this chapter and otherwise enforce the same.

**ARTICLE V**  
**Districts Established**

**285-31. Districts established.**

The City of Cohoes is hereby divided into the following types of districts, which shall be differentiated according to use and area, and hereafter used and developed for the purposes designated:

R-1	Residential District – 1.
R-2	Residential District – 2.
MFR	Multi-Family Residential District.
MU-1	Mixed Use District.
MU-2	Waterfront Mixed Use District.
C-1	Office/Retail Commercial District.
I-1	Industrial District.
LC	Land Conservation District.
PDD	Planned Unit Development District.
FD	Flood Plain Overlay District.
HD	Historic Overlay District.

**285-32. Official Zoning District Map.**

The above districts shall be located, bounded and described as shown on the Zoning District Map of the City of Cohoes, which has been designated the Official Zoning District Map of the City, now on file with the City Clerk and, together with the boundaries and the designations therein, is made part of this chapter.

**285-33. Interpretation of district boundaries.**

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

- A. Distances shown on the Zoning District Map are perpendicular or radial distances from street lines measured back to the zone boundary line, which lines in all cases, where distances are given, are parallel to the street line.
- B. Where district boundaries are indicated as approximately following the center of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they approximately follow the lot line, such lot lines shall be construed to be said boundaries.

- D. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such dimension shall be determined by the use of the scale shown on said Zoning District Map.
- E. Where the boundary of a district follows a railroad line or is parallel thereto, such boundary shall be deemed to be located, or shall be measured from a point, midway between the main tracks of said railroad line.
- F. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of Cohoes unless otherwise designated. If no distance is given, the dimension shall be determined by the use of the scale shown on said Zoning District Map.
- G. If an uncertainty still exists as to a boundary line following review of the above items, then the Zoning Board of Appeals shall determine such boundary location.

**285-34. Regulations; prohibited uses**

- A. Regulations. Except as herein provided, no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the allowable uses and standard for development set forth for each district by this chapter, nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the bulk and use requirements, off-street parking requirements, landscaping requirements and all other regulations designated in this chapter for the district in which such building or use is located. In the event of any such unlawful encroachment or reduction, such building or use Certificate of Occupancy shall become void.
- B. Prohibited uses. Uses not expressly stated as permitted uses or specially permitted uses are prohibited unless they are considered a nonconforming use.

**ARTICLE VI**  
**Zoning District Regulations**

**285-35. Residential District - 1 (R-1).**

- A. Intent. The intent of the Residential District - 1 (R-1) is to encourage the continuation and improvement of existing single-family neighborhoods in the City of Cohoes; and protect the health, safety and general welfare of those residing within the district.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations, especially Regulations Applicable to All Zoning Districts in accordance with Article VII, Landscaping in accordance with Article IX, Subdivision of Land, if applicable, in accordance with Article XIII, and Site Plan Review and Approval in accordance with Article XIV.
1. Dwelling, single-family.
  2. Public uses.
  3. Dwelling, attached or row.
  4. In-law apartment.
  5. Congregate housing.
  6. Park/recreation area.
  7. Building, accessory.
- C. Special use permit. Uses permitted with a special use permit from the City Planning Board, subject to the requirements of §285-20D. Such uses are subject to the general development standards for specific uses related to Regulations Applicable to All Zoning Districts found in Article VII, to Landscaping requirements in accordance with Article IX, to Site Plan Review and Approval in accordance with Article XIV and to other standards as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.
1. Accessory dwelling, as part or in place of a detached garage, subject to the requirements of Article VII, §285-65.
  2. Swimming pool, private.
  3. Home occupation.
  4. Low intensity office or service in a mixed use building.
  5. Family daycare home.
  6. Funeral home.
- D. Lot size. Please see the City of Cohoes Bulk and Use Table, Page 285-148.
- E. Lot coverage. Please see the City of Cohoes Bulk and Use Table, Page 285-148.
- F. Minimum setback. Please see the City of Cohoes Bulk and Use Table, Page 285-148.

G. Height. Please see the City of Cohoes Bulk and Use Table, Page 285-148.

**285-36. Residential District - 2 (R-2).**

- A. Intent. The intent of the Residential District - 2 (R-2) is to encourage the long-term stability of existing traditional neighborhoods where a diverse mix of single-family, duplex, and multi-family housing currently exists in the City of Cohoes; and protect the health, safety and general welfare of those residing within the district.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations, especially Regulations Applicable to All Zoning Districts in accordance with Article VII, Landscaping in accordance with Article IX, Subdivision of Land, if applicable, in accordance with Article XIII, and Site Plan Review and Approval in accordance with Article XIV.
1. Dwelling, single-family.
  2. Dwelling, two-family.
  3. Public uses.
  4. Dwelling, attached or row.
  5. In-law apartment.
  6. Boarding or rooming houses for up to three (3) roomers.
  7. Congregate housing.
  8. Park/recreation area.
  9. Building, accessory.
- C. Special use permit. Uses permitted with a special use permit from the City Planning Board, subject to the requirements of §285-20D. Such uses are subject to the general development standards for specific uses related to Regulations Applicable to All Zoning Districts found in Article VII, to Landscaping requirements in accordance with Article IX, to Site Plan Review and Approval in accordance with Article XIV and to other standards as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.
1. Accessory dwelling, as part or in place of a detached garage, subject to the requirements of Article VII, §285-65.
  2. Swimming pool, private.
  3. Home occupation.
  4. Low intensity office or service in a mixed use building.
  5. Family daycare home.
  6. Funeral home.
- D. Lot size. Please see the City of Cohoes Bulk and Use Table, Page 285-149.
- E. Lot coverage. Please see the City of Cohoes Bulk and Use Table, Page 285-149.
- F. Minimum setback. Please see the City of Cohoes Bulk and Use Table, Page 285-149.

G. Height. Please see the City of Cohoes Bulk and Use Table, Page 285-149.

### **285-37. Multi-Family Residential District (MFR).**

- A. Intent. The purpose of the Multi-family Residential District (MFR) is to provide an area for mixed or multi-family residential development at a density consistent with the surrounding residential uses. In existing mixed use areas of the MFR district, and subject to a special use permit, small commercial uses may also be appropriate, generally in existing buildings. Generally, these areas are located near commercial/service centers, and provide a transition between residential and commercial/industrial areas.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations, especially Regulations Applicable to All Zoning Districts in accordance with Article VII, Landscaping in accordance with Article IX, Subdivision of Land, if applicable, in accordance with Article XIII, and Site Plan Review and Approval in accordance with Article XIV.
1. Dwelling, single-family.
  2. Dwelling, two-family.
  3. Dwelling, attached or row.
  4. Dwelling, multi-family.
  5. Accessory dwelling, subject to the requirements of Article VII, §285-65.
  6. In-law apartment.
  7. Bed and Breakfast/Inn.
  8. Residential care facility.
  9. Funeral home.
  10. Home occupation located in principal building.
  11. Parking lot.
  12. Building, accessory.
- C. Special use permit. Uses permitted with a special use permit from the City Planning Board, subject to the requirements of §285-20D. Such uses are subject to the general development standards for specific uses related to Regulations Applicable to All Zoning Districts found in Article VII, to Landscaping requirements in accordance with Article IX, to Site Plan Review and Approval in accordance with Article XIV and to other standards as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.
1. Home occupation located in accessory building.
  2. Swimming pool, private.
  3. Low-intensity professional office.
  4. Family daycare home.
  5. Club, private.
  6. Boarding or rooming house for up to three roomers.
  7. Structure, mixed-use.
  8. Mobile home park.
  9. Funeral home.



- D. Lot size. Please see the City of Cohoes Bulk and Use Table, Page 285-150.
- E. Lot coverage. Please see the City of Cohoes Bulk and Use Table, Page 285-150.
- F. Minimum setback. Please see the City of Cohoes Bulk and Use Table, Page 285-150.
- G. Height. Please see the City of Cohoes Bulk and Use Table, Page 285-150.

**285-38. Mixed Use District (MU-1).**

- A. Intent. The Mixed Use District (MU-1) is provided for the location of shops, services, small workplaces, civic and residential buildings central to a neighborhood or grouping of neighborhoods and within walking distance of dwellings.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially Regulations Applicable to All Zoning Districts in accordance with Article VII, Landscaping in accordance with Article IX, Subdivision of Land, if applicable, in accordance with Article XIII, and Site Plan Review and Approval in accordance with Article XIV.
1. Bed and Breakfast accommodations as a secondary use of a primary residence or the primary use of an accessory structure.
  2. Inn accommodations not to exceed 35 year-round rooms.
  3. Retail.
  4. Structure, mixed-use to include retail or service uses on the first floor and office or residential on the upper floors.
  5. Office building.
  6. Dwelling, single-family.
  7. Dwelling, attached or row.
  8. Dwelling, multi-family.
  9. Boarding or rooming house for up to three roomers.
  10. Restaurant.
  11. Bar/tavern.
  12. Animal hospital.
  13. Funeral home.
- C. Special use permit. Uses permitted with a special use permit from the City Planning Board, subject to the requirements of §285-20D. Such uses are subject to the general development standards for specific uses related to Regulations Applicable to All Zoning Districts found in Article VII, to Landscaping requirements in accordance with Article IX, to Site Plan Review and Approval in accordance with Article XIV and to other standards as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.
1. Secondary garage not related to residential use.
  2. Gasoline stations, neighborhood.
  3. Parking garage/lot, as principal use.
  4. Temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales).

5. Machine shops and related manufacturing uses not within 300 feet of any primary residential use.
- D. Lot size. Please see the City of Cohoes Bulk and Use Table, Page 285-151.
  - E. Lot coverage. Please see the City of Cohoes Bulk and Use Table, Page 285-151.
  - F. Minimum setback. Please see the City of Cohoes Bulk and Use Table, Page 285-151.
  - G. Height. Please see the City of Cohoes Bulk and Use Table, Page 285-151.
  - H. General requirements.
    1. Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
      - a. New buildings, which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets, exhibit demonstrable compatibility.
      - b. New buildings, which exceed mass and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume.
        - [1] On new streets, allowable building and lot types will establish the development pattern.
        - [2] New construction favors retail first floor, office, or residential second floor.
        - [3] Every building lot shall have frontage upon a public street or square.

**285-39. Waterfront Mixed Use District (MU-2).**

A. Intent. The Waterfront Mixed Use District (MU-2) is provided for the location of shops, services, waterfront related services, offices, small workplaces, and civic and residential buildings central to the city's waterfront. All private development, where applicable, in the Waterfront Mixed Use District shall include public access directly adjacent to the water in the form of a 50-foot easement, which may be waived by the Planning Board in cases which the City does not feel access is appropriate for reasons of public health, safety or welfare.

B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations, especially Regulations Applicable to All Zoning Districts in accordance with Article VII, Landscaping in accordance with Article IX, Subdivision of Land, if applicable, in accordance with Article XIII, and Site Plan Review and Approval in accordance with Article XIV.

1. Inn/Hotel.
2. Retail.
3. Marina.
4. Boat launch.
5. Structure, mixed-use to include retail or service uses on the first floor and office or residential on the upper floors.
6. Waterfront retail services.
7. Professional Offices.
8. Dwelling, single-family.
9. Dwelling, multi-family.
10. Dwelling, attached or row.
11. Restaurant.
12. Bar/tavern.

C. Special use permit. Uses permitted with a special use permit from the City Planning Board, subject to the requirements of §285-20D. Such uses are subject to the general development standards for specific uses related to Regulations Applicable to All Zoning Districts found in Article VII, to Landscaping requirements in accordance with Article IX, to Site Plan Review and Approval in accordance with Article XIV and to other standards as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.

1. Dock.
2. Building, accessory.
3. Home occupation.
4. Parking garage/lot, as an accessory use.
5. Parking garage/lot, as a principal use.
6. Family daycare home.
7. Outdoor recreation.

- D. Lot size. Please see the City of Cohoes Bulk and Use Table, Page 285-152.
- E. Lot coverage. Please see the City of Cohoes Bulk and Use Table, Page 285-152.
- F. Minimum setback. Please see the City of Cohoes Bulk and Use Table, Page 285-152.
- G. Height. Please see the City of Cohoes Bulk and Use Table, Page 285-152.
- H. Additional regulations.
  - 1. For lots with direct water frontage, the lot line facing the waterfront will be considered the front lot line for all properties in the Waterfront Mixed Use District.
  - 2. The proposed building, structure, or use will not unnecessarily obstruct public or semi-public access to the waterfront.
  - 3. The proposed design and arrangement of the building, structure or, use will provide for pedestrian access to the waterfront and public views of the river to the maximum extent possible. Buildings on the waterfront side of any roadway shall permit pedestrian access from both the waterfront side and the roadside of the building.

**285-40. Office/Retail Commercial District (C-1).**

- A. Intent. The intent of the Office/Retail Commercial District (C-1) is to assure appropriate opportunities for areas primarily dedicated to office and retail use. Within the C-1 District, particular attention should be paid to façade treatments and signage, pedestrian circulation and, if applicable, building location and vehicle circulation so that the existing development pattern remains intact.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations, especially Regulations Applicable to All Zoning Districts in accordance with Article VII, Landscaping in accordance with Article IX, Subdivision of Land, if applicable, in accordance with Article XIII, and Site Plan Review and Approval in accordance with Article XIV.
1. Professional offices.
  2. Retail.
  3. Recreation, indoor commercial.
  4. Daycare center.
  5. Structure, mixed-use to include permitted commercial uses on the first floor and office or residential on the upper floors.
  6. Dwelling, multi-family.
  7. Dwelling, attached or row.
  8. Cultural use facility or museum.
  9. First floor places of worship.
- C. Special use permit. Uses permitted with a special use permit from the City Planning Board, subject to the requirements of §285-20D. Such uses are subject to the general development standards for specific uses related to Regulations Applicable to All Zoning Districts found in Article VII, to Landscaping requirements in accordance with Article IX, to Site Plan Review and Approval in accordance with Article XIV and to other standards as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.
1. Parking lot.
  2. Drive-in facility.
  3. Motor vehicle service station or motor vehicle wash, subject to the requirements of Article VII, §285-69.
  4. Convenience store with retail fuel sales, subject to the requirements of Article VII, §285-69.
  5. Club, private.
- D. Prohibited uses. Prohibited uses shall be as follows:
1. Expansion of preexisting nonconforming residential uses.
- E. Lot size. Please see the City of Cohoes Bulk and Use Table, Page 285-153.

- F. Lot coverage. Please see the City of Cohoes Bulk and Use Table, Page 285-153.
- G. Minimum setback. Please see the City of Cohoes Bulk and Use Table, Page 285-153.
- H. Height. Please see the City of Cohoes Bulk and Use Table, Page 285-153.
- I. Street-front architectural features. Street-front facades, particularly on “infill” lots, should be respectful of and consistent with adjacent buildings’ stringcourse, cornice and water table heights, rhythm and proportion of windows and doors, and the scale and massing of architectural elements. Pedestrian amenities should be an integral part of the design.

## **285-41. Industrial District (I-1)**

- A. Intent. The Industrial District (I) is intended to identify areas best suited for industrial-related uses. The city understands the important role that industry plays in maintaining a consistent tax base and providing local employment opportunities. Industrial areas should be easily accessed by major roadways and/or rail and have appropriate buffers from residential and commercial uses.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations, especially Regulations Applicable to All Zoning Districts in accordance with Article VII, Landscaping in accordance with Article IX, Subdivision of Land, if applicable, in accordance with Article XIII, and Site Plan Review and Approval in accordance with Article XIV.
1. Manufacturing.
  2. Warehouse or wholesale use.
  3. Public utility.
  4. Machine shop.
  5. Machinery and transportation services, sales or repair.
  6. Light industry.
  7. Contractor's yard.
- C. Special use permit. Uses permitted with a special use permit from the City Planning Board, subject to the requirements of §285-20D. Such uses are subject to the general development standards for specific uses related to Regulations Applicable to All Zoning Districts found in Article VII, to Landscaping requirements in accordance with Article IX, to Site Plan Review and Approval in accordance with Article XIV and to other standards as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.
1. Parking garage, as principle use.
  2. Building, accessory.
  3. Motor vehicle service station.
  4. Motor vehicle wash.
  5. Natural product extraction.
  6. Dwelling, single-family
  7. Telecommunications facility or tower.
  8. Rock and stone crushing and mixing plants.
  9. Places of worship, first floor.
  10. Adult use, not within 300 feet of a residential district or a protected use (see §285-5 for the definition of protected use).
- D. Lot size. Please see the City of Cohoes Bulk and Use Regulations on Page 285-154.



- E. Lot coverage. Please see the City of Cohoes Bulk and Use Regulations on Page 285-154.
- F. Minimum required setbacks. Please see the City of Cohoes Bulk and Use Regulations on Page 285-154.
- G. Height. Please see the City of Cohoes Bulk and Use Regulations on Page 285-154.

**285-42. Land Conservation District (LC).**

- A. Intent. The purpose of the Land Conservation District (LC) is to delineate those areas where substantial development of the land in the form of buildings, structures or other impermeable surfaces is not desirable because of:
1. Special or unusual conditions of topography, drainage, floodplain or other natural conditions whereby considerable damage to buildings or structures and possible loss of life may occur due to the processes of nature; or
  2. The lack of proper facilities or improvements resulting in the land not being suitable for development at the present time and where such facilities or improvements must be undertaken on an area-wide rather than an individual-parcel basis in order to serve adequately at a reasonable cost to the city.
- B. Permitted uses. Permitted uses shall be as follows, subject to the requirements specified below and elsewhere in these regulations especially Regulations Applicable to All Zoning Districts in accordance with Article VII, Landscaping in accordance with Article IX, Subdivision of Land, if applicable, in accordance with Article XIII, and Site Plan Review and Approval in accordance with Article XIV. To promote these purposes in Land Conservation Districts, no building or other structure shall be built or land used and no building shall be built, altered or erected to be used for any purposes other than that of:
1. Municipal or public utility.
  2. Farm or other agricultural or horticultural operation.
  3. Greenhouse, commercial.
  4. Dwelling, single-family.
- C. Special use permit. Uses permitted with a special use permit from the City Planning Board, subject to the requirements of §285-20D. Such uses are subject to the general development standards for specific uses related to Regulations applicable to All Zoning Districts found in Article VII, to Landscaping requirements in accordance with Article IX, to Site Plan Review and Approval in accordance with Article XIV and to other standards as may be required under Site Plan Review by the Planning Board to assure development and operation of the use without a detrimental impact on adjacent uses.
1. Building, accessory.
  2. Stable, commercial.
  3. Nature preserves, private.
  4. Recreational area.
- D. Lot size. Please see the City of Cohoes Bulk and Use Table, Page 285-155.

- E. Lot coverage. Please see the City of Cohoes Bulk and Use Table, Page 285-155.
- F. Minimum setback. Please see the City of Cohoes Bulk and Use Table, Page 285-155.
- G. Height. Please see the City of Cohoes Bulk and Use Table, Page 285-155.

## **285-43. Planned Unit Development District (PDD)**

- A. Purpose. Planned Unit Development (PDD) allows a landowner to propose his/her own development project largely independent from current land use regulations otherwise applicable to that property.

The purpose of this article is to promote flexibility in large-scale development by considering project proposals based upon a comprehensive, integrated and detailed plan rather than the specific constraints applicable to piecemeal lot-by-lot development under conventional zoning. A PDD should improve the quality of new development by encouraging aesthetically attractive features and promoting quality site and architectural design. A PDD will be reviewed by the Planning Board with final approval by the Common Council.

- B. Permitted uses. The following uses may be proposed for inclusion in a PDD. However, no use is permitted in a PDD unless specifically reviewed and recommended by the Common Council as part of the PDD plan.
1. Any residential use(s) proposed by the applicant which, as reasonably determined by the Planning Board, meets the requirements and objectives of this ordinance. These may include dwelling units in the following forms:
    - a. Single-family dwellings.
    - b. Duplexes.
    - c. Row houses/townhouses.
    - d. Attached or detached condominium units.
    - e. Multi-family units.
    - f. Congregate housing.
  2. Any uses that are permitted in the underlying zoning district, either by right or special use permit (at such time as this procedure may be established) except for those uses specifically prohibited below; any uses that are allowed in the underlying zoning district under an existing permit or as existing nonconforming uses.
  3. Any nonresidential use(s) proposed by the applicant which, as reasonably determined by the Planning Board, meets the requirements and objectives of this ordinance except for those specifically prohibited below. Nonresidential uses should be compatible in scale and design with residential uses, be attractive and low key (in terms of building design, signage, lighting, and treatment of parking), and have a strong pedestrian orientation. The types of non-residential uses compatible with a PDD include (but are not limited to) the following:
    - a. Community function halls.
    - b. Neighborhood scale commercial uses such as convenience stores, craft stores, drug stores, restaurants, beauty shops, tailors, laundromats, banking establishments.
    - c. Professional offices.
    - d. Medical care uses, including medical care office buildings.

- e. Daycare center for adults and children.
  - f. Civic uses such as schools, government offices, and churches.
  - g. Inns and bed and breakfasts.
  - h. Indoor and outdoor recreation facilities.
  - i. Sales office for the sale or rental of property in the PDD.
- C. Prohibited uses and designs. The following uses and designs are not permitted in a PDD unless they are already allowed in the underlying zoning district under an existing permit or as existing non-conforming uses: commercial telecommunication towers/wireless communications facilities as a primary use; any industrial use, warehousing or storage as a primary use; automobile/vehicle dealerships (new or used); any individual retail sales or service operation with a building footprint exceeding 20,000 square feet; gasoline stations; any restaurant with a drive up window and internally illuminated signage.
- D. Process. The process for administering a Planned Unit Development is as follows:
1. Due to the complexity inherent in PDD's, prior to developing a detailed PDD proposal or submitting an application applicants are strongly encouraged to: a). meet with the Planning Department to discuss their ideas; and b). hold a conceptual discussion with the Planning Board.
  2. The applicant submits a formal PDD application (also known as the proposed PDD Plan) as specified elsewhere in this section.
  3. The Planning Board holds a public hearing on the PDD application and determines whether or not it is complete, in accordance with this ordinance. The board must take final action on the application within 62 days of a finding of completeness.
  4. The Planning Board approves, denies, or approves with conditions the PDD application. An applicant may appeal any such decision of the Planning Board in the same manner specified for appeals for site plan review and subdivision approval.
  5. The Planning Board maintains a record of all approved PDD Plans with the City Clerk. The City of Cohoes has determined that a floating PDD district is most appropriate and therefore no defined district boundary is identified on the Official Zoning Map.
  6. Any development on the subject property must be consistent with the approved PDD master plan as determined by the Planning Board. While it is the PDD plan, rather than the underlying zoning district, that regulates development of the subject tract, there shall remain an underlying zoning designation for the tract at all times.
  7. In the event active and substantial development or building has not begun on the site by the owner or the owner's successor-in-interest in accordance with the approved PDD plan within four years after the date of approval, or in accordance with other specific terms of the approval, then the PDD master plan shall be deemed to have expired and the underlying zoning

shall then control development of the land. Landowners may apply to the Planning Board for extensions of this time period for good cause shown.

8. Landowners may apply to amend all or a portion of an approved PDD following the same process applicable to the establishment of a PDD. A landowner may extinguish a PDD by notifying the Planning Board in writing that he/she does not intend to utilize the PDD.

E. Basic requirements. The following requirements apply:

1. PDDs are permitted as floating zones and are permitted in all zoning districts except single-family residential and multi-family residential. They are permitted on one or more lots, or portions of lots of land.
2. The minimum area required for a PDD shall be five (5) contiguous acres of land. Where portions of the tract are separated by a road, road right-of-way, utility, waterway, or another like element, the land shall be deemed contiguous unless the intervening feature is of such a nature that the Planning Board determines that the land could not function effectively as a PDD.
3. The PDD shall be under unified ownership or control at the time of application. However, the tract may be subsequently subdivided consistent with the terms and conditions of the approved PDD plan. Multiple parties may own, manage, and/or develop various components of the PDD provided that the overall PDD remains integrated.

F. Standards of development. The following standards shall apply to all PDDs:

1. All PDDs shall contain a minimum of fifteen percent (15 percent) of the total gross acreage of the site as open space. Plans for ownership and maintenance of all open space areas must be determined at the time of either master plan approval or site plan/subdivision approval.
2. No more than fifty percent (50 percent) of the PDD site, excluding open space, shall be devoted to parking, streets, buildings, and accessory structures, except in the case of a bona fide traditional neighborhood development.
3. Off-street parking and loading shall comply with Article XIV. However, the Planning Board may grant waivers for parking if the Board finds that waivers will be compatible with the design and purposes of the PDD.
4. All utilities shall be located underground, unless the Planning Board determines that significantly unfavorable site conditions warrant above ground installation.
5. The overall residential density of a PDD may not exceed twenty (20) residential dwelling units, excluding single family homes which may not exceed eight units, per gross acre of the PDD tract. In determining appropriate density, in addition to other criteria here, the Planning Board shall pay special attention to the amount of developable land contained on the tract as determined or reasonably estimated in the submission materials). The commercial uses delineated above may be located in a flexible spatial environment, assuring compatibility with residential uses

- and with the overall development design, provided that non-residential uses do not exceed twenty-five percent (25 percent) of the gross tract area of the PDD. These limitations herein: a) are maximums and should not be construed as by right permitted levels of development, and b) may be waived in the case of a bona fide traditional neighborhood development.
6. No building shall exceed four (4) stories in height (except for cupolas, dormers, building towers, and similar elements).
  7. Flexible street design, compatible with the design of the PDD is encouraged. Street designs which promote a sustainable community living environment within the PDD are encouraged. Street widths may be reduced from the provisions of the Zoning Ordinance and Subdivision Regulations where a reduction in street size is compatible with the harmonious development of the PDD and accommodates emergency vehicles and other functional needs.
  8. The PDD shall be in compliance with a) all standards contained within the Cohoes Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations unless waived or modified as part of the PDD master plan and b) all applicable local, state, and federal law relating to public health and safety, building construction, drainage, nuisances, and protection of natural and cultural resources (these standards may not be waived or modified).
  9. All roads and structures shall be set back a minimum of fifty (50) feet from all exterior PDD tract boundaries which abut residential uses except where transportation or use linkages are desired. Landscaping and other screening devices shall be designed to provide a reasonable buffer between the PDD and adjoining property except where compatible uses adjoin one another.
  10. Private roads may be utilized provided acceptable arrangements are made for their ownership and maintenance.
  11. In a PDD where ownership is subject to restrictions, covenants and other agreements, those documents shall be recorded in the Albany County Registry of Deeds and shall be subject to the reasonable approval of the Planning Board.
  12. Where municipal water and/or sewer service is reasonably available the applicant must tie in. However, for good cause the Planning Board may grant a waiver from this requirement.
  13. Any proposed covenants, restrictions, and easements must be approved by the Planning Board. A provision must be built into the documents providing for municipal enforcement of the covenants, restrictions, and easements at the City's option and at the developer's expense under appropriate circumstances.

G. Criteria for review of PDD proposals. The following criteria shall guide the Planning Board in determining appropriate land uses, densities, and other development standards for the PDD. It is emphasized that the determination of

whether or not a proposal meets the intent and objectives of this ordinance is made by the Planning Board in its reasonable discretion.

The Planning Board shall consider the following:

1. Standards of underlying zoning district - permitted uses, densities, and other standards. However, these standards shall not be controlling provided the applicant is otherwise in compliance with the terms of this ordinance.
2. Provisions of City of Cohoes Zoning Ordinance, Site Plan Regulations, Subdivision Regulations, and other applicable city, state, and federal law, where appropriate.
3. Consistency with the City of Cohoes' long term planning goals.
4. Conformance with the intent and objectives of this ordinance.
5. Infrastructure capacity and the effect of the PDD upon public services and public safety.
6. Prospective fiscal impact upon the City of Cohoes.

H. Specific objectives. Every PDD should incorporate a number of the following elements. Their usage defines a planned unit development and justifies departures from standards otherwise applicable under conventional zoning (introduction of new uses, more intensive land uses, higher density, novel design approaches, etc.).

1. Traditional neighborhood development approaches.
2. Open space development approaches.
3. Creation of a network of narrow, attractive, walkable streets
4. Inclusion of a harmonious mix of uses.
5. Provisions for quality architectural design.
6. Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
7. Preservation of significant open space.
8. Preservation of natural vegetation and other important natural features.
9. Preservation of important cultural resources such as stone walls and other archaeological sites.
10. Development of active or passive recreational areas.
11. Quality landscaping.
12. Use of sidewalks, bikeways, and other multi-use paths.
13. Use of traffic mitigation or traffic calming measures.
14. Significant screening of, or rear placement of, parking areas.
15. Sustainable design and construction practices promoting energy conservation.
16. Other public benefits such as provision of a community center or daycare center.
17. Public access to community facilities in PDD.

I. Submission requirements.



1. The applicant for a PDD shall provide the following materials (in format and number as reasonably determined by the Planning Board):
  - a. Completed PDD application.
  - b. Narrative, including a statement of purpose for the PDD and how it meets the goals of this ordinance.
  - c. Proposed land plan.
  - d. Proposed land use list.
  - e. Completed abutters list.
  - f. PDD application fee.
  
2. The applicant for a PDD shall provide the following information. Given the amount of information needed it is recommended that the plan be developed and refined through several conceptual/preliminary iterations with the staff and Planning Board. Many of these items may be presented as approximations or preliminary estimates subject to change, where appropriate.
  - a. Present underlying zoning classification and zoning classification of all adjoining lots.
  - b. Topographic information on the tract including soil types, wetlands, surface water, land contours, natural and cultural resources, ridges and knolls, rock outcrops, steep slopes, etc. This information may be presented in an overview format, in less detail than would be required of a site plan or subdivision application provided that a clear sense of the tract is conveyed sufficient to evaluate the PDD proposal (for example, wetlands need not be professionally delineated if potentially wet low lying areas are roughly indicated).
  - c. Total acreage of the tract; rough delineation of each land use area with approximate acreage.
  - d. Proposed uses for each land use area, preferably given with some specificity.
  - e. Proposed total number of dwelling units and overall residential density for the tract.
  - f. Proposed number of dwelling units for each land use area.
  - g. Proposed location, size, and use for each structure.
  - h. Proposed location, width, and materials of all streets, drives, sidewalks, and paths.
  - i. Proposed location and number of spaces for each parking area.
  - j. Proposed open space areas.
  - k. Natural and cultural resources proposed to be preserved.
  - l. Proposed buffers, if appropriate, to adjoining property.
  - m. Brief explanation or sketch of proposed landscaping.
  - n. Brief explanation or sketch of proposed water and sewer/septic systems.
  - o. Brief explanation or sketch of proposed storm water management plan.
  - p. Brief explanation or sketch of other proposed utilities.
  - q. Brief explanation or sketch of proposed firefighting strategy.

- r. Proposed architectural standards or guidelines or brief explanation/sketch of architectural treatment.
  - s. Proposed time schedule for completion of the project, phasing schedule (if applicable depending on scale and type of PDD), plans for bonding if applicable, and well thought out plan to ensure that the amenities will be completed as proposed and in a timely manner.
  - t. Proposed covenants, restrictions and easements and how they will be monitored and enforced, if applicable.
  - u. Proposed ownership arrangement of each section of the PDD whether to be subdivided, held in fee simple, owned under a condominium arrangement, established as a homeowners association, etc.
  - v. Proposed articles of incorporation and bylaws of any corporation and/or homeowners association to be formed.
  - w. Any other information that the Planning Board or the City Attorney may deem reasonably necessary.
- J. Interpretation/application of the PDD master plan. The Planning Board shall review any site plan or subdivision application for its conformity with the approved PDD master plan, however the PDD will control over site review and subdivision regulations. The board may use its discretion in determining if particular items are consistent with the intent of the PDD master plan.
- 1. Many items in the PDD master plan will be presented and construed to be in preliminary sketch form subject to preparation of detailed, engineering analysis and some modification at the site plan/subdivision application stage consistent with the PDD master plan. These items include exact lot locations and layouts, exact locations of roads and paths, size and configuration of parking lots, utility information, water and sewer/septic, drainage, landscaping, and architectural renderings. (For example, the land plan may show numerous trees to be planted. The applicant would be able to significantly modify the locations and types of planting at the site plan stage provided the intent of the landscaping element as presented in the land plan is met.)
  - 2. All development standards must ultimately be determinable for each land use area. Where specific development standards are neither stated nor implied in the PDD plan, the most appropriate standards otherwise applicable (from the Zoning Ordinance, Site Plan Regulations, and/or Subdivision Regulations) shall apply as determined by the Planning Board. (For example, an area designated for single family homes in the PDD master plan does not specify front setbacks. The front setbacks contained in the City's primary single family zoning district would then apply.)
- K. Fees. See Fee Schedule in Chapter A290 .

## **285-44. Historic Overlay District (HD).**

### **A. Intent.**

1. Pursuant to the provisions of §96-a and §119-dd of the General Municipal Law, it is hereby declared that the protection, enhancement, perpetuation and use of places, district sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value are a public purpose in the City of Cohoes, New York; and furthermore, in accordance with the provisions of said §96-a and §119-dd by which the Common Council is empowered to provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of such property, including appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both, the purposes of this added Article to this chapter are to:
  - a. Safeguard the heritage of the City of Cohoes by preserving a district or specific sites in the city which reflect elements of its cultural, social, economic, political, natural and architectural history.
  - b. Stabilize and improve property values.
  - c. Foster civic beauty.
  - d. Strengthen the local economy.
  - e. Promote the use of the Historic Overlay District and landmark sites for the education, pleasure and welfare of the citizens of the city.
  - f. Meet the state standards for participation in the statewide urban cultural park system.
2. Pursuant to these purposes, there shall be created in the City of Cohoes districts known as "Historic Overlay Districts" and sites known as "landmarks."

**B. Boundaries of Historic Overlay Districts.** The Historic Overlay Districts shall be the areas shown and bounded as such on the map entitled "Zoning Map of the City of Cohoes, New York," as amended to date.

**C. Relationship to zoning district.** The Historic Overlay District regulations as provided herein for said districts are intended to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the Historic Overlay District. In all zoning districts lying within the boundaries of the Historic Overlay Districts, the regulations for both the zoning district and the Historic Overlay District shall apply.

**D. Historic Preservation and Architectural Review Board.** A board known as the "Historic Preservation and Architectural Review Board," created in Article III §285-21, will review applications for a certificate of appropriateness in the Historic Overlay District.

**E. Designation of landmarks of Historic Overlay Districts.**

1. The Historic Preservation and Architectural Review Board may recommend to the Common Council the designation of an individual property as a landmark if the property:
  - a. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
  - b. Is identified with historic personages;
  - c. Embodies the distinguishing characteristics of an architectural style;
  - d. Is the work of a designer whose work has significantly influenced an age; or
  - e. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
2. The Historic Preservation and Architectural Review Board may recommend to the Common Council the designation of a group of properties as an Historic Overlay District if the group:
  - a. Contains properties which meet one or more of the criteria for designation of a landmark; and
  - b. By reason of possessing such qualities, it constitutes a district section of the City of Cohoes.
3. Boundaries of each Historic Overlay District recommended to the Common Council for designation henceforth shall be specified in detail and shall be filed, in writing, in the office of the City Clerk for public inspection.
4. Notice of a proposed designation shall be sent by certified mail to the owner of a property proposed for designation announcing the time, date and place for a public hearing by the Historic Preservation and Architectural Review Board to consider the recommendation of the designation. Where the proposed designation involves 25 or more lots, such notice may instead be made by the publication of a legal notice once in a newspaper of general circulation at least 10 days prior to the date of the public hearing.
5. The Historic Preservation and Architectural Review Board shall hold a public hearing prior to its recommendation of the designation of any landmark or Historic Overlay District to the Common Council. The Board, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or Historic Overlay District. The record may also contain staff reports, public comments or other evidence offered outside of the hearing.
6. The Historic Preservation and Architectural Review Board shall forward recommendations concerning the designation of Historic Overlay Districts or landmarks to the Common Council for its consideration and action.

F. Alterations; certificate of appropriateness.

1. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within an Historic Overlay District, nor shall any person make any material change in the appearance of such a property, its light fixtures, sign, sidewalks, fence, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of an Historic Overlay District or designated landmark without first obtaining a certificate of appropriateness from the Historic Preservation and Architectural Review Board.
2. Such a certificate must be issued by the Historic Preservation and Architectural Review Board prior to the issuance of a building permit (or other permit granted for purposes of constructing or altering buildings and structures).
3. A certificate of appropriateness shall be required whether or not a building permit is required.
4. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any building permit that may be required by any ordinance, local law, code, rule or regulation of the City of Cohoes.
5. Notwithstanding Subsection A of this section, a certificate of appropriateness shall not be necessary for the sole alteration of painting the exterior of an existing structure within the Historic Overlay District, so long as the color used to paint the exterior is approved by the City Planner who shall maintain a list of acceptable colors and examples of said colors.

G. Criteria for approval of certificate of appropriateness.

1. In approving an application for a certificate of appropriateness, the Historic Preservation and Architectural Review Board shall not consider changes to interior spaces unless they are open to the public, nor changes to architectural features that are not visible from a public street. The Board's decision shall be based upon the following principles:
  - a. Properties which contribute to the character of a Historic Overlay District or a designated landmark shall be retained, with their historic features altered as little as possible;
  - b. Any alteration of existing properties shall be compatible with its historic character, as well as with the surrounding district; and
  - c. New construction shall be compatible with the district in which it is located.
2. In applying the principle of compatibility, the Historic Preservation and Architectural Review Board shall consider the following factors:
  - a. The general designs, character and appropriateness to the property of the proposed alteration or new construction.
  - b. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.
  - c. Texture, materials and color and their relation to similar features of other properties in the neighborhood.

- d. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape and the rhythm of spacing of properties on streets, including setback.
- e. The importance of historic, architectural or other features to the significance of the property.

H. Procedure for review of plans requiring permits.

1. Upon the application for a building permit, sign permit, fence permit or demolition permit for property within the Historic Overlay District or on a designated landmark, the Zoning Officer shall instruct said applicant to file an application for a Certificate of Appropriateness with the Historic Preservation and Architectural Review Board.
2. All plans and other information required for the permit being sought shall be submitted to the Historic Preservation and Architectural Review Board for review and action.
3. The procedure for review outlined in §285-23 must be adhered to.

I. Procedure for review of plans not requiring permits.

1. For the purpose of this article, any planned changes to the exterior appearance of properties within the Historic Overlay District which is or will be visible from the public way must be reviewed by the Historic Preservation and according to the powers and duties specified in §285-22 and §285-23, whether or not a permit is required from the Building Department.
2. For changes not requiring a permit, an application for a certificate of appropriateness must be filed with the Building Department for such changes on forms provided. Such changes include but are not limited to landscaping, lighting, banners and painting. The applicant will provide plans and other information deemed necessary to adequately describe the intended changes to the exterior appearance.
3. The procedure for review outlined in §285-23 must be adhered to.

J. Enforcement. After the certificate of appropriateness has been issued, the Zoning Officer shall from time to time inspect the construction, alteration or repair approved under such certificate and shall take such action as is necessary to enforce compliance with the approved plans.

K. Penalties for offenses. Failure to comply with any of the provisions of this article shall be deemed a violation, and the violator shall be liable for a fine as described in Article IV of this Chapter.

## **285-45. Flood Plain District (FD).**

- A. Intent. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
  4. Control filling, grading, dredging and other development which may increase erosion or flood damages;
  5. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
  6. Qualify for and maintain participation in the National Flood Insurance Program.
- B. Objectives. The objectives of this article are:
1. To protect human life and health;
  2. To minimize expenditure of public money for costly flood-control projects;
  3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. To minimize prolonged business interruptions;
  5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
  6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  7. To provide that developers are notified that property is in an area of special flood hazard; and
  8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- C. General provisions.
1. Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of the City of Cohoes.
  2. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the City of Cohoes of Albany County, New York," dated June

1979, with accompanying Flood Insurance Rate Map and Flood Boundary and Floodway Maps is hereby adopted and declared to be a part of this article. The Flood District of the City of Cohoes is the area of the 100-year flood and the 500-year flood as shown on the map entitled "Flood Boundary and Floodway Map of the City of Cohoes, New York," dated and effective December 4, 1979, and adopted by the City of Cohoes in Common Council convened on September 25, 1979. The Flood Insurance Study and maps are on file at the Department of Community Development, City Hall, Cohoes, New York.

3. Interpretation; conflict with other laws. This article is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance, such as Ordinance No. 82 and 99 for the year 1979. In their interpretation and application, the provisions of this article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this article conflict with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.
4. Penalties for noncompliance. No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this article and any other applicable regulations. Any infraction of the provisions of this article by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. (Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to penalties as described in Article IV of this Chapter) Nothing herein contained shall prevent the City of Cohoes from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this article for which the developer and/or owner has not applied for and received an approved variance under § 285-17C will be declared noncompliant and notification sent to the Federal Emergency Management Agency.
5. Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Cohoes, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.



6. Manufactured homes. Habitation in manufactured homes shall be prohibited in the Floodplain District.

D. Administration.

1. Designation of the local administrator. The City Engineer or his designee is hereby appointed local administrator to implement this article by granting or denying building permit applications in accordance with its provisions.
2. Establishment of building permit. A building permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 285-45C. Application for a building 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 and existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
3. Application stage. The following information is required where applicable:
  - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;
  - b. Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;
  - c. When required, a certificate from a licensed professional engineer or architect that the utility flood-proofing will meet the criteria in § 285-45E(1)(c);
  - d. Certificate from a licensed professional engineer or architect that the nonresidential flood-proofed structure will meet the flood-proofing criteria in § 285-45E(1)(c); and
  - e. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
4. Construction stage. Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the elevation of the lowest floor or flood-proofed elevation in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. When flood-proofing is utilized for a particular building, the flood-proofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by the same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
5. Duties and responsibilities of the local administrator. Duties of the local administrator shall include, but not be limited to:
  - a. Permit application review. The local administrator shall:

- [1] Review all building permit applications to determine that the requirements of this article have been satisfied.
- [2] Review all building permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- [3] Review all building permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this article, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
  - i. If there is no adverse effect, then the permit shall be granted consistent with the provisions of this article.
  - ii. If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- [4] Review all building permits for compliance with the provisions of § 285-45E.
- b. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 285-45C, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 285-45D in order to administer § 285-45E.
- c. Information to be obtained and maintained. The local administrator shall:
  - [1] Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures and whether or not the structure contains a basement or cellar.
  - [2] For all new or substantially improved flood-proofed structures:
    - i. Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been flood-proofed; and
    - ii. Maintain the flood-proofing certifications required in § 285-45E.
  - [3] Maintain for public inspection all records pertaining to the provisions of this article, including variances when granted and certificates of compliance.
- d. Alteration of watercourses. The local administrator shall:
  - [1] Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Federal

Emergency Management Agency, Region 11, 26 Federal Plaza,  
New York, New York 10278.

- [2] Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
  - e. Interpretation of FIRM boundaries. The local administrator shall make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions. Base flood elevation data established pursuant to §285-45C and/or §285-45D, when available, shall be used to accurately delineate the areas of special flood hazard. The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the areas of special flood hazard when base flood elevations are not available.
  - f. Stop-work orders.
    - [1] All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in §285-45 C (4) of this article.
    - [2] All floodplain development found noncompliant with the provisions of this article and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in §285-45C (4) of this article.
  - g. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the building permit or the approved variance.
6. Certificate of compliance.
- a. It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this article.
  - b. All other development occurring within the designated flood-hazard area will have upon completion a certificate of compliance issued by the local administrator. All certifications shall be based upon the inspections conducted subject to § 285-45D and/or any certified elevations, hydraulic information, flood-proofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

- E. Provisions for flood-hazard reduction.
1. General standards. In all areas of special flood hazard, the following standards are required:
    - a. Anchoring. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - b. Construction materials and methods.
      - [1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
      - [2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    - c. Utilities.
      - [1] Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
      - [2] All 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 flood waters.
      - [4] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
    - d. Subdivision proposals.
      - [1] All subdivision proposals shall be consistent with the need to minimize flood damage.
      - [2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
      - [3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
      - [4] Base flood elevation data shall be provided for subdivision proposals and other proposed developments greater than either 50 lots or 5 acres.
    - e. Encroachments.
      - [1] All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 285-

45D. This may require the submission of additional technical data to assist in the determination.

[2] In all areas of special flood hazard in which base flood elevation data is available pursuant to §285-45D or §285-45E and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

[3] In all areas of the special flood hazard where floodway data is provided or available pursuant to §285-45D, the requirements of §285-45E shall apply.

2. Specific standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in §285-45C and §285-45D, the following standards are required:

a. Residential construction. New construction and substantial improvements of any resident structure shall:

[1] Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.

[2] Have fully enclosed areas below the lowest floor that 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:

- i. A minimum of two openings having a total net area of not less than one square inch for every square inch for every square foot of enclosed area subject to flooding shall be required;
- ii. The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
- iii. Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

b. Nonresidential construction.

[1] New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be flood-proofed so that the structure is watertight below the base flood level 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.

- i. If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
  - [a] 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 shall be required;
  - [b] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
  - [c] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- ii. If the structure is to be flood-proofed:
  - [a] A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - [b] A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is flood-proofed.

[2] The local administrator shall maintain on record a copy of all such certificates noted in this section.
- c. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in §285-45D or two feet above the highest adjacent grade where no elevation data is available.
  - [1] New construction or substantial improvements of structures shall have the lowest floor (including basement) elevated at

least two feet above the highest adjacent grade next to the proposed foundation of the structure.

[2] Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed areas subject to flooding shall be required;
  - ii. The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
  - iii. Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.
- d. Floodways. Located within areas of special flood hazard are areas designated as "floodways" (see definitions, §285-5). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §285-45C and §285-45D, all encroachments including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

F. Variance procedure. For provisions regarding variance procedures, see §285-17C.

**ARTICLE VII**  
**Regulations Applicable to All Zoning Districts**

**285-46. Principal buildings.**

No single-family or two-family residential lot shall have erected upon it more than one principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other principal building.

**285-47. Permissible structures within minimum required side or rear setbacks.**

- A. An accessory building with a total floor area of 120 square feet or less and a maximum height of 10 feet may be located no closer than five feet from a side or rear lot line.
- B. Fences six feet or less in height, excluding dog runs, may be located along the side or rear lot line.
- C. Unenclosed steps or stairways providing access to the first story of a building may extend into any required setbacks. Decks and porches shall not extend into required setbacks.

**285-48. Access to improved street.**

No permit for the construction of any building shall be approved, unless such structure has access from an improved street or a street on an official map, plan, approved subdivision or duly filed plat in accordance with Subdivision of Land, Article XIII.

**285-49. Clear vision at intersections.**

Clear vision shall be maintained on corner lots in a triangle formed by the street lines of such lots to a point 35 feet from the intersection and a line connecting those points. Within that area no fence, wall, hedge, screen planting, bushes or shrubbery shall be permitted higher than two feet above the average finished grade of the lot. Trees shall be permitted within the area only if maintained and trimmed so that no branches or foliage is less than eight feet above the average finished grade of the lot.

**285-50. Widening of right-of-way.**

Where a building lot has frontage on a street, which is proposed for right-of-way widening, the required front setback shall be measured from such proposed right-of-way line.



**285-51. Lots in more than one district.**

All the uses, buildings and facilities, yards, open space, off-street parking and required landscaping must be contained within the district in which the use is permitted.

**285-52. Corner and through lots.**

The locations of all buildings on corner lots and on lots extending between two parallel streets shall comply with the following requirements: any yard fronting on an improved street shall be a front yard, one other yard shall be a rear yard, and any other yards shall be a side yard.

**285-53. Creation of a new lot.**

When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this chapter, either with respect to any existing structures or use or any proposed structures or use.

**285-54. Travel trailers.**

Except as permitted by §285-61, Temporary Uses and Structures, no person shall use or occupy any travel trailer, tent trailer, tent or motor home for living or sleeping quarters within Cohoes for more than 5 days per calendar year.

**285-55. Kennels.**

Kennels shall be subject to the following requirements:

- A. Demonstration that the kennel will not create nuisance conditions for adjoining properties due to noise or odor.
- B. Demonstration that all animals will be confined to the property.
- C. Demonstration of adequate methods for sanitation and sewage disposal.
- D. Every kennel and its associated outside dog runs shall be located at least 200 feet from the nearest dwelling (other than the owner or user of the property) and at least 100 feet from any lot line.

**285-56. Dumping of waste material.**

Dumping, piling or accumulation of refuse, garbage (other than in closed containers which are regularly emptied in a lawful manner), waste material, scrap or other noxious substances is prohibited.

**285-57. Quarries and pits; Filling and excavating.**

- A. Any excavation or filling, including removal of topsoil, shall require Site Plan Review by the Planning Board in accordance with the requirements of Article XIV.
- B. Placement of fill must be in accordance with Planning Board approved Site Plans, particularly sections in relation to drainage, erosion control and flood hazard prevention. Installation or improvement of natural or constructed drainage channels may be required to assure adjacent property owners are not negatively impacted by fill activities.
- C. Any grade alteration, which involves removal of vegetation, but no built improvements on an area greater than 5,000 square feet, shall be seeded to provide an effective cover crop within the first season after initiation of the grade change operation.
- D. Only unregulated fill materials, such as uncontaminated soil, asphalt, brick, stone, concrete, glass and organic debris from the premises may be used in such fill activities.
- E. Rock and stone crushing and mixing stone or gravel with asphaltic oils or other binders shall be prohibited in all districts except Industrial Districts and shall be permitted in an Industrial District only upon the issuance of a special use permit. However, the above shall not prevent issuance by the Planning Board of a temporary permit, under §285-61, for a mixing plant in connection with a particular construction project for the period of its construction.
- F. A quarry for the removal of stone, or a sand or gravel pit shall be prohibited in all districts.

**285-58. Outdoor storage of materials and equipment.**

- A. No material of any kind shall be stored outdoors in any zoning district, except a one- or two-family lot, unless:
  - (1) Allowed as part of and approved site plan;
  - (2) Used in the construction or alteration of a structure on the same lot or in the same development and stored for not more than one year or not more than 60 days after completion of construction, whichever is less; or
  - (3) Such outdoor storage is limited to machinery, equipment or supplies essential to the operation of a farm or storage of any products grown on the premises of a farm or nursery.

- B. No more than one unregistered, unlicensed motor vehicle is allowed to be stored outside on any lot except in accordance with §285-69, Motor vehicle fueling, service, sales or repair establishment.
- C. No front yard or driveway shall be used for any open storage or other storage of boats, motor homes, camping trailers, utilities trailers or other similar equipment.
- D. All enclosed storage shall be within structures, which meet the requirements of the New York State Uniform Fire Prevention and Building Code. Storage in mobile homes not connected to public utilities or tractor-trailer bodies is not allowed in any district.
- E. No outdoor storage shall occur within 100 feet of a Single-family Residential or Multi-family Residential District. Outdoor storage shall provide a combination of distance and appropriately dense plantings or setback from residential or transitional uses or districts.

**285-59. Fences, walls and other structural screening elements.**

- A. A building permit is required prior to installation of a fence unless prohibited by the New York State Agriculture and Markets Law.
- B. Any fence shall have its most pleasant or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.
- C. The height of all fences shall be measured from the average finished grade of the lot at the base of the fence to its highest point.
- D. Fences six or fewer feet in height are exempt from the setback requirement. Higher fences shall require Site Plan Approval by the Planning board in accordance with Article XIV and must be setback from the property line. In no case shall the height of a fence exceed its setback from an adjacent lot. All fences must provide adjacent property owners sufficient space to access their property for maintenance and repair. Under no circumstances shall a fence limit access to utilities.
- E. Fences incorporating barbed wire, electric current or similar materials or devices shall be allowed only when necessary for public utility operations and shall be subject to a minimum ten-foot setback, and shall include cautionary signage.
- F. The Planning Board, as part of Subdivision or Site Plan Review, may require a fence or other screen to shield adjacent residences or other uses from undesirable views, noise or light.
- G. Fences shall be maintained to provide functional, visual and structural integrity.

- H. Fences designed to maim or injure prospective intruders are prohibited except as authorized in Subsection E above.
- I. All fences shall be in compliance with §285-49 regarding clear vision at intersections.

**285-60. Fire Escapes.**

Nothing herein contained shall prevent the projection of an open fireproof escape into a rear or side yard for a distance up to eight feet.

**285-61. Temporary uses and structures.**

Temporary use permits may be issued by the Zoning Officer for a period not exceeding one year for nonconforming uses incident to housing and construction projects, including such structures and uses as the storage of building materials and machinery, the processing of building materials, a real estate office located on the tract being offered for sale or a temporary dwelling, such as a recreational vehicle with appropriate provisions for water supply and sewage disposal used during construction of a dwelling, provided that such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit or issuance of any applicable Certificate of Occupancy. Such permits may be renewed upon application to the Zoning Officer for additional periods not exceeding one year.

**285-62. Swimming pools.**

Residential swimming pool shall comply with New York State Uniform Fire Prevention and Building Code Regulations §720. Pool and deck placement shall comply with structure setback requirements of the applicable zoning district.

**285-63. Home Occupations.**

- A. The occupation or profession shall be carried on wholly within the principal building, unless the Planning Board grants a special use permit to allow the home occupation in an accessory building, subject to the requirements of §285-20D.
- B. No more than two persons not residing in the household shall be employed in the home occupation.
- C. There shall be no exterior display, other than a sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- D. No offensive odor, noise, vibration, smoke, dust, heat or glare shall be produced, nor will the storage or handling of hazardous material be allowed.

- E. No more than 40 percent of the floor area of the residence will be allowed for the use of the home occupation.

**285-64. Multi-family dwellings.**

- A. Driveways for ingress and egress shall be as required by the City of Cohoes.
- B. The minimum distance between buildings in a multifamily development shall be 10 feet. No multifamily dwelling or required recreation area shall be closer to a preexisting single family or two-family dwelling than 20 feet.
- C. Parking areas may be located in any yard other than the front yard, but no closer than 10 feet from any property line and shall comply with all other regulations of the district in which the use is located.
- D. Each multifamily dwelling development shall provide a recreation area or areas furnished with suitable equipment at a standard of 100 square feet for each dwelling unit with minimum of 1,600 square feet per area.
- E. Multifamily dwellings must be served by public water and sanitary sewers.
- F. Development applications for multi family dwelling units shall be subject to Site Plan Review by the Planning Board in accordance with Article XIV.
- G. No multifamily building shall contain more than ten dwelling units.

**285-65. Accessory dwelling units.**

- A. The owner(s) of the lot upon which the accessory dwelling unit is located shall reside within the principal or accessory dwelling unit.
- B. A homeowner of a lawful single-family use shall be permitted one accessory dwelling unit.
- C. An accessory dwelling unit may be located either in the principal building or in an accessory building.
- D. The area for an accessory dwelling unit shall not exceed 40 percent of the area of the principal dwelling unit.

**285-66. Double-wide mobile homes and mobile home parks.**

- A. All double-wide mobile homes and preexisting single-wide replacements installed and occupied pursuant to this section shall conform to the New York State Uniform Fire Prevention and Building Code.

- B. All mobile homes installed and occupied pursuant to this section shall also comply with such additional construction regulations as may be adopted by resolution of the Common Council.
- C. All double-wide mobile homes and single-wide replacements must be skirted prior to the issuance of a Certificate of Occupancy.
- D. The minimum size of a mobile home park shall be five (5) acres.
- E. The minimum size of a lot in a mobile home park shall be 6,000 square feet.
- F. Minimum required setbacks.
  - (1) Front: 100 feet from an interior road.
  - (2) Side: 30 feet.
  - (3) Rear: 100 feet.
- G. No mobile home or communal recreation area in a mobile home park shall be located within 50 feet of a preexisting single-family or two-family.
- H. Private roads providing access to individual lots in a mobile home park shall have a pavement as required by the City of Cohoes Department of Public Works.
- I. Every mobile home park shall provide common recreational open space furnished with suitable equipment at a standard of 100 square feet per dwelling unit with a minimum area of 16,000 square feet per area.
- J. Mobile home parks shall be served by public water and sanitary sewers.

**285-67. Fairs, carnivals and circuses.**

On the premises of a building occupied by a church, civic organization or similar nonprofit group in any district, a permit may be issued under the terms for a special use permit, §285-20D, for a fair, carnival or circus for a period not to exceed three days in any calendar year.

**285-68. Drive-in facilities.**

- A. All vehicle stacking areas shall be clearly identified through the use of pavement markings, signs and/or curbing and landscaping features and shall be designed so they do not interfere with safe pedestrian and vehicle circulation on the site or along the public right-of-way.
- B. The length of stacking areas shall be determined by the maximum length of stacking required to serve vehicles during the facilities peak hour of operation.

- C. All drive-in establishment vehicle stacking areas shall be located a minimum of 30 feet from any lot line adjoining a residential or transitional district.
- D. Any speaker system installed as part of the drive-in establishment shall be located a minimum of 30 feet from any property line adjoining a residential property.

**285-69. Motor vehicle fueling, service, sales or repair establishment.**

- A. In addition to the information required for Site Plan Review as specified in Article XIV, the site plan submitted shall also show the location and number of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed and the type of structure and accessory buildings to be constructed.
- B. All fuel pumps shall be located at least 25 feet from any street or property line.
- C. The entire area of the site traveled by motor vehicle shall be hard-surfaced.
- D. Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site, except in accordance with an approved site plan. No motor vehicle parts or partially dismantled motor vehicle parts or partially dismantled motor vehicle shall be stored outside of an enclosed building.
- E. Up to 5 unlicensed motor vehicles may be temporarily stored, not exceeding 2 months, at a repair or service establishment if adequate off-street parking spaces are available.
- F. Accessory goods for sale may be displayed outdoors on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be placed on the respective island if provided for in a suitable stand or tank.
- G. No motor vehicle establishment with fuel-dispensing equipment shall be located within 300 feet of any public entrance to a church, school, library, hospital or charitable institution. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.

**285-70. Incentive zoning.**

- A. Intent. The purpose of the system of incentive zoning shall be to advance the city's specific physical, cultural and social policies in accordance with the City's Comprehensive Plan as defined in Article 3 of NYS General City Law in coordination with other community planning mechanisms or land use techniques.

- B. Applicability. Incentives may be offered to applicants in any district who offer an acceptable amenity to the community in exchange for the incentive.
- C. Allowable amenities. The selection of land or other amenities within a parcel to be considered for incentive zoning shall be made by the applicant and subject to the approval of the Planning Board. The following amenities may be accepted by the Common Council:
- (1) Permanent conservation of natural areas.
  - (2) Provision of passive/active open space.
  - (3) Infrastructure improvements.
  - (4) Public access to waterfronts.
  - (5) Provision of trail linkages.
  - (6) Preservation of scenic views.
  - (7) Provision of cross access easement or shared access.
- D. Allowable incentives. The following incentives may be granted by the Common Council to the applicant on a specific site:
- (1) Increases in density.
  - (2) Changes in setback or height standards.
- E. Permitted Districts. Incentive shall be allowed in the Mixed Use and Waterfront Mixed Use Districts as defined on the official Zoning Map. The Common Council determined these Districts contain adequate resources, environmental quality and public facilities, including adequate transportation, water supply, waste disposal and fire protection. Further, the Common Council determined that there will be no significant environmentally damaging consequences, will not adversely impact low income residents and that such incentives and bonuses are compatible with development that is permitted.
- F. Criteria and procedure for approval. Applications for incentives in exchange for amenities shall be submitted to the Common Council of the municipality in which the property is located. In order to preliminarily evaluate the adequacy of amenities to be accepted in exchange for the requested incentive, the following information shall be provided by the applicant:
- (1) The proposed amenity.
  - (2) The value of the proposed amenity.
  - (3) A narrative which:
    - (a) Describes the benefits to be provided to the community by the proposed amenity.
    - (b) Provides preliminary indication that there are adequate sanitary sewers, water, transportation, waste disposal and fire protection facilities in the zoning district in which the proposal is located in order to accommodate additional demands, if any.
    - (c) Explains how the proposed amenity promotes implementation of physical, environmental or cultural policies articulated in approved plans.



- (d) Describes the requested incentive and its value.
- (4) The proposal shall be referred to the Planning Board for review. The Planning Board will then report to the Common Council with its evaluation of the adequacy with which the amenity(s)/incentive(s) fit the site and how they relate to adjacent uses and structures. The Planning Board's review shall be limited to the planning, design and layout considerations involved with project review or such other issues as may be specifically referred by the Common Council.
- (5) The Common Council will review the Planning Board's report. The Common Council will notify the applicant as to whether it is willing to further consider the proposal and hold a public hearing in accordance with §81-d 3(g) of General City Law.
- (6) All applicable requirements of the State Environmental Quality Review Act (SEQRA) shall be complied with as part of the review and hearing process. In addition to other information that may be required as part of the environmental assessment of the proposal, the assessment shall include verification that the zoning district in which the proposal is to be located has adequate sanitary sewer, water, transportation, waste disposal and fire protection facilities to:
  - (a) Serve the remaining vacant land in the district as though it were developed to its fullest potential under the district regulations in effect at the time of the amenity/incentive proposal.
  - (b) Serve the onsite amenity and incentive, given the development scenario described in Subsection 6(a) above.
- (7) Following the hearing and in addition to compliance with all SEQRA requirements, the Common Council shall, before taking action, refer the proposal for review and comment to other governmental agencies as may be required and may refer the proposal to other boards and officials for review and comment. In order to approve an amenity/incentive proposal, the Common Council shall determine that the proposed amenity provides sufficient public benefit to act on an application for site plan or subdivision approval pursuant to applicable regulations.
- (8) Following preliminary plan approval and subject to meeting all conditions imposed on the preliminary plan, including all documentation required by the City Attorney and Common Council on the amenity, the applicant may submit a final plan to the Common Council for review and approval.

G. Cash payment in lieu of amenity. If the Common Council finds that a community benefit is not suitable on-site or cannot be reasonably provided, the Common Council may accept a cash payment in lieu of the provision of the amenity. These funds shall be placed in a trust fund to be used by the Common Council exclusively for amenities specified prior to acceptance of funds. Cash payments in lieu of amenities are not to be used to pay general and ordinary governmental operating expenses.

**285-71. Performance standards.**

A. Applicability.

- (1) Planning Board action. All uses subject to the requirements of this section may be established and maintained if their operation is approved by the Planning Board as being in conformance with the standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise or vibration. In approving the site plan, the Planning Board shall decide whether the proposed use will conform to these applicable performance standards or any additional performance standards required by state or federal laws or which are generally recognized performance standards for a given industry.
- (2) Use subject to the performance standards procedures.
  - (a) All uses subject to site plan review must comply with these performance standards.
  - (b) In addition, if the Zoning Officer has reasonable grounds to believe that any other existing or proposed use violates any of the performance standards, such proposed use may be required to certify compliance with these performance standards or such existing use may be cited for violation of these regulations.

B. Performance standards procedures.

- (1) The Zoning Officer as part of the sketch plan conference shall tentatively identify whether a proposed use will be required to certify compliance with any of the performance standards listed in this section. Certification may require signing a written statement or presentation of construction detail and a description of the specifications for the mechanisms and techniques to be used in restricting the emissions of any dangerous and objectionable elements. The applicant shall also file with such plans and specifications an affidavit acknowledging understanding and stating agreement to conform to the same at all times. Any information which is designated by the applicant as a trade secret and submitted herewith will be treated as confidential under provisions of the New York State Freedom of Information Law. During the course of Site Plan Review, the Planning Board will determine if the applicant's proposal falls within the performance standards.
- (2) Vibration.
  - (a) No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed 0.002g peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.
  - (b) Vibrations occurring at higher than a frequency of 50 cycles per second or a periodic vibration shall not induce accelerations exceeding 0.001 g. single impulse periodic vibrations occurring

at an average interval greater than five minutes shall not induce accelerations exceeding 0.01 g.

(3) Noise.

(a) The maximum decibel level radiated by any use or facility at any lot lines shall not exceed the values in the designated octave bands given in Table 1. The sound-pressure level shall be measured with a second-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound-Level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave-Bank Filter Set for the Analysis of Noise and Other Sound, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)

**Table I**

<b>Frequency Band (cycles per second)</b>	<b>Maximum Permitted Sound-Pressure Level (decibels)</b>
0 to 75	69
75 to 150	60
150 to 300	56
300 to 600	51
600 to 1,200	42
1,200 to 2,400	40
2,400 to 4,800	38
4,800 to 10,000	35

(b) Where any use adjoins a residential or transitional district at any point at the district boundary, the maximum permitted decibel levels in all octave bands shall be reduced by six decibels from the maximum levels set forth in Table I.

(4) Smoke. The density emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Chart. (A Ringelmann Chart is a chart published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke). These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparent equivalent capacity.

(5) Odor. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors

shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, in Table III, Odor Thresholds, in Chapter 5 of the Air Pollution Abatement Manual, Copyright 1959, by the Manufacturing Chemical Association, Inc., Washington, D.C., as said manual and/or table is subsequently amended.

- (6) Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point beyond the boundaries of the lot. The concentration of such emission on or beyond any lot line shall not exceed 0.1 the maximum allowable concentration set forth in §12-29 of the Board of Standards and Appeals of the New York State Department of Labor, effective October 1, 1956, and any subsequent standards.
- (7) Electromagnetic radiation. It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources or electromagnetic radiation, except that, for all governmental regulations regarding such sources of electromagnetic radiation of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission. Further, said operation in compliance with the Federal regulations shall be unlawful if such radiation causes an abnormal degradation in performances of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content or modulation of energy conducted by power or telephone lines. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good engineering practices, as defined in the latest principles and standards of the American Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in interpretation of the standards and principles shall apply: American Institute of Electrical Engineers; Institute of Radio Engineers; and Electronic Industries Association.
- (8) Radioactive radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property lines. The handling of such radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes shall be in conformance with the regulations of the Nuclear Regulatory Commission, as set forth in Title 10, Chapter 1, Part 20, as amended, and all applicable regulations of the State of New York.
- (9) Heat. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 5°F., whether

such change is in the air or on the ground, in a natural stream or lake or in any structure on such adjacent property.

(10) Glare.

(a) Direct glare. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60° drawn perpendicular to the ground, and with the exception that such angle may be increased to 90° if the luminary is less than four feet above ground.

(b) Indirect glare. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed 0.3 footcandle (maximum) and 0.1 footcandle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

(11) Liquid or solid waste. No discharge shall be permitted at any point into a public sewer or stream or into the ground, except in accord with standards approved by the State and Albany County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

(12) Storm Water. For all developments disturbing more than one acre, New York State Department of Environmental Conservation (NYSDEC) requires that Municipalities receive a copy of the Storm Water Pollution Prevention Plan (SWPPP) prior to plan approval. Owner is required to comply with the NYSDEC's "SPEDES General Permit for Storm Water Discharge from Construction Activity" Permit # G-P-02-01.

**285-72. Mineral and Natural Gas Resource Extraction.**

Mineral and natural gas extraction will be in accordance with New York State Consolidated Laws Article 23, Mineral Resources. In addition, City and County Site Plan Review and County Approval are required.

**285.73. Parking.**

Parking will only be allowed in driveways and on streets, and will not be allowed on front yards, designated curbs, between the curb and sidewalk, or sidewalks.

**285.74. Reserved.**

**ARTICLE VIII**  
**Nonconforming Uses, Buildings and Lots**

**285-75. Nonconforming uses and buildings.**

- A. Except as otherwise provided in this chapter, the lawful use of land or buildings existing on the date of the adoption of this chapter may be continued although such use of building does not conform to the regulations specified in this chapter. However, the following provisions shall apply to all such nonconforming uses:
- (1) No nonconforming lot shall be further reduced in size.
  - (2) Property owners at the time of the adoption of this ordinance may expand an existing nonconforming use up to a 50 percent increase in ground floor area while maintaining the same nonconforming use and meeting setback, green space, building height, and F.A.R requirements. Otherwise, a nonconforming use may be expanded by grant of a variance by the Zoning Board of Appeals.
  - (3) After the date of adoption no nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance. This shall not be interpreted to prohibit additions to residential dwellings that do not impact the degree of nonconformance with regard to setbacks or minimum lot size.
- B. Discontinuance. In any district, whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one year, such nonconforming use shall not be reestablished, and all future uses shall be in conformity with the provisions of this chapter. Such discontinuance of the active and continuous operation of such nonconforming use, or a part or portion thereof, for such nonconforming use regardless of any reservation of an intent not to abandon the same or of an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such considered to be completed, and all rights to reestablish or continue such nonconforming use shall thereupon terminate.
- C. Except as allowed by §285-76 regarding nonconforming lots, no building damaged by fire or other causes to the extent of more that 25 percent of its area shall be repaired or rebuilt except in conformity with the regulations of this chapter. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Zoning Officer.
- D. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 50 percent of the assessed value of the building unless said building is changed to conform to the requirements of this chapter.

- E. Amortization. Except as otherwise provided by New York State Law, the Planning Board, may provide for the timely modification or removal of a nonconforming structure or use of land. After appropriate financial studies to determine a valid amortization schedule, the City Council may establish a reasonable time period during which the owner may recover or amortize the amount of investment in the nonconforming use, and after which the nonconforming use shall be modified or removed in order to comply with the City's long term planning goals and zoning ordinance.
- F. Changes. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

**285-76. Nonconforming lots.**

A residential lot existing at the time of passage of this chapter which is less than the required area or width or cannot meet the required front setback for any residential use in the district and was owned or under contract for purchase by persons other than those owning or leasing adjoining lots at the time of adoption of these regulations may be used for residential purposes, provided that the lot has a front setback equal to at least 60 percent of the required minimum and that minimum side and rear setback requirements can be met.

**ARTICLE IX**  
**Landscaping, Screening and Buffer Regulations**

**285-77. Intent.**

The following standards are intended to implement the City's long term planning goals by assuring an acceptable degree of buffering between land uses, particularly between residential and nonresidential uses, providing a balance between developed uses and open space, enhancing the visual and aesthetic appearance of the community and encouraging preservation of existing natural features. Specifically, these regulations are intended to:

- A. Provide natural visual screening of parking areas and along property boundaries to protect the existing visual quality of adjacent lands.
- B. Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas.
- C. Provide natural buffers that reduce glare and noise, provide wildlife corridors and protect wildlife habitats, wetlands, stream corridors and other significant environmental features.
- D. Moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural wind breaks.
- E. Enhance the overall visual quality of the community by surrounding developed areas with a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area.

**285-78. Applicability.**

These landscaping regulations shall apply to all uses in all districts. More specifically, requirements and procedures shall be as follows:

- A. Building permits for construction of new single-family or two-family dwelling major subdivisions shall require preservation of existing vegetation or plantings to provide two shade trees of a minimum two-inch caliper, measured in accordance to American Standards for Nursery Stock (ANSI), for each dwelling. Such tree(s) shall be located outside the public right-of-way in the front yard.
- B. Major residential subdivisions shall be required to submit landscaping plans in accordance with §285-80 of this article indicating appropriate landscaping of entrances, common open spaces and recreation areas and perimeter buffer areas.
- C. Development activities requiring site plan approval shall submit, as part of such approval, a landscaping plan in accordance with §285-80 of this article.



**285-79. General requirements.**

- A. Existing site vegetation and unique site features, such as stonewalls, shall be incorporated into landscaping plans to the maximum extent feasible. Existing healthy trees which are retained shall be credited against the requirements of these regulations in accordance with their size and location.
- B. Issuance of a Certificate of Occupancy shall require completion of lot grading, seeding and required landscaping or posting of a performance guaranty acceptable to the Zoning Officer if the applicant cannot perform the work due to seasonal impracticalities.
- C. All required landscaping shall be of healthy stock, planted according to accepted horticultural practices. Landscaping plans shall clearly indicate who is responsible for plant maintenance during the first 12 months after planting, and a performance guaranty shall be posted for assuring replacement in kinds of plants, which die or become diseased with in that time.
- D. All required landscaping shall be maintained in healthy condition. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this article shall constitute a violation of theses regulations.
- E. All plant material adjacent to parking areas, loading areas and driveways shall be protected by barriers, curbs or other means by damage from vehicles or from stormwater runoff.
- F. Where existing conditions make compliance with these regulations not feasible, the Planning Board, at its discretion, may approve planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these regulations.
- G. In cases where the edge of pavement within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street pavement.
- H. Trees for screening shall be of species and stock that will provide a visual screen from the ground up, at least 5 feet in height.

**285-80. Landscaping plan.**

- A. Based on the scale and location of the project, the Planning Board shall determine whether the landscaping plan must be prepared by a licensed landscape architect, landscape designer or other professional. All landscaping plans shall contain the following information:

- (1) A title block with the name of the project, then name of the person preparing the plan, a scale, North arrow and date.
- (2) All existing significant plant materials on the site.
- (3) Existing and proposed structures.
- (4) Topographical contours at two-foot intervals.
- (5) Parking areas.
- (6) Access aisles.
- (7) Drainage patterns.
- (8) Location, size and description of all landscape materials existing and proposed, including all trees and shrubs, and shall identify those existing plant materials that are to be removed.
- (9) Other information as may be required by the Zoning Officer and/or the Planning Board.

B. Alternative landscaping plans may be submitted, provided that they meet the purpose and intent of these regulations.

**ARTICLE X**  
**Off-Street Parking and Loading Regulations**

**285-81. Intent.**

The intent of this article is to prevent or alleviate congestion on public streets and to promote the public safety and welfare by establishing standards for the provision of off-street parking and loading spaces.

**285-82. Applicability.**

- A. In all districts, every industrial, business, institutional, recreational, residential or other use shall provide, at the time of any change of use or when any building or structure is erected, enlarged or increased in capacity, off-street parking for motor vehicles in accordance with the requirements of this and other applicable sections of these regulations, especially site plan approval in accordance with Article XIV and landscaping with Article IX.
- B. Loading spaces shall be provided and maintained on the same premises with every building or structure erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles of material or merchandise. No such activity shall use public right-of-way or parking area for standing, loading and unloading services.
- C. Bus, taxi or passenger loading spaces may also be required, depending on the use.

**285-83. Location of required spaces.**

Parking and loading spaces shall be located in accordance with the following:

- A. Parking areas set back from lot lines and streets. In all districts, no part of any parking area, other than driveways for ingress and egress, shall be located closer to a street or lot line than the minimum setback required for a principal building in the relevant district.
- B. Parking of motor vehicles is prohibited on sidewalks, areas between the sidewalk and curb and median strips separating travel lanes as defined in the NYS Vehicle and Traffic Law.
- C. For single-family detached, semi-detached, two-family, attached and accessory dwelling units, off-street parking shall be provided on the same lot with the building it serves.
- D. For multi-family dwellings, required off-street parking shall be located as close to the use as possible, given site conditions, and in no case more than 200 feet from the building it is required to serve.

- E. Access drives to any commercial or industrial district through any residential or transitional district shall not be considered to be a permitted use.
- F. The location, dimensions and signage of handicapped parking shall meet the requirements of the New York State Uniform Fire Prevention and Building Code.

**285-84. Computation of required spaces.**

- A. In places of public assembly in which patrons or occupants are accommodated in pews, benches or other similar seating facilities, each 24 inches of such seating shall be counted as one seat for the purpose of determining adequacy of parking.
- B. If spaces are provided on the basis of employees or students, the number on the maximum shift or peak period shall be used.
- C. Unless otherwise specified, off-street parking standards are based on square feet of all floor area, including the area of any accessory buildings.

**285-85. Exceptions.**

At the discretion of the Planning Board, uses within 800 feet of a municipal parking lot or designated on-street parking may be wholly or partially exempt from off-street parking requirements. Such uses may be required to make a cash payment in lieu of providing off-street parking with such moneys dedicated to expansion or improvement of public parking facilities within the same commercial district.

**285-86. Alternate parking arrangements.**

- A. The collective provision of off-street parking areas for two or more buildings or uses located on adjacent lots is permitted. Unless it has been demonstrated that joint use is appropriate in accordance with Subsection C below, the total of such off-street parking facilities shall not be less than the sum required for the various buildings or uses computed separately. Furthermore, the land upon which the collective facilities are located must be owned or leased by one or more of the collective users.
- B. Off-site parking. Off-site parking meeting the location requirements of §285-83 may be used to meet the requirements of this article. Such off-site parking shall be subject to deed, lease or contract restrictions acceptable to the Municipal Attorney binding the owner, heirs or assigns to maintain the required number of spaces available throughout the life of such use.
- C. Joint use. The off-street parking requirement of two or more use, structures or parcels of land may be shown by the owners or operators of the uses, structures or

parcels that their operations and parking needs do not overlap at any point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

**285-87. Nonconforming parking and loading.**

No building or lot alterations nor change of use shall be allowed which would increase the degree of nonconformity with the off-street parking and loading regulations of this article.

**285-88. Off-street parking and loading standards by usage.**

The listed parking standards reflect reasonable standards for uses in most locations. In adopting these standards, the City of Cohoes is providing guidance to future developers, tenant and residents of uses requiring off-street parking and loading. From an environmental and cost perspective, it is always desirable to construct the least number of parking spaces to accommodate a particular use. The following general requirements apply to all off-street parking.

- A. Applicants are encouraged to provide evidence of lessor parking and loading demand if appropriate.
- B. The Planning Board, at its discretion, may require less off-street parking or loading if warranted based on the information presented. In any case where less off-street parking is required, the Planning Board reserves the right to require the set-aside of additional open space sufficient to accommodate the amount of off-street parking which would ordinarily be required.
- C. The Planning Board also reserves the right to request additional information, such as but not limited to expected number of employees, students, expected attendance or expected deliveries, relevant to judging the adequacy of listed parking and loading standards. Such information may result in application of off-street parking standards higher than those listed.
- D. For uses not listed, the required number of off-street parking or loading spaces shall be determined by the Planning Board based on similarity to listed uses and information provided by the applicant.
- E. In all cases, provided off-street parking and loading should be sufficient to prevent frequent on-street parking by users or employees or the loading and unloading of passengers or materials from the public right-of-way in such a manner that is disruptive to traffic.

- F. In addition to the off-street parking required based on the following standards, one appropriately sized parking space shall be available for each commercial vehicle used in any business conducted on or from the premises.
- G. The Planning Board reserves the right to require off-street parking spaces suitable for vehicles with boats or trailers in the city.
- H. Parking of any tractor-trailer combinations, except in conjunction with provision of a commercial service to an owner or occupant of the property, shall be prohibited in any residential district. The parking of one tractor without an attached trailer which is owned by or leased to the occupant of a dwelling is allowed, subject to the availability of an off-street parking space which meets all the requirements of these regulations.
- I. Adequate off-street parking space(s) shall be provided for any commercial, institutional or industrial use which involves receipt or distribution of goods.

<b>Use</b>	<b>Required Spaces</b>
Bar or Tavern	1 per 100 square feet
Dwelling	2 per dwelling unit
Home occupation	1 per nonresidential employee and at least one client parking space in addition to spaces(s) required for the dwelling
Hotel/Motel	1 per sleeping room, plus parking spaces as required for any accessory uses
Manufacturing	1.5 per 1,000 square feet
Motor vehicle services station	3 per service bay and parking for accessory retail uses
Office, general (including office portion of manufacturing or warehouse use)	3 per 1,000 square feet
Office, medical	4 per 1,000 square feet
Places of public assembly (auditorium, church, etc.)	1 per 3 seats or 1 per 100 square feet if no fixed seats

Residential care facility	.3 per resident
Restaurant:	
Sit-down low turnover (evening peak)	12 per 1,000 square feet
Sit-down high turnover (midday peak)	15 per 1,000 square feet
Retail, general	2.5 per 1,000 square feet
Retail, hard goods (furniture, appliances, vehicles)	2.5 per 1,000 square feet
Service, personal care	2 per treatment station
Service, other	3 per 1,000 square feet
Warehouse	1 per 2,000 square feet
Residential – Apartment	2 per Unit
Residential Townhome Complex with no individual unit garage	1.5 per Unit
Residential Townhome Complex with one bay garage per unit	1 per Unit
Mixed Use Structure	1 Per Unit Plus 1.5 per 1,000 square feet of retail and/or office

- J. Exceptions. Uses in the MU-1 District are exempt from off-street parking requirements if they are within 500 feet of a municipal lot with excess capacity, unless the Planning Board determines off-street parking is required.

**285-89. Design standards for off-street parking spaces.**

- A. All parking areas shall be located to the side or rear of the primary use. In some instances, at the discretion of the Planning Board, one row of convenience parking, not to exceed the primary building front length, may be located to the front of the primary structure if sufficient space is available and appropriate ingress and egress point is located with adequate buffering provided to separate the parking area from the roadway.
- B. The size of standard perpendicular off-street parking spaces shall be a minimum of nine feet wide by 20 feet long.

- C. All parking areas, passageways and driveways serving commercial or industrial uses shall be illuminated adequately during the hours between sunset and sunrise when the parking areas are in operation. Adequate shielding shall be provided by commercial and industrial uses to protect adjacent residential uses from the glare of such illumination and from that of automobile headlights.
- D. Off-street parking areas shall include landscaping in accordance with Article IX.
- E. Where parking spaces abut sidewalks, landscaped areas, lighting fixtures, fences or appropriate car stops shall be installed to prevent encroachment on or damage to such features.
- F. All off-street parking areas of more than 20 spaces shall provide a snow-storage area independent of required parking and loading areas.
- G. All required parking areas shall be independent of required emergency access lanes, loading areas and drive-in queuing lanes.
- H. No driveway to an off-street parking area shall be located closer than 50 feet to the intersection of any two streets or within 20 feet of any side lot line, provided that sufficient distance will always remain for all required radii for said driveway. The distances from the driveway to the intersection shall be measured by extending the curblines of the intersecting street until it intersects the curblines, extending if necessary of the driveway in question.
- I. Driveways shall be designed to provide for the safe and efficient movement of traffic between the roadway and the site, to eliminate the potential for stacking of vehicles along the public right-of-way and to minimize interference with pedestrians and vehicles using the site and the public right-of-way.

**285-90. Design standards for loading spaces.**

- A. Required loading spaces shall be 12 feet by 35 feet, with a 14-foot height clearance. If tractor-trailer deliveries are expected, at least one loading space 12 feet by 55 feet shall be provided.
- B. All required loading areas shall be independent of required emergency access lanes, parking areas and drive-in queuing lanes.



## **ARTICLE XI**

### **Sign Regulations**

#### **285-91. Intent.**

The intent of these signage regulations is to promote and protect the public health, safety and welfare by providing comprehensive time, place and manner restrictions on signage which shall include controls on size, height, quantity, location, spacing, shape, scale, proportions, lighting, motion, design and appearance. More specifically, the provisions of this article are intended to accomplish the following:

- A. Protect and enhance community appearance.
- B. Encourage commercial signs and graphics to be designed so as to be functional and compatible with the aesthetic appearance of the building they are located on and the surrounding neighborhoods.
- C. Reduce the frequency and magnitude of hazards to motorists and pedestrians caused by sign obstructions and distractions.
- D. Preserve and create more attractive business and residential environments.
- E. Conserve the value of buildings and properties and preserve existing neighborhood character.

#### **285-92. Nonconforming signs; applicability.**

- A. Upon the adoption of this article, all nonconforming signs shall cease and desist at the time when there is any one or more of the following:
  1. A change in ownership.
  2. A change in use.
  3. Failure to maintain signs.
  4. Destruction or damage of said sign to the extent that 51 percent of its replacement cost as of the time of the destruction or damage.
  5. Creation of a hazard or disturbance to the health, safety and welfare of the general public as determined by the Zoning Officer.
- B. For the purpose of these regulations, the term “sign” does not include:
  1. Signs erected and maintained pursuant to and in discharge of any governmental function, including state or federal historic markers, or required by any law, ordinance or governmental regulation.
  2. Repainting, cleaning and other normal maintenance and repair of a sign or sign structure, unless a structural change is made or if the repair is in violation of the sign regulations.
  3. Memorial tablets or signs and locally designated historic markers not exceeding two square feet in area.

4. Flags, emblems or insignias of the United States, the United Nations or similar organizations of which this nation is a member.
5. Signs for the direction or convenience of the public, including signs which identify rest rooms or locations of public telephones or traffic control devices; however, the total area shall not exceed two square feet.

### **285-93. General regulations.**

Signs are important components of the streetscape. However, signs do more than communicate information. By the quality of their design, they can either contribute to or diminish the character or appearance of structures as a whole. They can serve as attractive accents, or they can clutter and detract from the street's character. The purpose of these general requirements is to promote the visual cohesiveness of the streetscape by encouraging signs to be harmonious with the architecture of each building and the character of the surrounding area.

- A. No sign shall be permitted in any zoning district except in compliance with the provisions of these regulations.
- B. No sign shall be erected, altered, moved or used without first obtaining a sign permit where required, and signs shall be used only for a permitted use, conditionally permitted use or for a nonconforming use which may lawfully continue in accordance with the terms of these regulations.
- C. The Planning Board as part of Site Plan Review, or the Zoning Officer in reviewing sign permits not subject to such review, shall consider the compatibility of the sign's location, color(s), lettering, size and overall design with onsite and adjacent architecture and community character.
- D. If any sign consists of banners, posters, pennants, ribbons, streamers, spinners, balloons, searchlights and other similar moving, fluttering or revolving, flashing, smoke-generating or visual signal generation or animated devices that creates an adverse impact on safe traffic movements or strings of lights used for the purpose of advertising, illumination or attracting attention, the Zoning Officer will have the authority to have the offending sign or part thereof removed.
- E. Pictorial designs, logos and trademarks shall be permitted, provided that they are incorporated in and made a part of a permitted sign face, and the area thereof is included in calculating the total permitted sign face area allowed under these regulations.
- F. No application for approval of signs or for a sign permit shall be processed or permitted unless permission is granted from the property owner.
- G. No sign shall project across or over a property line or lease lien, nor be in a public right-of-way except in areas where perpendicular signs are permitted.

- H. All signs shall comply with applicable provisions of the State of New York Uniform Fire Prevention and Building Code.
- I. Maintenance of all signs: All signs and all components thereof, including supports, braces and anchors, shall be kept in a good state of repair.
- J. Every principal building or structure shall have street identification numbers subject to the provision in the applicable Cohoes Building Numbering Law.
- K. Billboards are prohibited in all zoning districts.
- L. Signs containing luminous material, sequin-studded letters or lettering with fluorescent paint are prohibited.
- M. No sign shall be erected or allowed to exist so as to constitute a traffic hazard. No sign or other advertising structure as regulated by any of the provisions of this section shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position shape or color, it may interfere with, obstruct the view or be confused with any authorized traffic sign, signal or device or makes use of word, phrases, symbols or character in such a manner as to interfere with, mislead or confuse traffic.

**285-94. Location.**

Off-premises signs are not permitted except as follows. Signs permitted within this section may also be on-premises.

- A. Signs necessary for the direction, regulation and control of traffic, street name signs, legal notices, warnings at railroad crossings and other official signs which are similarly authorized or erected by a duly constituted governmental body.
- B. Temporary signs directing persons to temporary exhibits, shows or events may be erected subject to the requirements in §285-95G.
- C. Election signs shall be permitted to be displayed off-premises, provided that permission is granted by the owner of the property on which it is displayed and subject to the requirements in §285-95F.

**285-95. Permitted signs in all districts.**

The following signs are permitted in any appropriate district without a permit:

- A. A nameplate, which shall not exceed two square feet in area on each side and must be attached to the building in some manner.

- B. Signs denoting the name and address of the occupants of the premises, which signs shall not exceed two square feet in area on each side.
- C. Temporary commercial signs shall not exceed six square feet in area, provided that such sign is erected or displayed not less than five feet from the property line. There shall not be more than one such sign per lot, except that on a corner lot two signs, one facing each street, shall be permitted. Such signs shall not be posted more than four weeks prior to the event and no longer than one week after the event.
- D. Signs customarily incidental to places of worship, libraries, museums, social clubs or societies, which signs or bulletin boards shall not exceed 16 square feet in area and shall be located on the premises of such institution, provided that such signs or bulletin boards are erected or displayed not closer than 10 feet to any property line. There shall not be more than one bulletin board per lot, except that on a corner lot two signs, one facing each street, shall be permitted.
- E. Signs announcing no trespassing, signs indicating the private nature of the road, driveway or premises, and signs controlling the fishing or hunting on the premises, provided that the area of any one side of any such sign shall not exceed two square feet.
- F. Election signs shall be permitted to be displayed, provided that permission is granted by the owner of the property on which it is displayed. Such sign shall not project more than four feet in height above the natural grade on which the sign is located. Election signs shall be removed by the owner or occupant of the property no later than seven days there after.
- G. Window signs are permitted in all districts, provided that the following standards are complied with:
  - 1. See-through lettered window signs may not cover more than 80 percent of the total window area.
  - 2. An opaque sign may not cover more than 20 percent of the total window area.
  - 3. In case of a door, a window sign may not cover more than 10 percent of the window space in which it is located.
- H. One temporary sandwich board or A-frame sign is permitted in which said sign shall not exceed six square feet on each side and not to exceed four feet above the natural grade on which the sign is located. Such signs are subject to the requirements provided in this section. No such sign shall be located in the street right-of-way. Permanent sandwich board or A-frame signs are prohibited.

**285-96. Permitted signs in residential districts.**

- A. Home occupation sign. One home occupation sign shall be permitted for an approved home occupation. Such sign shall be no larger than two square feet in

sign area; shall not be closer than 10 feet from any property line; and, if a ground sign, shall not exceed four feet in height above the natural grade on which the sign is located. A sign permit is not required.

- B. Neighborhood Identification Sign. One identification sign not to exceed 16 square feet in area, indicating only the name and street address of the project, shall be permitted for each project. Such sign shall not be closer than 10 feet to any property line and shall not project more than six feet in height above the natural grade on which the sign is located. In the case of a wall sign, such sign shall not exceed 12 square feet in area. Identification signs shall be subject to the criteria and standards of this article and Site Plan Review by the Planning Board.

### **285-97. Permitted signs in commercial and mixed-use districts.**

#### A. Business identification signs.

##### 1. Wall signs.

- a. One wall sign not to exceed two square feet for each linear foot of width of the front of the wall of the building, or portion of the building occupied by the business, or a maximum of 100 square feet, whichever is less.
  - b. For multiple-story buildings, wall signs shall only be permitted on the ground floor.
  - c. Where a building has frontage on more than one street or public highway, one wall sign is permitted for each street frontage.
2. Building directory sign for a multiple-use structure. One building directory sign indicating the name of the occupants of the building and the building number in order to direct persons to their proper destination once they are on site shall be permitted. Signs are to be no larger than 16 square feet in area on each side, including the nameplates of all the tenants or uses, and shall project not more than six feet in height above the natural grade on which the sign is located. The proposed sign's construction shall complement the architectural style and materials of the building it will serve. The proposed sign shall be subject to Planning Board review through the site plan approval process and shall require a sign permit. In determining the design, location and hours of illumination, the Board shall be guided by other pertinent sections of these regulations.

#### B. One perpendicular sign, provided that:

- 1. Such sign shall not exceed six square feet in area and shall not project more than two feet from the wall or surface to which they are mounted.
- 2. Such sign shall be at least eight feet to the bottom of the sign above the ground level immediately below and shall not in any way interfere with normal pedestrian or vehicular traffic.
- 3. There shall be no more than one perpendicular sign for each business or public entrance.

4. The supporting structure shall not be included in calculation of the sign area.
- C. Signs for direction, provided that such sign(s) do not exceed two square feet in area. Such signs may indicate the entrance and exit to the property and location of parking. Such signs shall not project more than four feet in height above the natural grade on which the sign is located and shall be no closer than five feet to any property line.
- D. Temporary advertising or promotional banners.
1. Only one such sign shall be displayed by any business at one time.
  2. The size of any such banner shall count toward the total square footage of business identification signs allowed by §285-97A(1).
  3. No sign permit shall be required.

**285-98. Additional regulations.**

- A. Awnings and/or canopy signs. Awnings and/or canopy signs are movable or fixed ornamental roof-like structures extended from the face of a structure and constructed of durable materials, including fabrics, which may contain their own illumination and may display lettering or other business insignia.
1. No part of any awning or canopy shall:
    - a. Project more than three feet from the structure face to which it is attached.
    - b. Extend above the height allowed for structures in the respective zoning districts.
    - c. Extend into any setback areas.
    - d. Be lower than eight feet above the ground elevation of the wall face of the structure to which it is attached.
  2. A permit is required for the placement of awnings and/or canopy signs. Prior to the issuance of a sign permit, the applicant shall furnish to the Zoning Officer plans and specifications for the proposed installation. The application may be referred to the Planning Board prior to a sign permit being issued to consider the appropriate relationship between the size, design and shape of the awning and/or canopy sign and of the structure to which it will be attached, as well as the placement of the awning and/or canopies on the structure.
- B. Historic Overlay District.
1. Applications for signs to be submitted to the Planning Board. All applications for permits to display signs within the Historic Overlay District of the city shall be submitted to the Planning Board for approval before a permit may be issued in conformity with Article VI §285-44.
  2. Form of application to display signs; accompanying drawings. Application for a permit to display signs in the Historic Overlay District of the city shall be made to the Zoning Officer. Such an application shall

also be accompanied by sketches and drawings in triplicate showing details of construction and foundation when required by the building code of the city and shall delineate the size, shape, design, coloring, lighting and position in relation to the building from or upon which it shall be displayed.

3. Permit required for signs in certain area; exceptions. No sign shall be displayed unless a permit therefor shall first have been applied for to the Zoning Officer and issued in accordance with Article VI §285-45.
4. Signs must conform to character of section. In addition to the prohibitions contained in this section, approval of the display of a sign in the Historic Overlay District of the city shall be granted by the Planning Board only when such signs and plans relate to the appearance, color, size, position, method of attachment, texture of materials and design; conform to the quaint and distinctive character of the district or do not injuriously affect it or impair the value to the community of those buildings having architectural or historical worth.
5. General prohibition of miscellaneous signs. The display of signs of a miscellaneous character visible from the public streets, highways and alleys within the Historic Overlay District of the city, except as otherwise provided in this section, and according to the rules and regulations herein provided for, is prohibited.
6. Signs no longer complying as to advertisements to be taken down. At the time of an approval for a sign permit, any sign displayed which no longer advertises a bona fide business conducted upon the premises shall, upon notification by the Planning Board or its agent (who is hereby specifically authorized to so proceed), be taken down or removed within seven days after such notification, and failure to so comply on the part of the owner, occupant, agent or person having the beneficial use of any building or premises upon which such sign may be found shall subject such person to the penalty provided in §285-28. In such cases where the Planning Board deems appropriate, a sign may be removed in a manner approved by the Board. The Planning Board may allow the retention of signs which are an original part of the architectural fabric of the structure, such as a date or name of the building [without reduction in the number of signs or square footage of signs under §285-98 B9 and B10.]
7. No signs to be displayed in certain places. No sign shall be placed upon a balcony, porch, canopy, shed, roof, parapets (or similar appurtenance), door or window, or placed in any manner whatsoever so as to disfigure or conceal any architectural feature or detail of any building. Signs shall be prohibited which are attached to or painted upon a fence, tree, standpipe, fire escape, utility pole or similar appurtenance. No sign shall be erected at any street intersection in a manner which will obstruct free vision or at any place where the position, shape or color of the sign may interfere or be confused with any traffic sign or signal or which makes use of the words "stop," "danger" or any other word, phrase or symbol which may mislead traffic. No sign or sign structure other than official street, traffic or

highway markers shall be placed upon any street or highway right-of-way. Signs painted on buildings are prohibited.

8. Number of signs. No more than one wall sign and perpendicular sign shall be permitted for each store, shop or bona fide place of business and the sum of the areas for all signs shall not exceed the maximum stipulated in §285-98 B9. For buildings with more than one facade adjoining a public right-of-way, each store, shop or bona fide place of business shall be allowed signage in accordance with the applicable sections herein for each facade on which there is public entry to said place of business.
9. Surface area of signs. The surface of any sign shall be in direct proportion to the amount of front footage of each ownership and shall be as follows:
  - a. Unless stipulated elsewhere in this chapter, the maximum allowable size of the combined total of all signs shall not exceed an area based on 72 square inches of sign area per linear foot of frontage occupied, but not exceeding 60 square feet for any sign parallel to and flat against the facade of a building or 15 square feet for any other sign.
  - b. In no case shall the area of a single-faced sign attached parallel to and flat against the facade of a building be less than two square feet, unless by special permission of the Planning Board.
  - c. In no case shall the area of a double-faced sign, projecting from the facade of a building, or a freestanding sign be less than two square feet, unless by special permission of the Planning Board.
  - d. In cases where there is occupancy of a building above the first floor by a separate and bona fide business or businesses different from the first floor occupant, one additional sign is permitted. Such a sign must be located at the point of street level public access to the second floor business. The surface area of such a sign will be no larger than 5 square feet per business, but not to exceed 15 square feet in total area. This sign shall not be counted in the square footage calculation for the signage entitlement for said building.
  - e. Surface area. The surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall be included. Only one side of a projecting double-faced sign shall be included in calculating surface area.
10. Sign mounting.
  - a. Signs shall project from the wall of a building no more than four feet from the building line and shall not be nearer than four feet to the curblin of the street. Also, perpendicular signs shall not be erected nearer to the adjacent property line than twice the number of feet that the sign projects from the building.



- b. Perpendicular signs should be located above primary entrance to the structure. Examples are on file in the City of Cohoes Department of Economic and Community Development.
  - c. Wall signs shall be incorporated into the facade at the first floor level, designed to communicate to pedestrians. No sign shall be located higher than 15 feet above the sidewalk level, except where a building is being rehabilitated and the original sign was designed to be higher than 15 feet; said sign may be reproduced upon permission of the Planning Board.
  - d. Signs flush to the facade shall not project out from the facade greater than six inches.
  - e. Double-faced signs shall not have a distance between parallel faces greater than 18 inches.
11. Illuminated signs; generally. In the case of illuminated signs, all light sources shall be a steady light (indications of time or temperature that change lighting patterns are excluded) and:
- a. Shall be concealed behind standard opal glass or other substance of equal or smaller light transmission factor;
  - b. Shall be concealed by hoods; or
  - c. Shall be concealed by any method of indirect lighting approved by the Planning Board.
12. Regulations for illuminated signs. To avoid concentration of illumination, signs may have no more than 50 candle power of lighting per square foot of sign. Also, the method of illumination must evenly distribute the light over the surface of the sign.
134. Off-street parking facility signs.
- a. Off-street parking facilities for the use of clients, patrons or purchases of goods, merchandise or services of the building to which the parking is accessory may be identified by the following sign(s). Such signs are not deducted from the calculated entitlement area for signs.
  - b. At each point of ingress and egress, two directional signs indicating entrance and exit. Each sign shall have no more than five square feet and may identify the building (or its principal occupant) to which the parking is accessory.
14. Canopy signs. Canopy signs displaying the name of a shop, store or bona fide business are permitted upon approval of a sign permit. The area of the sign shall not be deducted from calculated entitlement area for signs. The signs must be an integral part of the canopy in that any letters or insignia must be flat and parallel to the surface of the canopy and not project from the canopy surface. The allowable area for a canopy sign shall be 15 square inches for each foot of lot frontage, but in no case shall the area of the sign be more than 10 percent of the canopy surface area.
15. Painted window signs are permitted upon approval of a sign permit. The area of the painted window sign shall not be deducted from the calculated entitlement area for signs. The allowable area for a painted window sign

shall be 15 square inches for each foot of lot frontage, but in no case shall the area of the sign be more than 10 percent of the window surface area.

**285-99. Procedures for sign permit; sign site plan; fees.**

- A. In cases where a single sign permit is required for any given property or structure, the follow procedure shall be followed.
1. Permit Application. Application for the permit shall be made in writing to the Zoning Officer upon forms prescribed by and provided by the Zoning Officer and shall contain the following information:
    - a. The name, address and telephone number of the applicant.
    - b. Location of buildings, structures or land to which, or upon which, the sign is to be erected.
    - c. A detailed drawing or blueprint showing a description of the construction details of the sign and showing the colors, lettering and/or pictorial matter composing the sign; position of lighting and other extraneous devices; and a location plan showing the position of the sing on any building or land and its positioning in relation to nearby buildings, structures or existing signs and to any private or public streets or highway.
    - d. Written consent of the owner of the building, structure or land to which or upon which the sign is to be erected in the event that the applicant is not the owner thereof.
    - e. A copy of any required or necessary electrical permit issued for said sign or a copy of the application thereof.
  2. Review of Permit. The Zoning Officer shall carefully consider the application for compliance with this chapter and either issue or deny a sign permit.
  3. Appeals. Should an applicant choose to appeal a decision by the Zoning Officer to deny issuance of a sign permit, an application for an appeal shall be filled out and submitted along with supporting documents to the Zoning Board of Appeals for action.
- B. Sign site plan. In cases where a single property or structure requires more than one sign permit, a sign site plan will be required. All applications for sign site plan approval are to be submitted to the Zoning Officer on forms provided. The Zoning Officer shall process all complete applications in accordance with the following procedures:
1. The Zoning Officer shall refer the application along with an application for sign site plan approval to the City of Cohoes Planning Board for its review and approval.
  2. All sign site plan approval applications to be heard by the Planning Board are hereby classified as "unlisted actions," under Part 617 of the State Environmental Quality Review (SEQR) regulations. All applications for sign site plan approval must be accompanied by a completed short form environmental assessment for unlisted actions.
  3. Upon a referral from the Zoning Officer of a complete application, the Planning Board shall, within 60 days, approve, modify or deny any

application for a sign site plan. Any modification or denial of a sign site plan shall be accompanied by a brief statement of the reason for such modification or denial.

4. The Planning Board may modify a sign site plan application, provided that such modification does not result in the need for any variances from these regulations. All sign site plan modifications must directly relate to the statements of purpose and intent set forth in this local law.
5. The Planning Board's action on a sign site plan application shall be the basis for the Zoning Officer to approve or deny a sign permit, which action is declared ministerial in nature.
6. The Zoning Officer may authorize a subsequent modification to an approved sign site plan, provided that there is no change to either the number, location or total area of signs.
7. Issuance of sign permit. Once an application has been approved, the Zoning Officer shall issue a sign permit. Said permit shall be valid for a period of 120 days from the date of issuance. The permit may be extended one time, for a period of 60 days, upon approval of the Zoning Officer and upon payment of an additional fee, prior to the expiration of the initial 120 day period. Subject to subsection H of this section, if a certificate of sign compliance is not issued within the 120 day period, or if applicable, the renewal period for the sign permit, said sign permit shall expire.
8. Certificate of sign compliance. Within seven business days after the placement of the approved sign, the applicant shall provide a photograph of the sign to the Zoning Officer. Upon presentation of the evidence of erection of the sign in compliance with this local law and a sign permit, the Zoning Officer shall issue a certificate of sign compliance.
9. Lack of compliance with sign permit. Should the Zoning Officer, upon inspection, find the sign not in compliance with the sign permit, the applicant shall be so notified by certified mail within 10 business days of the inspection. The applicant shall have up to 30 business days from the date of the receipt of the certified mail notification letter to correct the cited deficiencies and to notify the Zoning Officer of said change(s). In no event shall said additional 30 day period extend the validation period for the sign permit.

#### C. Fees.

1. The fees to be paid to the City of Cohoes for the erection of each sign and for each of the conforming signs now erected are listed on the schedule in the City Clerk's Office.
2. The Zoning Officer or other designated local official shall issue a permit number for each sign, which shall be permanently attached to or displayed on each sign, billboard or structure so that it may readily be ascertained that a permit has been issued for each use.

**ARTICLE XII**  
**Telecommunications Facilities**

**285-100. Review Authority.**

- A. The Planning Board is hereby authorized to review and approve, approve with modifications or disapprove special use permits for telecommunications facilities pursuant to this chapter. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunications facility, including the use of camouflage of the tower structure and/or antenna to reduce visual impact.
- B. Except as provided below, no telecommunications facility shall hereafter be erected, moved, reconstructed, changed or altered and no existing structure shall be modified to serve as a telecommunications facility, except after obtaining a special use permit in conformity with this chapter.
- C. Telecommunications antennas placed on existing telecommunications towers or on existing structures do not require a special use permit, unless the existing tower or structure is located in a residential district, or unless it will be modified in such a way as to increase its height, or a new accessory structure would be built.
- D. The Planning Board may waive any or all of the requirements for approval for applicants proposing minor changes to existing facilities and for applicants proposing the use of camouflage for a telecommunications tower when the Board finds that such camouflage significantly reduces visual impact to the surrounding area. However, the Board may not waive the requirement that a public hearing be held on the application.
- E. No building permit shall be issued until the applicant provides proof that space on the facility has been leased or will be operated by a provider licensed by the FCC to provide service in the area.
- F. On property owned by the City of Cohoes, a telecommunications facility shall be permitted upon the execution of a lease with the City and upon issuance of a building permit. All leases are subject to the approval of the Common Council as set forth in the Charter of the City of Cohoes and shall address relevant issues of safety, height, aesthetics, setbacks, future expansion, and collocation. Said lease with the City shall not require review or approval by the Planning Board.

**285-101. General criteria.**

No special use permit relating to a telecommunications facility shall be authorized by the Planning Board unless it finds that such facility:

- A. Is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities;

- B. Conforms to all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies;
- C. Will be designed and constructed in a manner which minimizes visual impact to the extent practical;
- D. Is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility.

**285-102. Submission requirements.**

The Planning Board shall promulgate necessary submission requirements to be part of any application. The Board may waive submission requirements for applicants proposing minor changes in conformity with §285-100D above.

**285-103. Collocation.**

The shared use of existing telecommunications towers or other structures shall be preferred to the construction of new facilities. Any special use permit application, renewal or modification thereof shall include proof that reasonable efforts have been made to collocate within an existing telecommunications facility or upon an existing structure within a reasonable distance, regardless of municipal boundaries, of the site. The applicant must demonstrate that the proposed telecommunications facility cannot be accommodated on existing telecommunications facilities due to one more of the following reasons:

- A. The planned equipment would exceed the structural capacity of the existing and approved telecommunications facilities or other structures, considering existing and planned use for those facilities;
- B. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
- C. Existing or approved telecommunications facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
- D. Other technical reasons make it impracticable to place equipment proposed by the applicant on existing facilities or structures; and
- E. The property owner or owner of the existing telecommunications facility or other structure refuses to allow such a collocation or requests an unreasonably high fee for such collocation compared to current industry rates.

**285-104. Fall zones.**

Telecommunications facilities shall be constructed so as to minimize the potential safety hazards and be located in such a manner that if the facility should fall, it will remain within the property boundaries and avoid habitable structures, public streets, utility lines and other telecommunications facilities.

**285-105. Setbacks.**

Telecommunications facilities shall comply with all existing setbacks within the affected zone. Setbacks shall apply to all tower parts, including guy wire anchors, and to any accessory facilities. Additional setbacks may be required by the Planning Board to contain on-site substantially all icefall or debris from tower failure and/or to preserve privacy of adjoining residential and public property.

**285-106. Lighting, screening and aesthetics.**

- A. Lighting. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Notwithstanding, an applicant may be compelled to add FAA-style lighting and marking if, in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety. The Board may choose the most appropriate lighting and marking plan from the options acceptable by the FAA at that location. The applicant must provide both standard and alternative lighting and marking plans for the Board's review.
- B. Visibility and aesthetics.
  - 1. The maximum height for telecommunications towers permitted under this article, including any antennas or other devices extending above the tower, measured from the ground surface shall be 150 feet.
  - 2. Towers shall be a galvanized finish or painted gray above the surrounding tree-line and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding tree-line unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Accessory uses shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
  - 3. The project shall be designed to blend with the natural and/or man-made surroundings to the maximum extent practicable.

4. Structures offering slender silhouettes (i.e. monopoles or guyed towers) may be preferable to freestanding lattice structures except where such freestanding structures offer capacity for future shared use. The Planning Board may consider the type of structure being proposed and the surrounding area.
  5. The applicant must examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for additional facilities.
- C. Vegetation and screening.
1. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter shall take place prior to approval of the special use permit. Clear-cutting of all trees in a single contiguous area shall be minimized to the extent possible.
  2. The Planning Board may require appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

**285-107. Access and parking.**

- A. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- B. Equipment or vehicles shall not be stored on the facility site.

**285-108. Signage.**

The use of any portion of a telecommunications facility for signs for promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons, is prohibited. The Planning Board may require the installation of signage with safety information.

**285-109. Security.**

- A. Towers, anchor points around guyed towers, and accessory structures shall each be surrounded by fencing not less than six feet in height.
- B. There shall be no permanent climbing pegs within fifteen feet of the ground.

- C. Motion-activated or staff-activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site.
- D. A locked gate at the junction of the accessway and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public thoroughfare.

**285-110. Engineering standards.**

- A. All telecommunications facilities shall be built, operated and maintained to acceptable industry standards. Each application must contain a site plan for the facility containing the signature of an engineer licensed by the State of New York.
- B. Every facility shall be inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the City of Cohoes.

**285-111. Abandonment and removal.**

At the time of submission of the application for a telecommunications facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower used as a telecommunications facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve consecutive months. Upon removal, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.

**285-112. Exemptions.**

The following types of telecommunications facilities are not subject to the provisions of this section:

- A. Antennas used solely for residential household television and radio reception.
- B. Satellite antennas measuring one meter or less in diameter.

**285-113. Effect on existing telecommunications facilities.**

Telecommunications facilities in existence as of March 26, 2002, that do not conform to or comply with this section are subject to the following provisions:

- A. Telecommunications facilities may continue in use for the purpose now used and as now existing, but may not be replaced or structurally altered without complying in all respects with this section.



- B. If an existing facility is hereafter damaged or destroyed due to any reason or cause, the facility may be replaced or restored to its former use, location, and physical dimensions without complying with this section, provided that if the cost of repairing the facility to the former use, physical dimensions and location would be 10 percent or more of the cost of a new facility of like kind and quality, then the facility may not be repaired or restored except in full compliance with this section.

**ARTICLE XIII**  
**Subdivision of Land**

**285-114. Short title.**

These regulations shall be known and may be cited as the "Subdivision Regulations of the City of Cohoes."

**285-115. Scope and purpose.**

- A. Generally. It is declared to be the policy of the City Planning Board and the City of Cohoes to consider land subdivision as part of a plan for the orderly, efficient and economical development of the City. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other menace. Proper provision shall be made for drainage, water, sewerage, and other needed improvements.
- B. Streets. The proposed streets shall compose a convenient system conforming to the Official Map, as it may be adopted, and shall be properly related to the proposals shown on the Master Plan of the City, as it may be adopted. Streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection.
- C. Park areas. In proper cases, park areas of suitable location, size and character for playground or other recreational purposes shall be shown on the subdivision plat.
- D. Purpose of provisions. In order that land may be subdivided in accordance with this policy, these regulations are hereby adopted.

**285-116. Conflicts with state law.**

Should any of these regulations conflict or be inconsistent with any provision of the General City Law, the provision of the General City Law shall apply.

**285-117. Applicability.**

The following procedures shall be observed by all subdividers.

**285-118. Submission of plans; general procedure.**

- A. Filing with Planning Board. Preliminary and final plans for all proposed subdivisions of land lying within the City limits shall be filed with the Planning Board for approval.
- B. Consideration of plans and data. Subdivision plans and supporting data submitted to the Planning Board will be considered at the Planning Board's next regularly

scheduled meeting, provided that they are received at least 10 business days in advance of said meeting. The date of submission shall be the date of the next regularly scheduled City Planning Board meeting.

- C. Authority of Planning Board. The initial plan filed with the Planning Board for review shall be considered the official preliminary plan. However, the Planning Board may proceed to final action at the first consideration of a plan for a minor subdivision containing no new streets if the plan and supporting data comply with all of the requirements for final plans. (See §285-121 A and B.)
- D. Sketch plan; purpose and scope. The subdivider may prepare a sketch plan for informal discussion with the Planning Board prior to submitting the official preliminary plan for review. This sketch plan shall be for the purpose of establishing in advance, if possible, the extent to which the proposed subdivision conforms to the design standards of this Article.

### **285-119. Preliminary plan.**

- A. Plan requirements. Preliminary plans and supporting data shall comply with the provisions of this Article.
- B. Number of copies required. Ten copies of the preliminary plan shall be submitted to the Planning Board by the subdivider.
- C. Filing fee. See fee schedule in Chapter A290.
- D. Disposition of copies. The Planning Board Secretary shall transmit copies of the preliminary plan for review and recommendation by the following officials within 10 days:
  - 1. City Engineer, two copies.
  - 2. Chief of Police, one copy.
  - 3. Chief of the Fire Department, one copy.
- E. Action by Planning Board. Within 45 days after the meeting at which the preliminary plan is reviewed, the Planning Board shall notify the subdivider of the changes and modifications, if any, which must be incorporated on the final plan before it shall be approved.
- F. Conditional approval. Approval of the preliminary plan, subject to conditions, revisions and modifications as stipulated by the Planning Board, shall constitute conditional Planning Board approval of the subdivision as to the character and intensity of the development and the general layout and approximate dimensions of streets, lots, and other proposed features.

- G. Waiver of requirements. Should the proposed plan be constituted of four or fewer lots and involve no new streets, the Planning Board may waive the general procedure requirements of the preliminary plan.

**285-120. Final plan.**

- A. Time for submission. A final plan with supporting data shall be submitted to the Planning Board for final approval within one year of the Planning Board action on the preliminary plan. An extension of time may be granted by the Planning Board upon written request. Otherwise, the plan submitted after one year shall be considered a new preliminary plan.
- B. Conformity to preliminary plan. The final plan shall conform in all important respects to the preliminary plan as previously reviewed by the Planning Board and shall incorporate all modifications and revisions specified by the Planning Board in its conditional approval of the preliminary plan. Otherwise the plan shall be considered a revised preliminary plan.
- C. Submission in sections. The Planning Board may permit submission of the final plan in sections, each covering a portion of the entire proposed subdivision as shown on the preliminary plan.
- D. Action by Planning Board; public hearing required. The Planning Board shall hold a public hearing within 30 days of the official submission date and must approve or otherwise act on the plan within 45 days of the submission date according to General City Law §32. The official submission date shall be the date of the next regularly scheduled Planning Board meeting to follow receipt of the plat (complete and with all supporting data required by the Planning Board in its action on the preliminary layout), if received by the Planning Board through its Secretary or receiving agent at least 10 days prior to such Planning Board meeting.
- E. Notice of hearing required. Upon the official submission of a final plan for consideration at a regular meeting, the City shall give notice that a public hearing will be held upon such plan. Public notice of the hearing shall be advertised in a newspaper of general circulation in the City at least five (5) days but not more than thirty (30) days before such hearing.
- F. Compliance with plan requirements. The final plan and supporting data shall comply with the provisions of §285-122 A and B of this Article. Failure to do so shall be cause for tabling the plan.
- G. Number and disposition of copies. Six copies of the final plan with supporting data shall be submitted to the Planning Board by the subdivider. The Planning Board Secretary shall transmit copies to:
  - 1. Common Council, one copy.

2. City Engineer, two copies.
  3. Chief of Police, one copy.
  4. Chief of the Fire Department, one copy.
- H. Notice of approval or disapproval. Within 45 days after the public hearing on the final plan, the Planning Board shall notify the subdivider, in writing, of its approval or disapproval.
- I. Recording after approval. Within 62 days after final approval, the subdivider shall file for recording a copy of the final plan, or sections thereof, bearing the approval of the Planning Board in writing. If the final plan is not recorded within such period, the Planning Board's approval shall expire and become null and void.
- J. Copy of plan filed for recording. The copy of the final plan filed for recording in the office of the County Clerk shall be a clear and legible white print on mylar, in accordance with the requirements of said office.

### **285-121. Design Standards and Required Improvements.**

The design standards listed below shall be incorporated in all proposed plans.

- A. Suitability of land. Land shall be suited to the purposes for which it is to be subdivided. In general, the Planning Board shall take the following factors into consideration prior to the approval of any subdivision plan:
1. Safeguards against flooding. Subdivisions laid out on land subject to periodic flooding shall not be approved unless adequate safeguards against such hazards are provided by the plan. The following criteria shall be followed in making this decision:
    - a. All such proposed developments are consistent with the need to minimize flood damage.
    - b. Adequate drainage is provided so as to reduce exposure to flood hazards.
    - c. Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.
    - d. All public utilities and facilities are located, elevated and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.
  2. Certain areas not to be subdivided. Areas characterized by steep slopes, rock formations or other features shall not be subdivided into residential lots.
- B. Streets.
1. General.

- a. Dimensions and design standards. Street dimensions and design standards shall be in accordance with the prevailing standards as established by the City Engineer.
  - b. Location of major streets. The location of all major streets in the proposed subdivision shall conform in general alignment to the traffic plan adopted by the Planning Board.
  - c. Projection of existing streets. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Planning Board deems such extension undesirable for specific reasons of topography or design.
  - d. Relation to topography. Streets shall be logically related to the topography to produce usable lots and reasonable grades.
  - e. Minor streets. Minor streets shall be laid out to discourage through traffic, but provision for street connections into and from adjacent areas will generally be required.
  - f. Access to property required. Proposed streets shall be extended to provide access to adjoining property where necessary.
  - g. Provision for street rights-of-way. Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit resubdivision or if a portion of the tract is not subdivided.
  - h. Provision for access streets, service alleys, reverse frontage lots, etc. Where a subdivision abuts or contains an existing or proposed major traffic street, the Planning Board may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.
  - i. Partial streets. Partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
  - j. Tracts bordering existing half or partial street. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
  - k. Dead-end streets. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac.
  - l. Reserve strips. New reserve strips, including those controlling access to streets, shall be avoided.
2. Street intersections.
    - a. Angle of intersections. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60°.

- b. Multiple intersections. Multiple intersections involving the junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
  - c. Size of clear-sight triangles. Clear-sight triangles of 35 feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.
  - d. Distance between intersections. To the fullest extent possible, intersections with major traffic streets shall be located not less than 800 feet apart, measured from center line to center line.
  - e. Streets entering opposite sides of another street. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.
  - f. Curb radii. Minimum curb radii at street intersections shall be 15 feet for intersections involving only minor streets, 25 feet for intersections involving other type streets, or such greater radius as is suited to the specific intersection.
  - g. Inadequate right-of-way width. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width shall be required.
  - h. Leveling area required. Where the grade of any street at the approach to an intersection exceeds 7 percent, a leveling area shall be provided having not greater than four-percent grades for a distance of 25 feet measured from the nearest right-of-way line of the intersecting street.
3. Cul-de-sac streets.
- a. Length. Cul-de-sac streets, permanently designed as such, shall not exceed 500 feet in length and shall furnish access to not more than 20 dwelling units.
  - b. Turnaround. A cul-de-sac street shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curblines of 40 feet.
  - c. Provision for future extension. Unless future extension is clearly impractical or undesirable, a turnaround right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.

C. Lots and lot sizes.

- 1. Compliance with this Chapter. Lot sizes and dimensions shall be not less than those specified in Bulk and Use Regulations of this Municipal Code.
- 2. Tests of adequacy of lots. Where either or both water supply and sanitary sewage disposal are provided by individual on-lot facilities and evidence indicates that the requirements of this Chapter are not adequate, the

Planning Board may require tests, in accordance with the rules and regulations of the State Departments of Health and Environmental Conservation, undertaken at the expense of the developer, to determine the adequacy of the proposed lot size and existing grade and soil conditions. In all such cases where the tests indicate a larger lot size to be necessary, the Planning Board may employ the services of a registered and qualified independent sanitary engineer for advice as to the minimum lot size and/or facilities necessary to prevent unsanitary conditions and hazards to the public health. In such cases, the cost of retaining the services of a qualified engineer shall be borne by the developer.

3. Review to prevent health hazards in commercial subdivisions. Where commercial subdivisions are proposed to be served by either or both on-lot sanitary sewage disposal and water supply facilities, the lot area and dimensions required to prevent health hazards shall be subject to individual review and determination by the Planning Board, New York State Departments of Health and Environmental Conservation and/or County Board of Health.
4. Frontage. All lots shall front upon a public street.
5. Ratio of depth to width. The ratio of the depth of any lot to its width shall not be greater than 2 1/2 to one, except as may be specified in this Chapter.
6. Angle of side lot lines to street lines. Side lot lines shall be substantially at right angles or radial to street lines.
7. Remnants of land; disposition. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots or dedicated to public use if acceptable to the City.
8. Double frontage lots. Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.
9. Parcels for nonresidential use; depth and width. Depth and width of parcels laid out or reserved for nonresidential use shall be sufficient to provide satisfactory space for off-street parking and unloading as required by the provisions of this Chapter.

#### D. Easements.

1. Dimensions. Easements with a minimum width of 10 feet plus the width of any required pipe or other improvement shall be provided as necessary for utilities.
2. Location. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
3. Effect of watercourse in subdivision. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve natural drainage.

#### E. Blocks.



1. Dimensions generally. The length, width and shape of blocks shall be determined with due regard to the following:
  - a. Provision of adequate sites for buildings of the type proposed.
  - b. Zoning requirements.
  - c. Topography.
  - d. Requirements for safe and convenient vehicular and pedestrian circulation.
2. Length. Blocks shall have a minimum length of 750 feet and a maximum length of 1,200 feet. In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.
3. Depth of residential blocks. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots are used.
4. Pedestrian interior walks; purpose and dimensions. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such walks shall have a width of not less than 10 feet and a paved walk of not less than four feet.

F. Storm drainage.

1. Layout and grade of lots. Lots shall be laid out and graded to provide positive drainage away from buildings.
2. Sewers and culverts; standards. Storm sewers, culverts and related installations shall be as specified in accordance with prevailing standards of the City Engineer.

G. Community facilities and final subdivision plan requirements.

1. Duty of Planning Board. In reviewing subdivision plans, the Planning Board will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.
2. Reservation for public use. Where a proposed park, playground, school or other public use shown in a final subdivision plan is located in whole or in part in a subdivision, the Planning Board may require the reservation of such area as may be deemed reasonable. Where said area is not dedicated, it shall be reserved for acquisition by the City for a period of three years.
3. Adequacy of areas provided or reserved. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.
4. Layout to conform to final subdivision plan. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in the final subdivision plan.

H. Required improvements.

1. Scope of provisions.
  - a. Streets. Every street shown on a plat that has obtained Planning Board approval and has been recorded within 90 days of such

approval in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the City and formally accepted as a public street by ordinance of the Common Council or condemned by the City as a public street. No public municipal utility or improvement shall be constructed by the City on any street, unless by easement, until it has become a public right-of-way and is duly placed on the Official Map or plan.

- b. Standards. Minimum improvements and construction standards required of all subdivisions shall be as set forth in this section. Where not set forth, they shall be in accordance with the prevailing standards of the City Engineer. Alternate improvement standards may be permitted if the City Engineer deems them equal or superior in performance characteristics to the specified improvements. Additional or higher type improvements may be required in specific cases where the Planning Board believes it necessary to create conditions essential to the health, safety, morals and general welfare of the citizens of the City.
- c. Examination. Design standards and required improvements may be examined at the City Engineer's office.
- d. Expense of improvements. Nothing in this Article or in the approval of a subdivision by the Planning Board shall be construed to obligate the City to bear the expense of the installation of off-site improvements unless approved by the Common Council.

2. Monuments and markers.

- a. Placement. Monuments shall be placed by the subdivider so that the score or marked point shall coincide exactly with the intersection of the lines to be marked and shall be set so that the top of the monument or marker is level with the surface of surrounding ground.
- b. Location and specifications of monuments. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Monuments may be of the following two types:
  - (i) Cut stone five inches by five inches by three feet zero inches long with a drill hole in the center.
  - (ii) Concrete five inches by five inches by three feet zero inches long with a one-half-inch round brass pin in the center.
- c. Location and specifications of markers. Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, and at all angles in property lines of lots; at all corner lots, markers shall consist of steel bars at least 15 inches long and not less than 3/4 inch in diameter.

3. Streets.

- a. Standards. Required improvements shall be in accordance with the prevailing standards of the City Engineer.
  - b. Grading, surfacing and improving. Streets and alleys where provided shall be graded, surfaced and improved to the grades, profiles and cross sections approved by the City Engineering Department.
4. Public water supply.
  - a. System available. Where public water supply, in the opinion of the Planning Board, as advised by the City Engineer, is reasonably accessible, the subdivision shall be provided with a complete and adequate water distribution system, including a connection for each lot and appropriately spaced fire hydrants.
  - b. System not available. Where public water supply is not in reasonable distance, an alternate supply, approved by the State Department of Health, shall be furnished.
5. Public sanitary sewer system.
  - a. System available. Where the public sanitary sewer system, in the opinion of the Planning Board, as advised by the City Engineer, is reasonably accessible, sanitary sewers shall be installed to adequately serve all lots with connections to the public system. Stormwater shall be excluded from sanitary sewers.
  - b. System not available. Where lots cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes as provided in § 285-121 C2. In addition, individual septic tanks and disposal fields and/or neighborhood disposal systems shall be approved by the State Department of Environmental Conservation.
6. Storm sewers. Storm sewers shall be installed when, in the opinion of the Planning Board, as advised by the City Engineer, they are deemed necessary to provide adequate drainage for the subdivision.
7. Site improvements. All site improvements will be made or installed in accordance with standards, specifications and procedures acceptable to the Planning Board and City Engineer prior to the sale of lots.
8. Security. A performance bond of 25 percent of the full cost, as estimated by the Planning Board or City Engineer, shall be provided pursuant to a written security agreement with the City, approved by the Common Council and also approved by the City Attorney as to form, sufficiency, and manner of execution. In the event that any required improvements have not been installed as provided in the security agreement, the Common Council may thereupon declare the said performance bond to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the City shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

## 285-122. Plan Requirements

### A. Preliminary plan.

1. Scale. The preliminary plan shall be at a scale of not more than 100 feet to one inch.
2. Plan information. The preliminary plan shall show the following information:
  - a. Proposed subdivision name or identifying title.
  - b. North point, scale and date.
  - c. Name of the owner of the property.
  - d. Name of the registered engineer, surveyor or architect responsible for the plans.
  - e. Tract boundaries with bearings and distances.
  - f. Contours at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
  - g. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
  - h. All existing watercourses, tree masses and other significant natural features.
  - i. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
  - j. All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.
  - k. All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
  - l. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; and playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use. Proposed streets shall be named by the Mayor and Council.
  - m. Wherever practicable, the preliminary plan shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.
3. Sketch of street layout. Where the preliminary plan covers only a part of the subdivider's entire holdings, a sketch shall be submitted of the prospective street layout for the remainder.
4. Proposed deed restrictions. Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plan.
5. Affidavit. The surveyor or engineer shall submit an affidavit that the survey presented is a true and correct transit boundary and topographic survey conducted on the site by that surveyor or engineer.
6. Preliminary grading plan. A preliminary grading plan of the site shall be submitted with the preliminary plat submission.

B. Final plan.

1. Legibility. The subdivision plan submitted for final approval shall be a clear, legible white print of an ink drawing.
2. Plan scale and required information. Where necessary, final plans may be drawn in two or more sections accompanied by a key diagram showing relative location of the sections. The final plan shall be at a scale of not more than 100 feet to one inch and shall include the following information:
  - a. Subdivision name or identifying title.
  - b. North point, scale, and date.
  - c. Name of the record owner and subdivider.
  - d. Name and seal of the registered professional engineer or surveyor responsible for the plan.
  - e. Boundaries of the tract.
  - f. Street lines, lot lines, rights-of-way, easements, and areas dedicated or proposed to be dedicated to public use.
  - g. Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line and to reproduce such lines on the ground.
  - h. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
  - i. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
  - j. The proposed building setback line for each street.
  - k. Location and width of private driveways emanating from corner lots.
  - l. All dimensions shall be shown in feet and in hundredth of a foot.
  - m. Lot numbers or letters.
  - n. Names of streets within and adjacent to the subdivision.
  - o. Permanent reference monuments shall be shown and shall be as specified by the City Engineer.
  - p. Wherever practicable, names of any adjoining subdivision shall be shown.
  - q. Wherever practicable, names of the owners of any unplotted land shall be shown.
  - r. Certificate of dedication of streets and other public property.
  - s. Certificate for approval by the Planning Board.
3. Accompanying documents. The final plan shall include thereon or be accompanied by:
  - a. An affidavit that the applicant is the subdivider of the land proposed to be subdivided.
  - b. Certification by the City Engineer that the installation of water, sewer and street facilities is both practical and feasible.
  - c. Certification by the State Department of Health and/or Environmental Conservation when individual sewage disposal or

water systems are to be installed as required by §285-121 H, Subsections 2 through 6 of this Article.

- d. Certification by the City Engineer that the subdivider has met the requirements of §285-121H, 1 of this Article.
  - e. Protective covenants, if any, in form for recording.
4. The subdivider shall tender offers of cession in a form certified as satisfactory by the Corporation Counsel of all land included in streets, highways or parks, not specifically reserved by him or her, but approval of the plan by the Planning Board shall not constitute an acceptance by the City of the dedication of any street, highway or park or other open public areas.

**ARTICLE XIV**  
**Site Plan Review and Approval**

**285-123. Intent.**

The purpose of Site Plan Review is to implement the City's long term planning goals. Specifically, Site Plan Review is intended to determine compliance with the objectives of this chapter where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating conditions which could adversely affect the public health, safety or general welfare.

**285-124. Applicability.**

Prior to the issuance of a building permit, special use permit, variance or other discretionary approval required from the Planning Board or Zoning Board of Appeals for construction, alteration or change of use in any district, except for a single-family or two-family dwelling and related accessory uses, the Zoning Officer shall require the preparation of a site plan. The Zoning Officer shall refer the site plan to the Planning Board for its review and approval in accordance with the standards and procedures set forth in this article.

**285-125. Sketch plan conference.**

- A. Applicants shall meet with the Zoning Officer and/or the Planning Board to review the basic site design concept and determine the information to be required on the preliminary site plan. The purpose of the sketch plan conference is to discuss with the applicant the project's conformity with the City's long term planning goals, to determine whether the activity is subject to the performance standards of §285-71, and to advise the applicant of other issues or concerns. The sketch plan conference provides an opportunity to indicate whether the proposal, in its major features, is acceptable or whether it should be modified before expenditures for more detail plans are made.
  
- B. Required data. Information to be included on the sketch plan is as follows:
  - 1. An area map showing the parcel under consideration for Site Plan Review and all parcels, structures, subdivisions, streets, driveways, easements and permanent open space within 200 feet of the boundaries thereof or at the discretion of the Zoning Officer.
  - 2. A map of site topography at no more than five-foot contour intervals or at the discretion of the Zoning Officer. If general site grades exceed 5 percent or if portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and topographic map showing contour intervals of not more than two feet of elevation should also be provided.
  - 3. General identification of all existing natural features and utilities on the site and in the area.

4. The location of all existing and proposed structures on the site and designated uses for each.
5. Identification of existing zoning classification(s) of the property and all adjacent properties and any restrictions on land use of the site.

**285-126. Preliminary site plan application.**

- A. Application for preliminary site plan approval. An application for preliminary site plan approval shall be made in writing to the Zoning Officer and shall be accompanied by information drawn from the following checklist, as determined necessary by the Zoning Officer at the sketch plan conference. All site plan information and building designs shall be prepared by a licensed architect or engineer.
- B. Preliminary site plan checklist. Additional design standards and directions regarding the items to be shown on specific plan sheets may be found in the administrative checklist available from the Zoning Officer. The preliminary site plan shall include:
  1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
  2. North arrow, graphic scale and date.
  3. Boundaries of the property, plotted to scale.
  4. The location of existing property lines, easements, structures, streets, driveways and natural features within 200 feet of the proposed site or at the discretion of the Planning Board. Natural features subject to other state or federal regulations which may restrict development.
  5. Grading and drainage plan, showing existing and proposed contours. The drainage plan shall also clearly explain the methodology used to project stormwater quantities and the resultant peak flow conditions.
  6. Location, proposed use, hours of operation and height of all buildings. Summary of the amount of square footage devoted to each use requiring off-street parking or loading.
  7. Number, location, design and construction materials of all parking and loading areas, showing ingress and egress. Location of reserved parking areas as required by the off-street parking regulations of Article X, §285-88.
  8. Provision for pedestrian access.
  9. Size, type, location and screening of all facilities used for recycling and disposal of solid waste.
  10. Location, dimensions and vehicle capacity of drive-in facilities and related queuing lanes.
  11. Building elevation(s) showing building massing, window and door spacing and treatments and other architectural features; and indication of building materials suitable to evaluate architectural compatibility.
  12. Location, purpose and holder of all proposed easements or dedications for utilities, recreation, conservation or other purpose.



13. Location, size, screening and type of material for any proposed outdoor storage.
14. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
15. Description of the type and quantity of sewage expected, the method of sewage disposal and the location, design and construction materials of such facilities.
16. Description of the type and quantity of water supply needed, the method of securing water supply, and the location, design and construction materials of such facilities.
17. Location of fire and other emergency zones, including the location of fire hydrants.
18. Location, design and construction material of all energy-distribution facilities, including electrical, gas, wind power, solar energy and other public utility facilities, such as cable or phone service.
19. Location, size, design and construction materials of all proposed signs.
20. Location of proposed buffer areas, including existing vegetative cover.
21. Location, type, height, brightness and control of outdoor lighting facilities.
22. Size, location and use of recreation areas for multifamily dwellings as required by §285-64.
23. Identification of permanent open space or other amenities provided in conjunction with cluster or incentive zoning provisions.
24. A table summarizing each building footprint, total size in square feet and number of stories; the number of dwelling units and the amount of square feet devoted to each use type; size, in square feet or acres, of access, parking and circulation areas and the number of loading, queuing and parking spaces; size in square feet of landscaped and natural open space; and size in square feet and text of all signs.
25. A landscaping plan and planting schedule in accordance with Article IX.
26. Other elements integral to the proposed development as considered necessary by the Planning Board, to include showing railroads or any other type of transportation facilities not specified.
27. All forms and information pursuant to New York State Environmental Quality Review Act (SEQRA).
28. For all developments disturbing more than one acre, New York State Department of Environmental Conservation (NYSDEC) requires that Municipalities receive a copy of the Storm Water Pollution Prevention Plan (SWPPP) prior to plan approval. The owner is required to comply with the NYSDEC's "SPEDES General Permit for Storm Water Discharge from Construction Activity" Permit # G-P-02-01.

C. Required fee. The fee will be established by the Common Council and paid when the application is made.

**285-127. Planning Board review of preliminary site plan.**

The Planning Board's review of a preliminary site plan shall include, as appropriate, but is not limited to, the following:

A. General considerations as to:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls for parking, loading and drive-in facilities.
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. In general sidewalks shall be required along all dedicated roads on lots within 1,000 feet of a school, park or residential concentration.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Location, arrangement, size, design and general architectural and site compatibility of buildings, lighting, signs and landscaping.
5. Adequacy of stormwater calculation methodology and stormwater and drainage facilities to eliminate off-site runoff and maintain water quality.
6. Adequacy of water supply and sewage disposal facilities.
7. Size, location, arrangement and use of required open space and adequacy of such open space to preserve scenic views and other natural features, to provide wildlife corridors and habitats, to provide suitable screening and buffering; and to provide required recreation areas.
8. Suitability of proposed hours of operation.
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other similar nuisances.
10. Adequacy of community services, including fire, ambulance and police protection, and on-site provisions for emergency services, including fire lanes and other emergency zones, fire hydrants and water pressure.
11. Adequacy and unobtrusiveness of public utility distribution facilities, including those for gas, electricity, cable television and phone service. In general, all such utility distribution facilities shall be required to be located underground.
12. Making provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary thereof.
13. Conformance with the City of Cohoes' long term planning goals.
14. Conformance with density, lot size, height, yard and lot coverage and all other requirements of district regulations.

B. Applicant to attend Planning Board meeting. Applicant and/or duly authorized representative shall attend the meeting of the Planning Board.

C. Site plans shall also provide conformance with the performance standards of section §285-71.

- D. Consultant review. The Planning Board may consult with the Zoning Officer, Historic Preservation and Architectural Review Board, Fire Chief and other appropriate local and county officials and departments and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.
- E. Public hearing. The Planning Board shall conduct a public hearing on the preliminary site plan. Such public hearing shall be conducted within 62 days of the receipt of the application for preliminary site plan approval. Notice of said hearing shall be mailed to the applicant not less than ten days before the hearing date and shall be advertised in a newspaper of general circulation in the City of Cohoes at least five (5) days but not more than thirty days before the public hearing.

**285-128. Planning Board action on preliminary site plan.**

- A. Within 62 days after the public hearing the Planning Board shall act on the application for preliminary site plan approval. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved or approved with modifications and shall be filed with the City Clerk within five (5) days of the decision and mailed to the applicant.
- B. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

**285-129. Final site plan approval procedure.**

- A. After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Planning Board for approval. If more than six months has elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. The Planning Board may also require a new public hearing. The final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any modifications that may have been recommended by the Planning Board in its preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.

- B. The following additional information shall accompany an application for final site plan approval.
  - 1. Record of application for and approval status of all necessary permits from local, state and county officials.
  - 2. An estimated project construction schedule.
  - 3. A legal description of all areas proposed for municipal dedication.
  - 4. An easement or other recordable instrument executed by the owner for any permanent open spaces created and whether such open space is the result of Site Plan Review or incentive zoning provisions.
  
- C. If no building permit is issued within one calendar year from the date of final site plan approval, the final site plan approval shall become null and void.

**285-130. Referral to County Planning Board.**

Prior to taking action on the final site development plan, the Planning Board shall refer the plan to the County Planning Board for advisory review and a report in accordance with §239-m of General Municipal Law.

**285-131. Planning Board action on final site plan.**

- A. Within the next day of receipt of the application for final site plan approval, or within 62 days if a public hearing is held, the Planning Board shall notify the Zoning Officer, in writing, of its decision. The Planning Board shall file its decision with the City Clerk within five days of the final Planning Board decision. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.
  
- B. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due and letter of credit if required, the Planning Board shall endorse its approval on a copy of the final site plan. A copy of the approved final site plan shall be filed with the Zoning Officer and may be provided to the applicant.
  
- C. Upon disapproval of a final site plan, the Planning Board shall so inform the Zoning Officer, and the Zoning Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. The Planning Board shall file its decision with the City Clerk within five days of the final Planning Board decision.

**285-132. Reimbursable costs.**

Costs incurred by the Planning Board for consultation fees or other extraordinary expense in connection with the review of a proposed site plan or inspection of required improvements shall be charged to the applicant. Estimated review fees shall be deposited

into an escrow account when making application for preliminary site plan approval. Estimated inspection fees shall be deposited into an escrow account prior to Planning Board endorsement of final site plan approval.

**285-133. Letter of credit.**

No Certificate of Occupancy shall be issued until all improvements shown on the site plan are installed or an irrevocable letter of credit has been posted for improvements not yet completed. The letter of credit shall be approved as to form by the Municipal Attorney and as to amount by the Municipal Engineer. The member of the Planning Board designated to sign site plans shall not sign until a letter of credit, if required, has been received by the Zoning Officer and approved by the Common Council.

**285-134. Inspection of improvements.**

The Zoning Officer shall be responsible for the overall inspection of site improvements. The applicant shall be responsible for advance notice for inspection coordination with officials and agencies, as appropriate. The Zoning Officer may retain the services of a qualified private consultant to assist with inspection of site improvement.

**285-135. Integration of procedures.**

Whenever the particular circumstances of a proposed development require compliance with either the special use permit procedure pursuant to §285-10B of this chapter, or the requirements for the Subdivision of Land in Article XIII, the Planning Board shall attempt to integrate, as appropriate, Site Plan Review as required by this section with the procedural and submission requirements for such other compliance.

**ARTICLE XV**  
*Reserved*

**Bulk and Use Table**

Zone District	Permitted Uses	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Minimum Setback Requirements			Min Green Space (%)	Max. Allowable Lot Coverage (%)	Max. Building Height (ft.)	
					Front (ft.)	Side (ft.)	Rear (ft.)				
R-1 - Residential	Dwelling - Single-Family	10,000	70	100	30	12	20	50	50	35	
	Dwelling - Attached or Row	10,000	70	100	30	12	20	50	50	35	
	Congregate Housing	10,000	70	100	30	12	20	50	50	35	
	In-Law Apartment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Park/ Recreation Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Public Uses	10,000	70	100	30	12	20	N/A	N/A	10	
	Building, Accessory	N/A	N/A	N/A	50	10	10	N/A	N/A	15	
	<b><i>Uses Requiring a Special Use Permit</i></b>										
	<i>Accessory Dwelling - as part of or in place of a detached garage</i>	N/A	N/A	N/A	50	10	10	50	40	25	
	<i>Swimming pool, private</i>	N/A	N/A	N/A	50	10	10	50	50	N/A	
	<i>Home Occupation</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	<i>Funeral Home</i>	10,000	80	100	30	12	20	50	50	35	
	<i>Low Intensity Office or Service (in a mixed use building)</i>	10,000	80	100	30	12	20	50	50	35	
<i>Family Daycare Home</i>	10,000	80	100	30	12	20	50	50	35		

**Bulk and Use Table**

Zone District	Permitted Uses	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Allowable Setback Range	Minimum Setback		Min Green Space (%)	Max. Allowable	Max. Building Height (ft.)	
					Front (ft.)	Side (ft.)	Rear (ft.)		Lot Coverage (%)		
R-2 - Residential	Dwelling - Single-Family	7,500	50	100	5-10	10	20	50	50	35	
	Dwelling - Attached or Row	7,500	50	100	5-10	10	20	50	50	35	
	Congregate Housing	7,500	50	100	5-10	10	20	50	50	35	
	In-Law Apartment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Boarding or Rooming House for up to 3 roomers	7,500	50	100	5-10	10	20	50	50	35	
	Public Uses	10,000	70	100	30 (min)	10	20	N/A	N/A	N/A	
	Park/ Recreation Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Building, Accessory	N/A	N/A	N/A	50 (min)	10	10	N/A	N/A	15	
	<b><i>Uses Requiring a Special Use Permit</i></b>										
		<i>Accessory Dwelling - as part of or in place of a detached garage</i>	N/A	N/A	N/A	50	10	10	50	40	25
		<i>Dwelling - Two-Family</i>	7,500	50	100	5-10	10	20	50	50	35
		<i>Swimming pool, private</i>	N/A	N/A	N/A	50	10	10	N/A	N/A	N/A
		<i>Home Occupation</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		<i>Funeral Home</i>	10,000	80	100	30	12	20	50	50	35
	<i>Low Intensity Office or Service (in a mixed use building)</i>	10,000	80	100	30	12	20	50	50	35	
	<i>Family Daycare Home</i>	10,000	80	100	30	12	20	50	50	35	



**Bulk and Use Table**

Zone District	Permitted Uses	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Allowable Setback Range	Minimum Setback		Min Green Space (%)	Max. Allowable Lot Coverage (%)	Max. Building Height (ft.)	
					Front (ft.)	Side (ft.)	Rear (ft.)				
MFR - Multi-Family Residential	Dwelling, Single-Family	5,000	50	100	5-15	5	20	40	60	35	
	Dwelling, Two-Family	6,000	60	100	5-15	5	20	30	70	35	
	Dwelling, Attached or Row	7,500	50	100	5-15	5	20	30	80	35	
	Dwelling, Multi-Family	10,000	75	100	5-15	10	20	20	50	35	
	In-Law Apartment	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Home Occupation located in principle building	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Bed and Breakfast/Inn	7,500	50	100	5-15	5	20	30	70	35	
	Parking Lot	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	Dwelling, Accessory, as part of or in place of a detached garage	N/A	N/A	N/A	50	10	10	N/A	N/A	25	
	Residential Care Facility	8,000	60	100	5-15	10	20	30	70	35	
	Funeral Home	8,000	50	100	5-15	5	20	30	70	35	
	Building, Accessory	N/A	N/A	N/A	50 (min)	10	10	N/A	N/A	15	
	<b><i>Uses Requiring a Special Use Permit</i></b>										
		<i>Home Occupation located in accessory structure</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		<i>Swimming pool, private</i>	N/A	N/A	N/A	50	10	10	N/A	N/A	N/A
		<i>Boarding or Rooming House for up to 3 roomers</i>	10,000	75	100	15	10	20	60	40	35
	<i>Family Daycare Home</i>	10,000	50	100	15	10	60	30	70	35	
	<i>Low Intensity Professional Office</i>	8,000	60	100	15	10	60	30	70	35	
	<i>Structure, Mixed Use</i>	8,000	60	100	15	10	60	30	70	35	
	<i>Funeral Home</i>	10,000	80	100	15	10	60	50	50	35	
	<i>Mobile Home Park</i>	5 acres	100	100	15	25	30	40	60	35	
	<i>Club, Private</i>	10,000	75	100	15	10	60	60	40	35	

**Bulk and Use Table**

Zone District	Permitted Uses	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Allowable Setback Range	Minimum Setback		Min Green Space (%)	Max. Allowable	Max. Building Height (ft.)	
					Front (ft.)	Side (ft.)	Rear (ft.)		Lot Coverage (%)		
MU-1 - Mixed Use	Restaurant	7,500	50	150	0-5	0	0	0	100	35	
	Bar/Tavern	7,500	50	150	0-5	0	0	0	100	35	
	Bed and Breakfast accommodations as a secondary use of a primary residence or the primary use of an accessory structure	8,000	50	150	0-5	0	0	0	100	35	
	Inn accommodations not to exceed 35 year-round rooms	15,000	100	150	0-5	0	0	0	100	45	
	Animal Hospital	10,000	50	150	0-5	0	0	0	100	35	
	Office Building	10,000	65	150	0-5	0	0	0	100	45	
	Dwelling, single-family	5,000	50	100	0-5	0	0	0	100	35	
	Dwelling, attached or row	2,500	40	60	0-5	0	0	0	100	35	
	Dwelling, multi-family	2,500	40	60	0-5	0	0	0	100	45	
	Boarding or Rooming House for up to 3 roomers	7,500	50	150	0-5	0	0	0	100	35	
	Funeral Home	8,000	50	150	0-5	0	0	0	100	35	
	Retail	5,000	50	100	0-5	0	0	0	100	45	
	Structure, mixed-use to include retail or service uses on the first floor and office or residential on the upper floors	2,500	40	60	0-5	0	0	0	100	45	
	<b><i>Uses Requiring a Special Use Permit</i></b>										
		<i>Secondary Garage not related to residential use</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	<i>Machine shops and related manufacturing uses not within 300 feet of any primary residential use</i>	15,000	100	150	5-10	0	30	40	60	35	
	<i>Gasoline Stations - Neighborhood</i>	20,000	100	200	5-10	0	0	0	100	35	
	<i>Parking Garage/Lot, as principle use</i>	10,000	50	150	0-10	0	0	0	100	45	
	<i>Temporary outdoor sales of seasonal agricultural products and customary accessory products (example: farmers' markets, Christmas tree/pumpkin sales)</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

**Bulk and Use Table**

Zone District	Permitted Uses	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Allowable Setback Range	Minimum Setback		Min Green Space (%)	Max. Allowable Lot Coverage (%)	Max. Building Height (ft.)	
					Front (ft.)	Side (ft.)	Rear (ft.)				
					<i>Waterfront side from inland edge of 50' easement</i>			<i>Property within waterfront easement may be included in Greenspace requirement</i>	<i>Property within waterfront easement is not included in Coverage requirement</i>		
MU-2 - Waterfront Mixed Use	Professional Office	10,000	50	150	0-10	0	0	0	100	45	
	Retail	10,000	50	150	0-10	0	0	0	100	45	
	Dwelling, Single-family	8,000	80	100	10-15	10	10	50	50	35	
	Dwelling, Multi-family	10,000	90	100	0-10	10	20	50	50	35	
	Inn/Hotel	20,000	100	150	15-20	10	20	30	70	45	
	Waterfront Retail Services	8,000	50	100	0-20	0	0	0	100	35	
	Dwelling, Attached or Row	2,500	40	60	0-5	0	0	0	100	35	
	Restaurant	5,000	50	100	0-20	0	0	0	100	35	
	Bar/Tavern	5,000	50	100	0-20	0	0	0	100	35	
	Parking Garage/Lot, as accessory use	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Boat launch	5,000	50	100	0-10	0	0	0	100	35	
	Structure, mixed-use to include retail or service uses on the first floor and office or residential on the upper floors	5,000	50	100	0-20	0	0	0	100	45	
	<b><i>Uses Requiring a Special Use Permit</i></b>										
		<i>Home Occupation</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		<i>Dock</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		<i>Building, Accessory</i>	N/A	N/A	N/A	50 (min)	10	10	N/A	N/A	N/A
	<i>Parking Garage/Lot, as accessory use</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	<i>Parking Garage/Lot, as principle use</i>	12,500	50	150	10-20	10	20	N/A	N/A	45	
	<i>Outdoor Recreation</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	<i>Family Daycare Home</i>	12,500	80	100	10-20	10	10	50	50	35	

**Bulk and Use Table**

Zone District	Permitted Uses	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Allowable Setback Range	Minimum Setback		Min Green Space (%)	Max. Allowable Lot Coverage (%)	Max. Building Height (ft.)	
					Front (ft.)	Side (ft.)	Rear (ft.)				
C-1 - Office/Retail Commercial	Retail	10,000	50	150	0-10	10	20	20	80	35	
	Professional Offices	10,000	50	150	0-10	10	20	20	80	35	
	Recreation - Indoor Commercial	10,000	50	150	0-10	10	20	20	80	35	
	Cultural Use Facility or Museum	10,000	50	150	0-10	10	20	20	80	35	
	Daycare Center	20,000	100	200	35 (min)	20	35	30	70	35	
	Structure - Mixed-Use	2,500	40	60	0-10	0	0	0	100	35	
	First Floor Places of Worship	20,000	100	200	10-20	0	0	50	50	35	
	Dwelling, Attached or Row	7,500	50	100	30	10	20	50	50	35	
	Dwelling, Multi-Family	10,000	80	125	0-10	0	0	40	60	35	
	<b><i>Uses Requiring a Special Use Permit</i></b>										
	<i>Parking Lot</i>	10,000	50	150	0-10	10	20	N/A	N/A	35	
	<i>Drive-in Facility</i>	15,000	50	150	20-30	10	20	50	50	15	
	<i>Motor Vehicle Service Station</i>	15,000	50	150	10-15	10	10	30	70	25	
<i>Convenience store with retail fuel sales</i>	20,000	100	200	10-15	15	20	20	80	25		
<i>Club, Private</i>	5,000	50	100	0-10	15	20	20	80	35		

**Bulk and Use Table**

Zone District	Permitted Uses	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Minimum Setback Requirements			Min Green Space (%)	Max Allowable Lot Coverage (%)	Max. Building Height (ft.)
					Front (ft.)	Side (ft.)	Rear (ft.)			
I-1 - Industrial										
	Machine Shop	10,000	80	100	20	20	20	25	75	45
	Manufacturing	10,000	80	100	20	20	20	25	75	45
	Warehouse or Wholesale Use	10,000	80	100	20	20	20	25	75	45
	Light Industry	10,000	80	100	20	20	20	25	75	45
	Contractors Yard	10,000	80	100	20	20	20	25	75	45
	Public Utility	10,000	80	100	20	20	20	25	75	45
	Machinery or Transportations Services, Sales or Repair	10,000	80	100	20	20	20	25	75	45
	<b><i>Uses Requiring a Special Use Permit</i></b>									
	<i>Parking Garage, as principle use</i>	10,000	50	150	0	10	20	N/A	N/A	45
	<i>Building, Accessory</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	<i>Motor Vehicle Service Station</i>	20,000	100	200	30	15	20	25	75	45
	<i>Motor Vehicle Wash</i>	20,000	100	200	30	15	20	25	75	45
	<i>Telecommunication Facility or Tower</i>	20,000	100	200	30	15	20	50	50	45
	<i>Dwelling - Single-Family</i>	10,000	70	100	30	12	20	50	50	35
	<i>Places of Worship, First Floor</i>	20,000	100	150	20	20	20	25	75	45
	<i>Adult Uses</i>	20,000	100	150	20	20	20	25	75	45
	<i>Rock and Stone Crushing and Mixing Plants</i>	2 acres	200	200	50	50	50	N/A	N/A	45
	<i>Natural Product Extraction</i>	2 acres	200	200	50	50	50	N/A	N/A	45

**Bulk and Use Table**

Zone District	Permitted Uses	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Minimum Setback Requirements			Min Green Space (%)	Max. Allowable Lot Coverage (%)	Max. Building Height (ft.)	
					Front (ft.)	Side (ft.)	Rear (ft.)				
LC - Land Conservation	Municipal or Public Utility	1 acre	200	200	75	50	50	80	20	35	
	Farm or Other Agricultural or Horticultural Operation	1 acre	200	200	75	50	50	80	20	35	
	Greenhouse, Commercial	1 acre	200	200	100	50	50	85	15	35	
	Single Family Residential	1 acre	150	150	40	50	50	70	30	35	
	<i>Uses Requiring a Special Use Permit</i>										
	<i>Nature Preserves - Private</i>	10 acres	200	200	100	50	50	85	15	35	
	<i>Stable, Commercial</i>	10 acres	200	200	100	50	50	85	15	35	
	<i>Building, Accessory</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<i>Recreational Area</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		