

**TOWN OF NEW SCOTLAND,
ALBANY COUNTY, NEW YORK**

At a regular meeting of the Town Board of the Town of New Scotland held at Town Hall, New Scotland, New York on the 3rd day of November, 1967.

PRESENT: Supervisor Willis McIntosh, Justices of the Peace Harold Schultz, Donald Chase, Councilmen Wyman Osterhout and Robert Patterson.

The following Amendment to Article 7, Zoning Ordinance of the Town of New Scotland, N. Y. was introduced by Justice of Peace Donald Chase, who moved its adoption, and the same was seconded by Councilman Robert Patterson.

**ORDINANCE AMENDING THE
ZONING ORDINANCE OF
THE TOWN OF NEW SCOTLAND**

WHEREAS, a public hearing was duly held on the 25th day of October, 1967, and all other matters and things required to be done by the Town Law of the State of New York and the Zoning Ordinance of the Town of New Scotland in order that this Town Board may avail itself of the powers conferred by said laws, having been complied with,

Now therefore, be it RESOLVED AND ORDAINED that the Zoning Ordinance of the Town of New Scotland adopted on the 7th day of July, 1961, be, and the same hereby is, amended as follows:

Article 7 (nonconforming uses and buildings) Section 7.2000 (REGULATION OF NONCONFORMING USES) is hereby amended by adding a new paragraph 7.212, said paragraph to read as follows:

"7.212 Upon a special use granted by the Zoning Board of Appeals, pursuant to section 8.340 and in compliance with the requirements of section 5.800, where applicable, a nonconforming building or structure may be reconstructed, substituted or structurally altered, provided the area or volume of space occupied by the nonconforming use is not increased more than ten per cent of its prior existing area or volume, and where the Zoning Board of Appeals determines that the public safety, welfare and/or convenience will be served by such reconstruction, substitution or alteration."

2. Section 7.300 (TERMINATION OF NONCONFORMING USES), paragraph 7.320 (Partial destruction) is hereby amended to read as follows:

"7.320 Partial Destruction.

"When fifty (50) per cent or more of the existing floor area or volume of a nonconforming building or structure, or use of land is destroyed by fire or other cas-

ualty or act of God, the use of such building, structure or land as a nonconforming use shall thereafter be terminated, except that, upon a special use granted by the Zoning Board of Appeals pursuant to section 8.340 and in compliance with the requirements of section 5.800, where applicable, such nonconforming building, structure or use may be restored, reconstructed or used as before, provided that the area or volume of such use, building or structure shall not exceed by greater than ten (10) per cent the area or volume which existed prior to such destruction and that the Board shall determine that the public safety, welfare and/or convenience will be served by such restoration, reconstruction or use and provided further that application for such special use shall be filed with the building inspector not later than six months after such destruction and that such restoration or reconstruction shall be completed within one year after the granting of said special use."

FURTHER RESOLVED AND ORDAINED, that the Town Clerk of the Town of New Scotland be, and she is hereby directed to publish the foregoing amendment to said Zoning Ordinance in the Altamont Enterprise published in the village of Altamont, N. Y., and which is hereby designated for that purpose, and post a copy of the same on the sign board maintained in the Town Clerk's Office and this amendment shall become effective (10) days after such publishing and posting.

The foregoing amendment was duly adopted by the following vote:

AYE: Mr. McIntosh, Mr. Schultz, Mr. Osterhout, Mr. Robert Patterson and Mr. Donald Chase.

NO: None.

**STATE OF NEW YORK
COUNTY OF ALBANY SS:
TOWN OF NEW SCOTLAND**

I, Elizabeth Feldman, Town Clerk of the Town of New Scotland, Albany County, New York, do hereby certify that I have compared the annexed amendment to the Zoning Ordinance of the Town of New Scotland, with the original thereof filed in my office at New Scotland, Albany County, New York, on the 3rd day of November 1967, and that the same is a true copy of said original and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 6th day of November 1967.

ELIZABETH FELDMAN,
Town Clerk of the Town of New
Scotland, Albany County, New
York. (Nov. 17)