

PUBLIC NOTICE

PLEASE TAKE NOTICE that the following Amendment to the ZONING ORDINANCE dated February 2, 1981 was duly adopted

At a regular Town Board meeting of the Town of New Scotland, Albany County, New York, held at the Town Hall, New Scotland, New York, on the 5th day of October, 1988.

Present: Herbert W. Reilly, Jr., Supervisor; Wyman Osterhout, Councilman; H. Allyn Moak, Councilman; John Sgarlata, Councilman; Edita Probst, Town Clerk.

The following amendment to the Zoning Ordinance dated February 2, 1981 was introduced by Councilman H. Allyn Moak, who moved its adoption, and the same was seconded by Councilman Wyman Osterhout.

ZONING ORDINANCE OF THE TOWN OF NEW SCOTLAND

WHEREAS, a public hearing was duly held on the 30th day of September, 1988, and all other matters and things required to be done by the Town Law and the State of New York in order that the Town Board may avail itself of the powers conferred by said laws, having been complied with:

Now, therefore, be it

RESOLVED and ORDAINED by the Town Board of the Town of New Scotland, that the ZONING ORDINANCE dated February 2, 1981, is hereby amended as follows:

- 1. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 2.400, second paragraph, to read,

"All Structures, except unattached accessory structures as regulated in Section 3.404 of this ordinance, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum frontage, side or rear yard."

2. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 2.501 Permitted Uses #7, to read,

"Less than 5 acres - Horses (Private) (Max. 3)"

3. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 2.502 Permitted Uses #7, to read,

"Less than 5 acres - Horses (Private) (Max. 3)"

4. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 2.503 Special Uses #9, to read,

"Less than 5 acres - Horses (Private) (Max. 3)"

5. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 2.504 Special Uses #14, to read,

"Less than 5 acres - Horses (Private) (Max.3)"

6. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 2.505 under COMMERCIAL - HAMLET heading to read:

Area	Lot Size Minimums		Max Build. Area Each Store	Minimum Yard Dim.		
	Width	Depth		Front	Side	Rear
20,000	100	100	2,000 sq. ft.	30	15	30 "

7. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 2.506 Commercial Rear Yard Dimension, which provides for 50 feet minimum yard dimensions to read 15 feet minimum yard dimensions.

8. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 3.100, which provides,

"At least ten percent (10) of the area of any subdivision, (except Cluster Development, see Section 5.30) commercial or industrial development shall be retained in usable open space for common usage with appropriate landscaping. Open space shall not include parking areas or roadways."

to read,

"At least ten per cent (10) of the area of any subdivision, (except Cluster Development, see Section 5.30) commercial or industrial development may be retained in usable open space for common usage with appropriate landscaping. Open space shall not include parking areas or roadways."

9. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 3.110 entitled "Storage of mobile homes, boats, trailers and trucks", to read,

"3.1100 Storage of motor homes, boats, trailers and trucks."

No motor home, boat, trailer or truck shall be placed in the front yard or side yard in any district. In addition, when such vehicles or boats are stored elsewhere, they shall be stored in a manner that is not obnoxious.

10. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 3.404, which provides,

"3.404 Accessory Structures - Maximum Permitted Height--Unattached Structure--20 feet.

Maximum Yard Regulations--Unattached accessory structures in all districts. Accessory structures which are

not attached to a principal structure may be erected within one (1) of the side yards or within the rear yard in accordance with the following requirements:

- a. front yard--50 feet
- b. side yard (interior lot)--5 feet
- c. side yard (corner lot)--same as for principal structure.
- d. rear yard--5 feet, except when abutting an alley, then ten (10) feet.
- e. not closer to a principal structure less than ten (10) feet.

Attached Accessory Structures in all districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

Non-Dwelling Accessory Structures. Non-Dwelling Accessory Structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten (10) feet."

to read,

"3.404 Accessory Structures - Maximum Permitted Height--Unattached Structure--20 feet.

Maximum Yard Regulations--Unattached residential accessory structures in all districts. ...

Non-Residential Accessory Structures. Non-residential accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten (10) feet.

11. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 3.502.1, which provides,

"3.502.1 Restoration

Upon special use granted by the Planning Board of Appeals, a non-conforming building or structure may be reconstructed, substituted or structurally altered, provided the area or volume of space occupied by the non-conforming use, is not increased more than 25 percent 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."

to read,

"3.502.1 Restoration

Upon special use granted by the Planning Board, a non-conforming building or structure may be reconstructed, substituted or structurally altered, provided the area or volume of space occupied by the non-conforming use, is not increased more than 25 percent 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."

12. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 3.503.2, which provides,

"3.503.2 - Partial Destruction

When fifty (50) percent or more of the existing floor area or volume of a non-conforming building or structure or use of land is destroyed by fire or other casualty, the use of such building, structure or land as a non-conforming use shall thereafter be terminated except that, upon a special use granted by the Planning Board of Appeals, such non-conforming 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 25 percent of the area or volume which existed prior to such destruction and that the Board shall determine 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."

to read,

"3.503.2 - Partial Destruction

When fifty (50) percent or more of the existing floor area or volume of a non-conforming building or structure or use of land is destroyed by fire or other casualty, the use of such building structure or land as a non-conforming use shall thereafter be terminated except that, upon special use granted by the Planning Board, such non-conforming 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 25 percent of 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."

13. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 3.800, which provides,

"Any home occupation generally of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof, or have any exterior evidence of such secondary use other than a small name plate, and in connection with which there is not involved the keeping of stock in trade, including barber shop, beauty shop, realty office, art studio, dressmaking, teaching, or the office of a physician, chiropractor, dentist, lawyer, engineer, architect or accountant, or other professional offices, shall be permitted as an accessory use in residential districts if it complies with the requirements of this section.

The home occupation shall be carried on by a member of the family residing in the dwelling unit only. Two employees who are not part of the family are permitted.

The home occupation shall be carried on entirely within the dwelling.

Exterior displays or signs other than those permitted under the previous section, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be permitted.

No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.

Parking shall be provided off-street and shall not be located in front yards except with special use permit.

to read,

"Any home occupation as defined in Article X Section 10.119 shall be permitted as an accessory use in residential districts if it complies with the requirements of this section.

The home occupation shall be carried on by a member of the family residing in the dwelling unit only. Two employees who are not part of the family are permitted.

The home occupation shall be carried on entirely within the dwelling.

Exterior displays or signs other than those permitted under the previous section, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be permitted.

No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.

Parking shall be provided off-street and shall not be located in front yards except with special use permit."

14. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 5.202.2, to be renumbered to Section 5.201.2.

15. By changing the provisions of the Zoning Ordinance of the Town of New Scotland set forth in Section 5.202, to be renumbered to Section 5.201.3.

FURTHER RESOLVED and ORDAINED that the Town Clerk be and hereby is directed to publish the foregoing Amendment to the Zoning Ordinance dated February 2, 1981 in the Altamont Enterprise published in the Village of Altamont, New York, and post a copy of the same on the signboard maintained in the Town Clerk's Office and that such Ordinance shall become effective ten (10) days after such publication and posting.