

SUMMARY OF HALFMOON TOWN CODE AMENDMENTS – Approved 6/19/19

- #1: Official Zoning Map update
- #2: Routes 4 & 32 Zoning Changes. Add three (3) new districts to be known as:
 - A. M-2 Clean Manufacturing
 - B. W-1 Waterfront Mixed Use
 - C. W-2 Waterfront Commercial
- #3: Create a Small Business Redevelopment Overlay District in five (5) locations
- #4: Crescent Road Re-Zoning from Professional Office - Residential (PO-R) and Residential - 3 (R-3) to Commercial - 1 (C-1)
- #5: East Route 146 Commercial Re-Zoning from A-R Agriculture - Residential to C-1 Commercial
- #6: Route 9 Re-Zoning from A-R Agriculture - Residential to C-1 Commercial
- #7: Establish a “Cluster Zoning” provision
- #8: Increase Residential building setbacks and buffers
- #9: Clarify “soil-disturbance activity”
- #10: Reduce negative stormwater impacts of large developments by ensuring:
 - A. lawns are established and stabilized
 - B. yards are properly graded
 - C. building foundation locations and elevations match approved plans
- #11: Establish the term of Building Permits for Pools at 180 days
- #12: Revise required fire inspections to match current procedure/practice (1 per 12 mo.)
- #13: Clarify the governing zoning district for a lot divided by a district boundary
- #14: Delete prohibition of “commercial facilities” allowed pursuant to a Special Use Permit
- #15: Revise Town Road & Infrastructure Dedication Procedures to reflect current procedure/practice
- #16: Revise Sign Ordinance to reduce the time an LED sign message may change
- #17: Eliminate Temporary Certificates of Occupancy
- #18: Clarify the enforcement authority for construction requiring a Certificate of Compliance

Item #2:

Routes 4 & 32 Zoning Changes

Add three (3) new districts along Routes & 32 (Hudson River Road) as follows:

§ 165-6 (add)

- M-2 Clean Manufacturing
- W-1 Waterfront Mixed Use
- W-2 Waterfront Commercial

Item #2.A: § 165-22.1. M-2 Clean Manufacturing

CURRENT ZONING: M-1 Industrial, LI-C Light Industrial Commercial and R-1 Residential

PROPOSED ZONING:

§ 165-22.1. M-2 Clean Manufacturing

The intent of this district is to provide an area for clean technology manufacturing businesses taking advantage of the existing rail infrastructure and waterfront access.

A. Permitted uses:

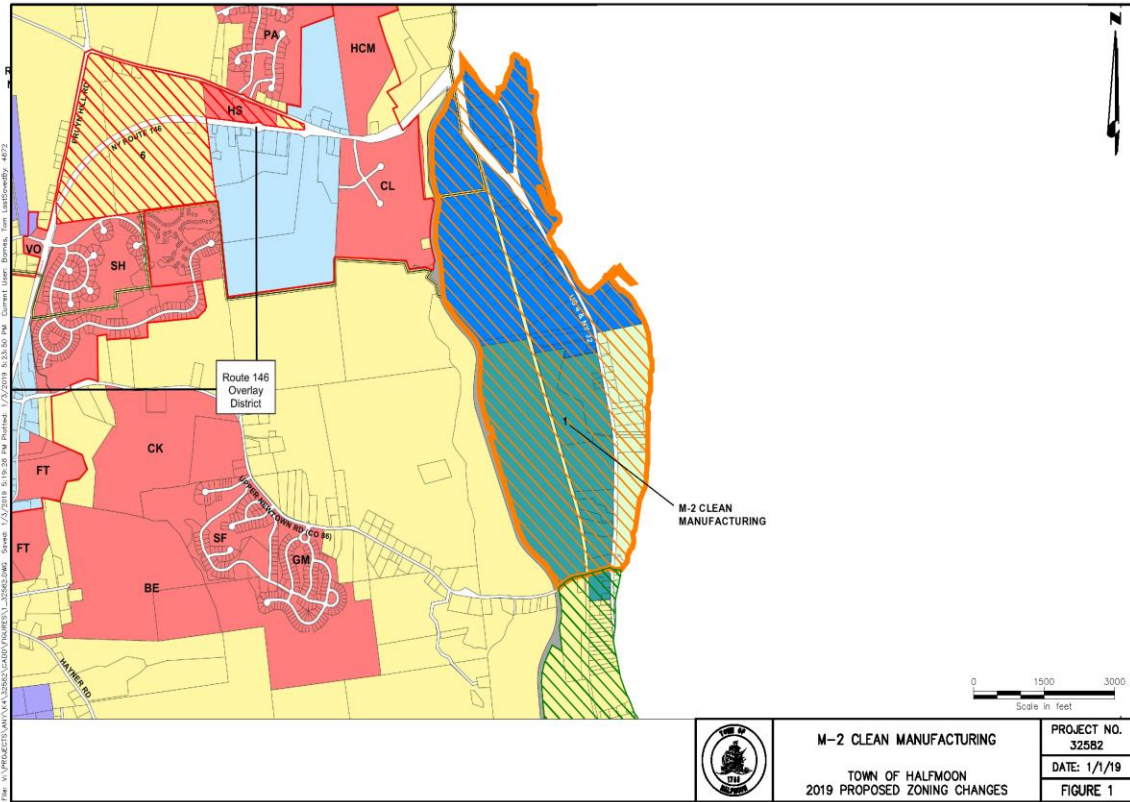
- (1) Manufacturing or treatment of product, articles or merchandise serving the technology industries, including but not limited to mechanical, electrical, optical, scientific, photographic processes.
- (2) Tool making.
- (3) Laboratories, research and or testing facilities that do not cause hazardous, noxious or offensive conditions in the district in which said facility is located.
- (4) Professional Offices.
- (5) Assembly or fabrication of products whose components have been Predominately manufactured off-site.
- (6) Modification or expansion of preexisting residential uses.

B. General requirements:

- (1) A minimum of 20% green space must be incorporated into the development plans.
 - (2) No front yard storage is allowed.
 - (3) No on street parking is permitted.
 - (4) All loading should occur to the rear and side of the building if practicable.
 - (5) Loading and docking areas must be screened from adjacent properties.
- Add this district to §165 Attachment 1, Schedule A for setbacks and minimum requirements; apply the same minimum standards as M-1 Industrial.
 - Amend §165-32(F) to also require transition yard requirements (100' setback or 50' setback with fencing or evergreen landscaping) to any non-residential use in this district that abuts the Old Chaplain Canal land (SBL 274.-1-28; Owner: Town of Halfmoon)

MAP

§ 165-22.1. M-2 Clean Manufacturing



Item #2.B: § 165-22.2. W-1 Waterfront Mixed Use

CURRENT ZONING: M-1 Industrial, LI-C Light Industrial Commercial, A-R Agriculture Residential, and R-1 Residential

PROPOSED ZONING:

§ 165-22.2. W-1 Waterfront Mixed Use

The intent of this district is to provide a greater variety of allowable uses while restricting manufacturing and encourage dense levels of mixed residential and commercial businesses including retail, recreational, office and service oriented uses thereby providing waterfront access opportunities to purchase goods and services.

The following use regulations shall apply in any W-1 Waterfront Mixed Use:

A. Permitted uses:

- 1) Professional Offices.
- (2) Medical Facilities.
- (3) Spas, Barber Shop, Beauticians, Nail Salons.
- (4) Convenience Stores.
- (5) Restaurants, Bars, Bed and Breakfast Homestays, Bed and Breakfast Inns, Inns, Marinas.
- (6) Lodges and Fraternal Organizations.
- (7) One Family Dwellings.
- (8) Retail Stores with a maximum of 8,000 square feet.

B. General Requirements:

- (1) No portion of any site shall be used for temporary and/or permanent storage or display of any product or material or for parking of any vehicles and/or storage containers unless specifically designated for such use on the site plan.
- (2) No on street parking is permitted.
- (3) No front yard storage is allowed.

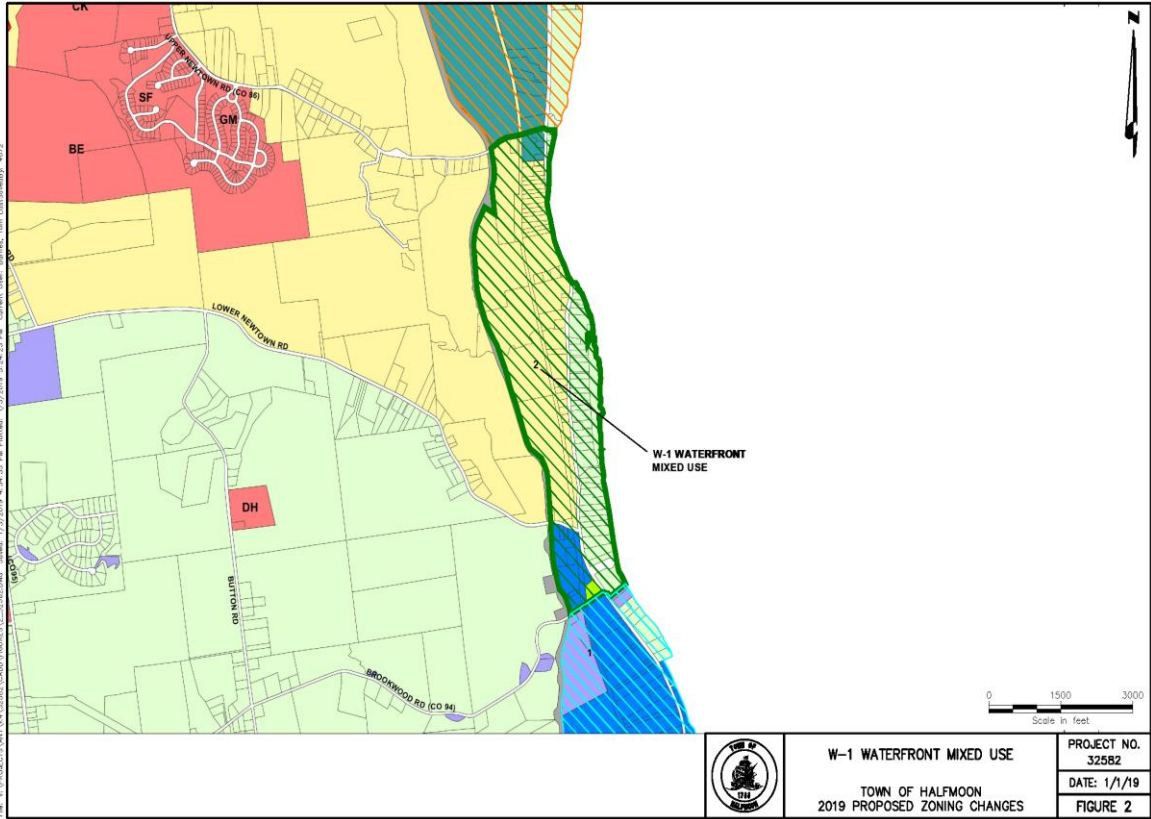
C. Uses permitted upon issuance of a special use permit by the Planning Board:

- (1) Two Family Dwellings

- Add this district to §165 Attachment 1, Schedule A for setbacks and minimum requirements; apply the same minimum standards as C-1 Commercial.
- Amend §165-32(F) to also require transition yard requirements (100' setback or 50' setback with fencing or evergreen landscaping) to any non-residential use in this district that abuts the Old Chaplain Canal land (SBL 274.-1-28; Owner: Town of Halfmoon)

MAP

§ 165-22.2. W-1 Waterfront Mixed Use



Item #2.C: § 165-22.3. W-2 Waterfront Commercial

CURRENT ZONING: M-1 Industrial and R-1 Residential

PROPOSED ZONING:

§ 165-22.3. W-2 Waterfront Commercial

The intent of this district is to provide flexibility in allowable uses, to provide residences in Town with waterfront access opportunities, provide retail and services, and to foster mixed uses.

The following use regulations shall apply in any W-2 Waterfront Commercial Use:

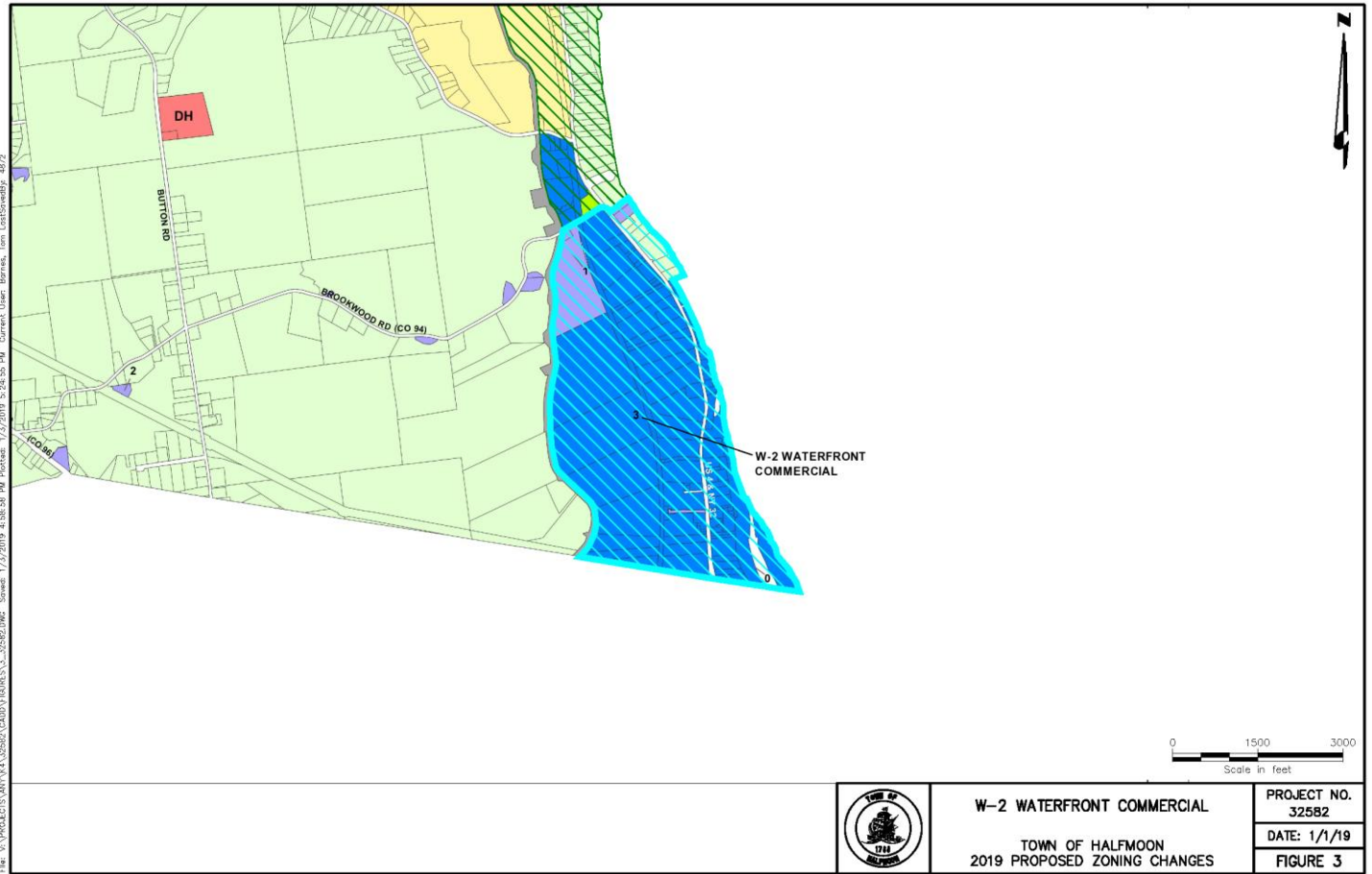
A. Permitted uses:

- (1) All uses permitted in M-2 Industrial.
- (2) All uses permitted in W-1 Waterfront Mixed Use.

- Add this district to §165 Attachment 1, Schedule A for setbacks and minimum requirements; for M-2 uses, apply the same minimum standards as M-1 Industrial; for W-1 uses, apply same minimum standards as C-1 uses.
- Amend §165-32(F) to also require transition yard requirements (100' setback or 50' setback with fencing or evergreen landscaping) to any non-residential use in this district that abuts the Old Chaplain Canal land (SBL 274.-1-28; Owner: Town of Halfmoon)

MAP

§ 165-22.3. W-2 Waterfront Commercial



Item #3: § 165-18. Small Business Redevelopment Overlay District

§ 165-18. Small Business Redevelopment Overlay District

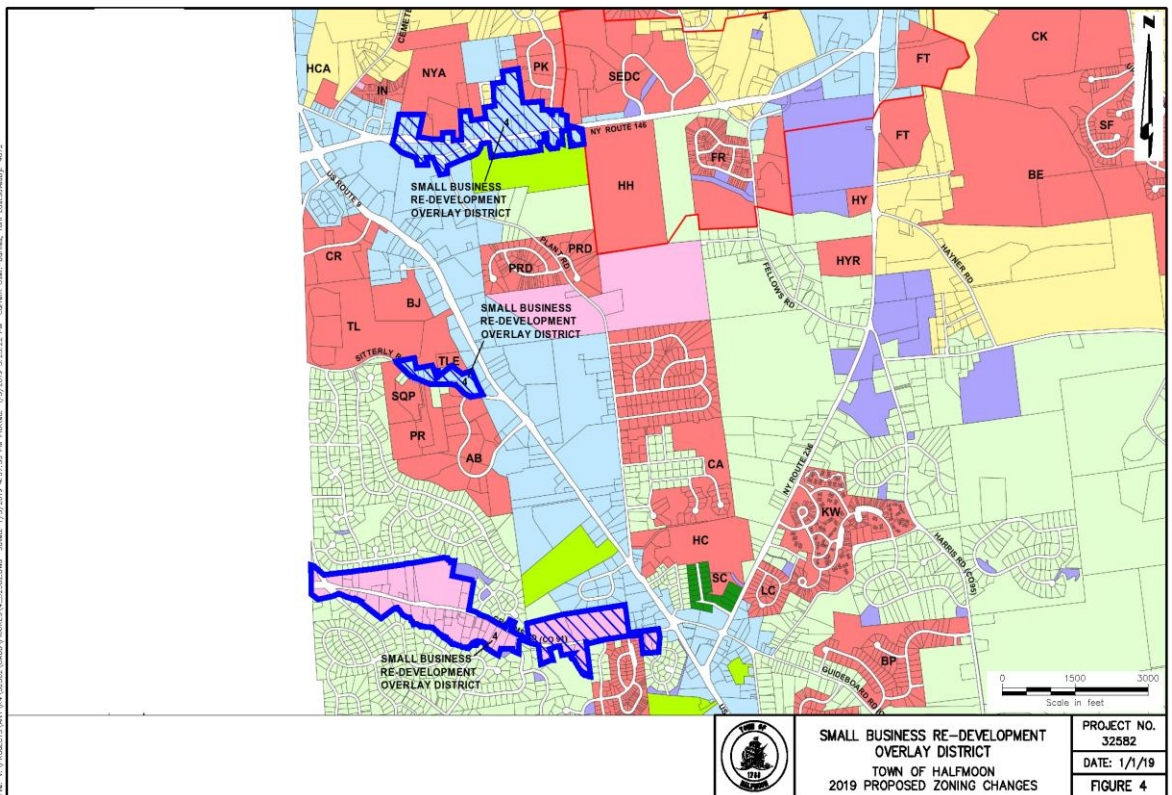
The purpose of the section is to encourage the redevelopment of parcels in existence at the time of the effective date of this section that do not meet the minimum area requirements of the underlying zoning along a portion of Route 146, Sitterly Road, Grooms Road, Crescent Road, and Jones Road.

- A. The overlay district shall only apply to the following parcels:
- (1) The parcel shall be located in the C-1 Commercial or PO-R Professional Office-Residential zoning district;
 - (2) The parcel shall have at least one property boundary that abuts one or more of the following roads:
 - (a) Route 146 from the Old Plant Road intersection (western intersection) to the NY Route 146 Overlay District boundary;
 - (b) Sitterly Road
 - (c) Grooms Road;
 - (d) Crescent Road;
 - (e) Jones Road.
 - (3) The parcel does not meet the minimum Lot Size Area and/or minimum Lot Width requirements of the underlying zoning district;
 - (4) Public water and public sewer connections exist and are utilized.
- B. The following standards shall apply to those qualifying parcels under Section 165-18(A):
- (1) The minimum front yard setback shall be 25 feet;
 - (2) The minimum rear yard setback shall be 20 feet;
 - (3) Maximum building size (total square footage of all buildings and structures) shall be 5,000 sq.ft.
 - (4) Allow consideration of shared parking and internal site circulation driveway and aisle connections among adjacent parcels to help minimize curb cuts;
 - (5) All other minimum area requirements shall be the same as the underlying zoning, except for Lot Size Area and Lot Width, as noted in Section 165-18(A)3.

§ 165-18. Small Business Redevelopment Overlay District

MAPS

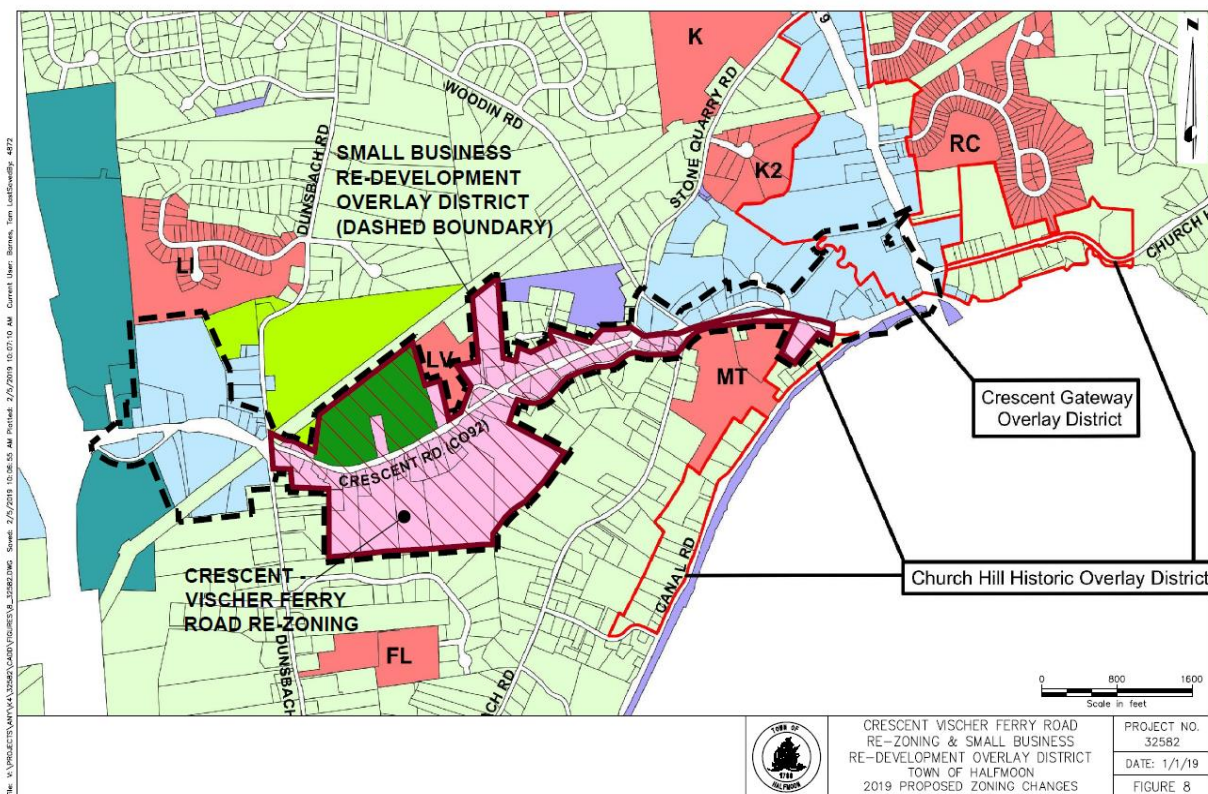
- Route 146 from the Old Plant Road intersection (western intersection) to the NY Route 146 Overlay District boundary
- Sitterly Road
- Grooms Road



§ 165-18. Small Business Redevelopment Overlay District

MAPS

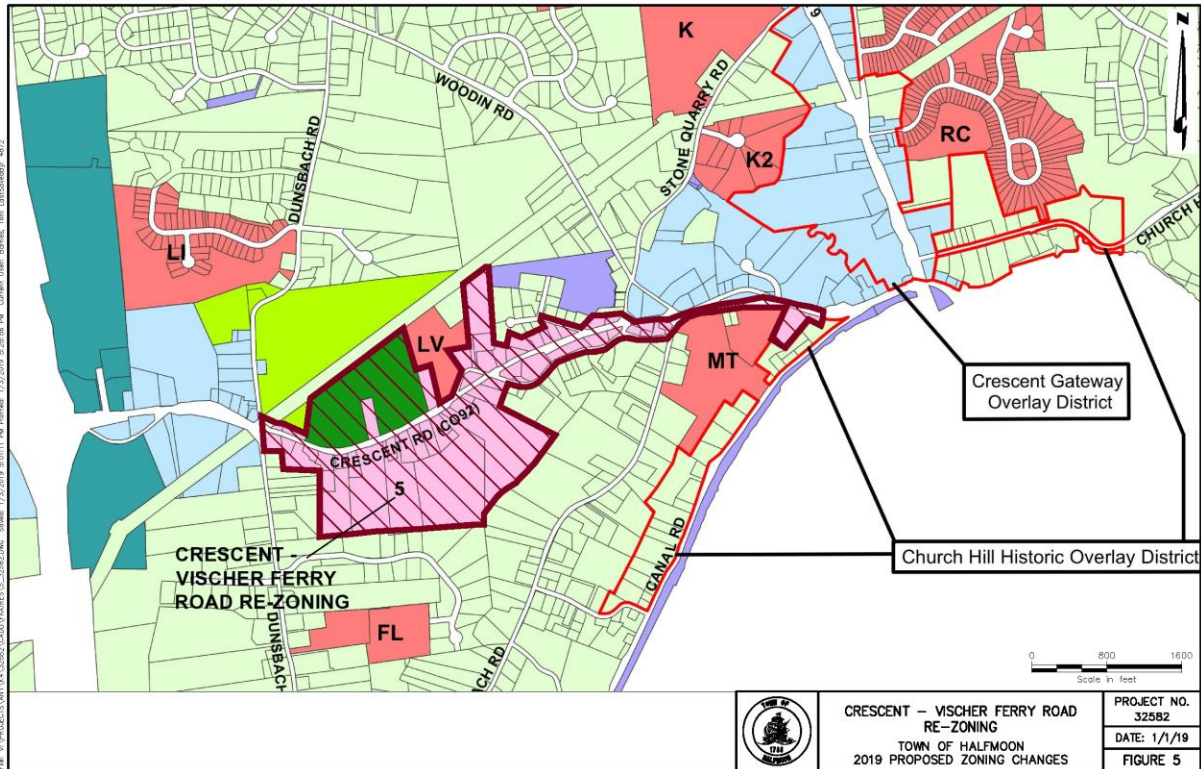
- Crescent Road
- Jones Road



Item #4:

Crescent Road Re-Zoning

All parcels with frontage on Crescent Road and zoned Professional Office - Residential (PO-R) and Residential - 3 (R-3) shall be rezoned to Commercial - 1 (C-1).

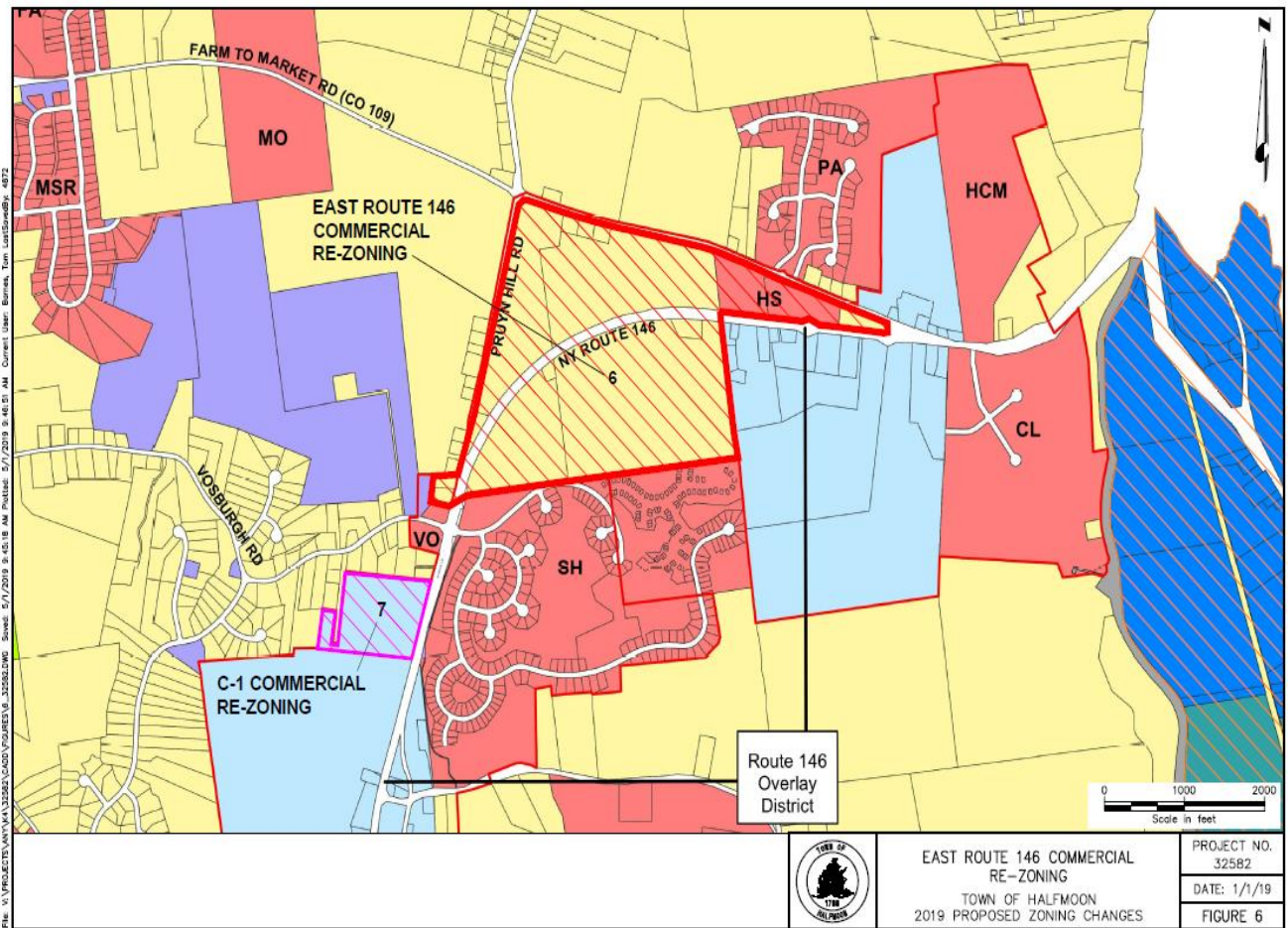


Item #5:

East Route 146 Commercial Re-Zoning

Amend the Zoning Map to re-zone A-R Agriculture - Residential parcels to C-1 Commercial that abut Route 146 and are located between the intersection of Route 146 and Pruyn Hill Road and the intersection of Route 146 and Farm to Market Road.

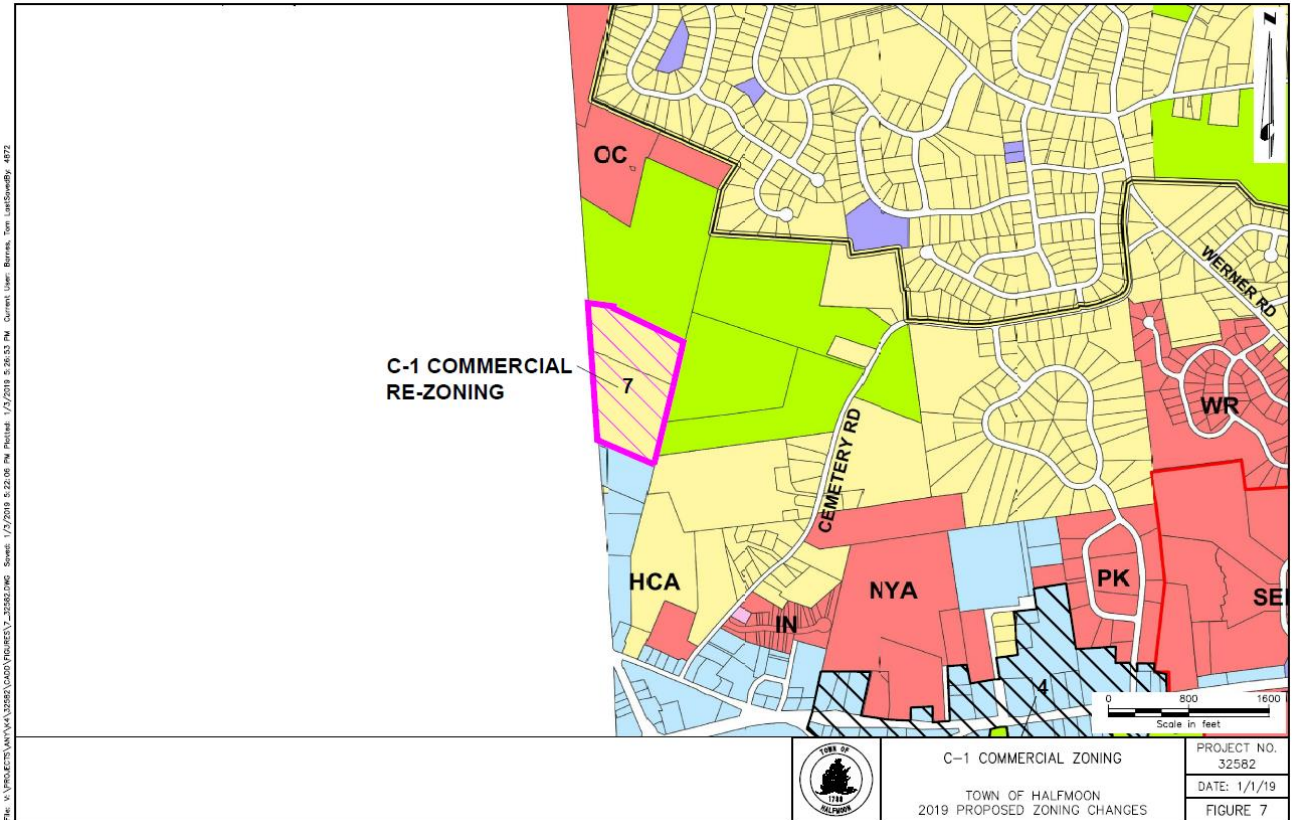
Please Note: For C-1 Commercial zoned property, current Town Code requires minimum setback and buffer protections from adjacent residential properties (100' setback or 50' with a fence/buffer; Section 165-32F Transition Yard), and notification requirements to adjacent residential property owners.



Item #6:

Route 9 Re-Zoning:

Two existing parcels with frontage on Route 9 and currently zoned A-R Agriculture - Residential to be rezoned C-1 Commercial. (SBL#s 272.1-1- and 272.1-1-2)



Item #7:

§143-4 (A) & (B) and §143-6 A, C-G. Cluster Zoning:

Amend §143-4 (A) & (B) and §143-6 A, C-G of the Town Code (current "Conservation Residential subdivision") to establish a "Cluster Residential" subdivision process for consideration by the Planning Board. The Cluster Residential subdivision law would allow the Planning Board to consider a "clustered" subdivision when it is in the best interests of the Town (preserve open space, protect environmentally-sensitive or desirable land characteristics, trail or park development, minimize future maintenance and infrastructure costs, etc.) and after weighing a "cluster" design with a standard subdivision plan for the site.

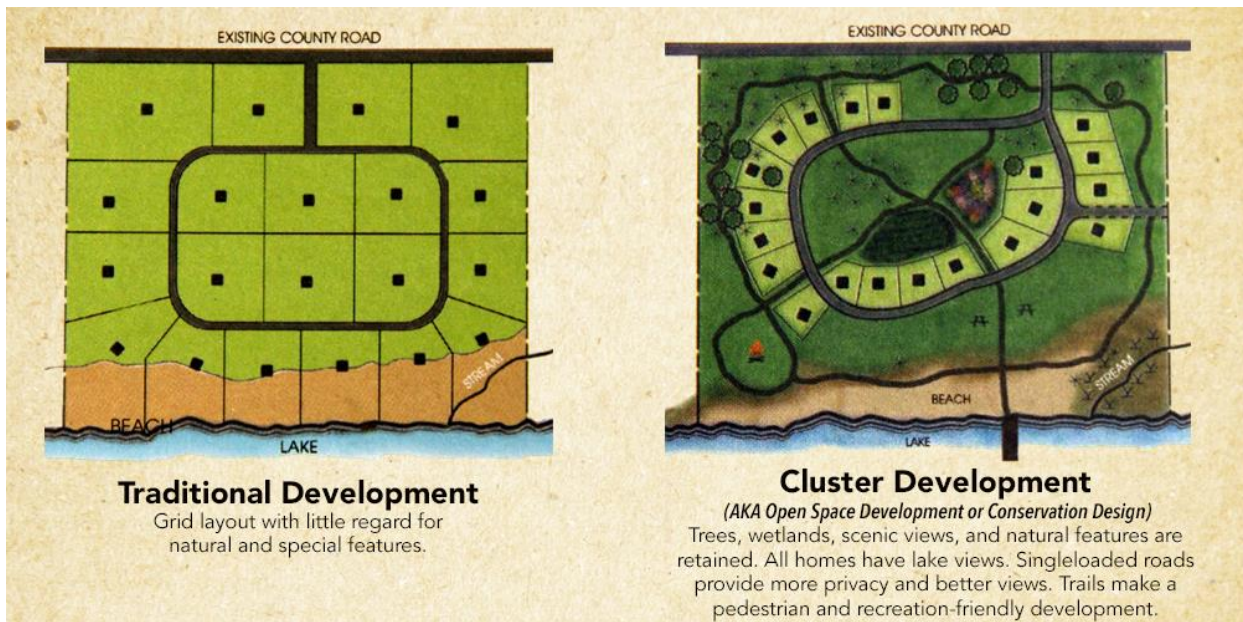
Specifically, the Cluster Residential subdivision law would allow the Planning Board to consider developments within the following minimum standards and requirements:

A. Minimum Standards:

- i. A cluster residential design must be submitted prior to or in conjunction with the application to the Planning Board for subdivision approval.
- ii. A cluster residential design shall only be permitted in the R-1 Residential and A-R Agriculture Residential zoning districts.
- iii. A cluster incentive shall only apply to single family residential use with public water and public sewer connections.

B. Minimum Area Requirements:

- i. Minimum lot size of 10,000 SF (conventional subdivision = 20,000 SF)
- ii. Minimum front yard setback of 25 feet (conventional subdivision = 50 feet)
- iii. Minimum rear yard set back of 15 feet (conventional subdivision = 30 feet)
- iv. Minimum side yard setback of 10 feet/side & 20 feet total (conventional subdivision = 10 foot minimum, with 25 foot minimum combined side yards).
- v. Minimum road width of 28 feet.



Item #8:

**Amend §165 Attachment 1, Schedule A
to Increase Residential Building Setbacks & Buffers:**

Amend §165 Attachment 1, Schedule A as follows:

- 1) Increase setbacks for structures within R-1 Residential and A-R Agriculture Residential zoning districts to allow increased yard space and reduce likelihood of conflicts between adjacent properties. Specifically:
 - a) Minimum rear yard setback of 50 feet (current regulations = 30 feet)
 - b) Minimum side yard setback of 15 feet/side & 30 feet total (currently = 10 foot minimum, with 25 foot minimum combined side yards).

- 2) Establish setbacks to federal wetlands and state wetland buffers in the R-1 Residential and A-R Agriculture Residential zoning districts to reduce incremental encroachment, protect these environmentally significant and sensitive resources, and minimize flooding and related stormwater issues that can occur when homes are constructed close to regulated wetlands.
 - Proposed setbacks: 50' setback for principal structures; 20' for accessory structures.

Item #9:

Clarify “Soil Disturbance Activities”:

PURPOSE: Clarify the definition of “soil-disturbance activity”.

9.A) Amend §165-5 Definitions

CURRENT DEFINITION:

SOIL-DISTURBING ACTIVITIES: Any activity affecting one or more acres which directly or indirectly changes the natural topography or vegetative cover of a parcel either by excavation or tree clearing. Sound agricultural practices as defined by Agriculture and Markets Law Article 25AA are exempt from this definition.

PROPOSED DEFINITION:

SOIL-DISTURBANCE ACTIVITIES: Any activity which directly or indirectly changes the natural topography, drainage or vegetative cover of a parcel either by grading, excavating, placement of fill or tree clearing of trees six inches or greater in diameter as measured four feet from grade. Sound agricultural practices as defined by Agriculture and Markets Law Article 25AA are exempt from this definition.

9.B.) Amend §165-42 Soil disturbance. A.

CURRENT:

No soil disturbance activities shall be conducted within 50 feet of the edge of pavement of any public roadway or property line without first obtaining a permit from the Code Enforcement Officer. Any activity affecting one or more acres which directly or indirectly changes the natural topography or vegetative cover either by excavation or tree clearing shall be considered a soil disturbance activity. No soil disturbance permit will be issued prior to preliminary approval for any subdivision submitted pursuant to Halfmoon Code, § [143-6](#), or final approval for all other applications that are under review by the Town Board and/or Planning Board.

PROPOSED:

A permit from the Code Enforcement Officer or other designated person shall be required for soil disturbance activity, as defined in §165-5, affecting one acre or more or less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct soil disturbance activities may take place at different times on different schedules. No soil disturbance permit will be issued prior to preliminary approval for any subdivision submitted pursuant to Halfmoon Code, § [143-6](#), or final approval for all other applications that are under review by the Town Board and/or Planning Board.

Item #10:

Reduce Stormwater Impacts of Open Developments

The purpose of the following amendments is to prevent and minimize adverse stormwater impacts of open development sites by ensuring: (1) new lawns are established and stabilized; (2) new yards are properly graded; and (3) new building foundation locations and elevations match approved plans.

§165-42. Add new subsection "G":

G. Final Lawn Stabilization.

If a soil disturbance permit is issued by the Town, the applicant shall submit a monetary amount on a per acre of disturbance basis, either through cash placed in escrow, bond, letter of credit or other means deemed acceptable by the Town. The per acre amount shall be established by resolution of the Town Board. These funds shall be used to ensure the final stabilization of lawns or property through a perennial vegetative cover or equivalent stabilization measures deemed acceptable to the Town, such as permanent landscape mulches, rock rip-rap or washed/crushed stone, applied on all disturbed areas that are not covered by permanent structures, concrete, pavement or other impervious surface materials. These funds shall only be released back to the applicant when a Notice of Termination associated with the stormwater pollution prevention plan (SWPPP) is filed by the applicant.

§165-42. Add new subsection "H":

H. Final Grading Review and Approval

The Town Engineer or other Town official authorized by the Town Board shall review the proposed grading submitted pursuant to Section 71-5B.(2)(e) and/or any other Site Plan or Subdivision Plan approved by the Town of Halfmoon. The Town Engineer or other designated Town official shall inspect the lot grading following submittal of the grading plan pursuant to Section 71-5B.(2)(e) and in coordination with the Code Enforcement Officer. The first inspection shall occur following installation of the foundation. A second inspection shall be conducted by the Town Engineer or other designated Town official prior to issuance of the Certificate of Occupancy. Payment for the services of the Town Engineer or other designated Town official for this review and inspections shall be at a rate and manner established by resolution of the Town Board.

§71-5B.(2)(e) is amended:

(e) Three sets of plans and specifications for the proposed work. Plans shall include, at a minimum, a survey from a licensed surveyor with proposed lot grading, building elevation and foundation location. Upon completion of the foundation, verification of the as-built building elevation and foundation location by a licensed surveyor shall be submitted prior to authorization to proceed with any work or construction on the site.

Item #11:

Establish term of Building Permits for Pools at 180 days

PURPOSE: Currently, the term of a pool permit is 90 days, with an optional 90 day extension. This amendment will make pool permits valid for 180 days, with no extension.

Amend §71-5C(4):

Building permits for pools shall expire in 180 days and lawn sprinklers in 30 days.

Amend §165-72B:

Extension of building permit. Not including permits for pools and lawn sprinklers as cited in Section 71-5C(4), a building permit may be extended by the Enforcement Officer for a period of 90 days upon written request by the applicant. The request for a ninety-day extension shall be reviewed on a case-by-case basis by the Enforcement Officer. Under no circumstances shall a second ninety-day extension be granted. Any additional extensions shall be governed by § 71-5C(3).

Item #12:

Revise Town Code to match procedures in place for Fire Inspections

PURPOSE: Amend §71-8. Inspections, B (1) & (3) to match current Town procedures related to the frequency of fire inspections for multi-family dwellings and all other non-single-family or two-family dwellings (e.g. commercial, light industrial, manufacturing, etc.). Town Code currently states 1 inspection every 36 months for multi-family and 1 inspection every 24 months for other non-single/two family dwellings.

§71-8. B. Fire prevention and property maintenance inspections.

(1) Multiple dwellings shall be inspected for the purpose of determining compliance with fire prevention and property maintenance requirements of the Uniform Code at least once in every 12 months. Inspections of such buildings shall include the common areas such as halls, foyers, staircases, etc. and vacant dwelling units. Where the tenants of occupied dwelling units allow, the inspection may include such units.

(3) All other buildings, uses and occupancies (except one- or two-family dwellings) shall be inspected at least once in every 12 months.

Item #13:

Clarify the governing zoning district for a lot divided by a district boundary

§165-8 District boundaries. D.

CURRENT:

Where a district boundary line divides a lot of record held in one ownership at the time of adoption of said district line, the regulations for the less restricted portion of such lot shall apply to the remainder of said lot up to a distance of not more than 50 feet from said district line.

PROPOSED:

Where a district boundary line divides a lot of record, the zoning regulations for the less restricted portion of such lot shall apply to the remainder of said lot.

Item #14:

Revise §165-9.B.4 to eliminate the prohibition of “commercial facilities” allowed pursuant to a Special Use Permit

CURRENT:

§165-9.B(4): Private or public recreation or playground area, golf club, country club, or other open recreation uses but not including commercial facilities or amusement parks.

PROPOSED:

§165-9.B(4): Private or public recreation or playground area, golf club, country club, or other open recreation uses but not including amusement parks.

Item #15:

Revise 74 Attachment 3 Road & Infrastructure Dedication Procedures:

The attached includes amendments to the Town Road & Infrastructure Dedication Procedures to more accurately reflect the actual process and an existing checklist used by staff and builders.

DESIGN AND CONSTRUCTION STANDARDS (Proposed Revisions 1/31/19)
74 Attachment 3
Town of Halfmoon
Roadway and Infrastructure Dedication Procedures

1. The roadway and infrastructure dedication process begins at the time that the Planning Board Chairman stamps and signs the subdivision plan(s) approved by the Planning Board and proof of filing of the subdivision plan with the County is provided to the Planning Department.

2. The applicant and/or developer, contractor, consultants (hereinafter referred to as "applicant") shall request a pre-construction meeting by contacting the Planning Department and submitting the following to the Planning Department:

- Construction Initiation Request Form; to include contact information of the applicant, their engineer/design consultant, their attorney and a list of the roads, infrastructure, easements and/or any other items proposed to be dedicated to the Town;
- Two (2) copies of the plans filed with the County and any approved off-site improvement plans related to the project;
- Town Stormwater/Soil Disturbance Permit issued by the Town; if not issued at time of pre-construction meeting, a Notice of Intent Acknowledgement Letter from NYSDEC;
- Proof of Certificate of Insurance, naming the Town and Town Engineer as additional insured;
- Hold Harmless and Indemnity Agreement;
- Anticipated construction start date;
- Proposed construction schedule;
- Proposed work hours;
- The applicant shall pay any outstanding engineering review escrow costs and any necessary inspection funds shall be deposited in escrow with the Town based upon amounts determined by the Town Engineer;

3. Following receipt of the items in No. 2, above, a pre-construction meeting shall be held including representation from the following:

- Town of Halfmoon
- Town Engineer
- Applicant
- Applicant's contractor(s)
- Any other individual deemed necessary by any of the above

4. Infrastructure construction begins; coordination shall be made with the Town Engineer.

5. Joint construction review is provided by the Town Engineer and representatives from the Highway, Water and Planning departments.

6. Following substantial completion of construction of those improvements which will be dedicated and a minimum of one month prior to the Town Board meeting date at which dedication is being requested, subject to provisions of No. 11, below, a punch list of outstanding items to be completed by the applicant is developed by the Town Engineer and distributed to the applicant and the Highway, Water and Planning departments.

7. Building permits and model home certificate of occupancy prior to dedication:

A. The first five building permits may be issued if the Code Enforcement Official is satisfied that the roadway meets minimum standards for access, safety and any other requirement. A letter signed by the future homeowners and the applicant must be submitted with the application for a building permit, stating they acknowledge that a certificate of occupancy will not be issued unless and until the roadway and infrastructure are dedicated and evidence of filing with the County is provided. However, one certificate of occupancy may be issued at this time for a model home under the following conditions: (1) the applicant designates the building as a model home on the application for the building permit; (2) the Code Enforcement Official determines that the project has progressed sufficiently to support a model home; and (3) the certificate of occupancy shall be limited to purposes related to use of a model home and shall not allow overnight accommodations or residency, except as provided in #13, below. If the project was approved by the Planning Board in phases, construction of the improvements, acceptance and dedication to the Town, and issuance of building permits and certificates of occupancy, may be made on a phase-by-phase basis. However, a project may not proceed to a subsequent phase until the dedication is complete and evidence of filing is provided for the current phase. If the project was not approved by the Planning Board in phases or the applicant seeks a change in the approved phasing plan, the applicant shall return to the Planning Board for consideration of the new phasing plan.

i. An additional five building permits may be issued by the Code Enforcement Official following submittal by the applicant and review by the Town Attorney, and any additional Town staff requested by the Town Attorney, of a complete package of all required documents, as listed below. The Town Attorney and Town staff shall have a minimum of 14 business days and a maximum of 21 business days from the date of submittal of a complete package of all required documents, to review and respond to the applicant regarding their completeness. The Town Attorney will begin their review of the documents when a complete package is received and the minimum 14 business days shall not commence until a complete package is submitted. A complete package of required documents shall include:

- Certification from Saratoga County Sewer District No. 1 or other public or private sanitary sewer entity or agency with jurisdiction over the project area;
- Roadway and easement descriptions for all roads and easements to be dedicated or conveyed to the Town. A separate map and description should be provided for each easement and/or roadway. The maximum paper size for the descriptions shall be 8 1/2 inches by 11 inches, and the maximum sheet size for the maps shall be 8 1/2 inches by 11 inches. Each map and description shall bear the original signature and seal of a licensed land surveyor and last revision date.
- Title insurance.
- Warranty deed(s).
- Offer(s) of cession.
- Mortgage release.
- Resolution (if owned by an LLC or Inc.).
- Tax Liability letter.
- Transfer tax form (TP-584).
- Equalization and assessment form (RP-5217).
- Draft performance (if necessary), maintenance and top course bonds, letters of credit or cash security deposit (hereinafter referred to as "bond" or "bonds"), as described in No. 8, below.

- Substantial completion of the punch list described in No.6, above, and there are no outstanding health-, safety- and welfare-related items, as determined by the Town Engineer, and Highway, Water and Planning departments.
- As-built record mapping/certified survey.
- Payment of any outstanding town fees, engineering review or inspection escrow amounts (accounts receivable or estimates) or other required payments to the Town.

B. For purposes of the roadway and infrastructure dedication process, each individual building foundation shall constitute one permit.

8. Prior to further action, the following shall occur:

- The punch list described in No. 6, above, is completed to the satisfaction of the Town Engineer.
- Performance bond is established by the applicant for any outstanding items identified by the Town Engineer. The Town Engineer determines the appropriate performance bond amount to cover all incomplete work, and an additional \$10,000 to cover legal expenses associated with the dedication process. All performance bonds shall be made with a continuous renewal and no expiration date, unless otherwise determined by the Town.
- An estimate for the maintenance bond (in the amount equal to or greater than 10% of the total construction cost of the improvements to be dedicated) and a top course bond (in the amount equal to or greater than 110% of the cost of completion of any items that are expected to be required, including but not limited to raising framesets, tack coating, mobilization, top course paving, re-striping, etc.) are determined by the Planning Department, in consultation with the Town Engineer, if necessary. Costs shall be based on the most current edition of Means Site Work & Landscape Cost Data, or other approved basis, and shall be based on prevailing wages. The bond amount shall be increased a sufficient amount to cover the cost of public bidding and construction inspection. If a performance bond was previously established to cover incomplete work items, the performance bond amount can be reduced and established as a maintenance bond. The minimum amounts to be used for the calculation of the maintenance bond shall be \$60 per linear foot (10% of the total cost at \$600 per linear foot) and for the calculation of the top course bond shall be \$70 per linear foot. All bonds and renewals of existing bonds shall be made with a continuous renewal and no expiration date, unless otherwise determined by the Town.
- Draft performance, maintenance and top course bonds are submitted to the Planning Department for review.

9. A final roadway dedication package is submitted to the Town Attorney, including revised and/or final versions of the required documents listed in No. 7A, above.

10. A ready-for-dedication memorandum is provided by the Highway, Water and Planning departments and is sent to the Town Attorney.

11. As provided in § 143-10, all roadways and infrastructure to be dedicated to the Town must be accepted by the Town Board no earlier than the first Town Board meeting in May and no later than the first Town Board meeting in November. The Town Board may then accept the roadway and infrastructure by resolution. The Town Board may determine to accept a roadway and infrastructure for dedication prior to completion of all the units in the subdivision/development and prior to completion of the top course of asphalt pavement.

12. Evidence of filing is submitted by the applicant to the Town Attorney.

13. Once the evidence of filing with the County of the dedicated roadway and infrastructure is submitted, the Code Enforcement Official may issue additional building permits, and the applicant may apply for certificates of occupancy. Additionally, at the request of the applicant, any certificate of occupancy issued for a model home, pursuant to No. 7A, above, and upon the approval of the Code Enforcement Official, may be revised by the Code Enforcement Official to allow residency and overnight accommodations.

14. After the Town Engineer and Highway Department determine that the top course pavement may be applied based on the duration and extent of construction completed, a walk-thru shall be conducted with the applicant, Town Engineer and Highway, Water and Planning departments and a punch list of any outstanding items shall be developed.

15. Upon completion of the punch list to the satisfaction of the Town Engineer, the applicant may install the top course pavement. If the initial punch list is not completed to the satisfaction of the Town Engineer, additional walk-throughs may be conducted and punch lists developed until the Town Engineer authorizes the top course installation.

16. Upon installation of the top course pavement to the satisfaction of the Town Engineer, the top course bond shall be released.

17. After a minimum of one year from the date of installation of the top course pavement, the applicant may request release of the maintenance bond, which shall be released pursuant to the following:

- A walk-thru shall be conducted with the applicant, Town Engineer and Highway, Water and Planning departments and a punch list of any outstanding items shall be developed. If the initial punch list is not completed to the satisfaction of the Town Engineer, additional walk-throughs may be conducted and punch lists developed until the Town Engineer is satisfied.
- Upon completion of the punch list to the satisfaction of the Town Engineer, the maintenance bond shall be released.

18. At any time after the filing with the County of the dedicated roadway and infrastructure, as described in No.12, above, and prior to the release of the maintenance bond, as described in No. 17, above, an inspection may be performed by the Town Engineer, and/or Highway, Water and Planning departments. If work is required as a result of such inspection, the applicant shall be notified and the work shall be completed by the applicant to the satisfaction of the Town Engineer. If the applicant is not available to do the work or fails to complete the work within the parameters and/or deadline provided by the Town Engineer, the maintenance bond may be used to cover the cost of the work.

Item #16:

Revise Sign Ordinance to reduce the time an LED sign message may change

§ 165-50D.

CURRENT:

No rotating, projecting or animated sign shall be permitted. LED signs that change content every 10 minutes shall not constitute a violation of this section so long as there is no animation/movement other than the content change.

PROPOSED:

No rotating, projecting or animated sign shall be permitted. LED signs that change content every 20 seconds shall not constitute a violation of this section so long as there is no animation/movement other than the content change.

Item #17:

Eliminate Temporary Certificates of Occupancy

Amend § 71-5C(3), § 71-6), § 71-7B to eliminate references to the ability to issue temporary certificates of occupancy.

Item #18:

Clarify Enforcement Authority for Construction Requiring a Certificate of Compliance

PURPOSE: Add a new §71-7(C) to clarify that all items listed in §71-5 that should receive a Certificate of Compliance (C.C.) instead of a Certificate of Occupancy (C.O.), are required to do so. In addition to structures/buildings that are required to receive a C.O., §71-5 lists other items (lawn sprinklers, swimming pools, hot tubs, generators and furnaces) that are supposed to receive a C.C. However, §71-7 only references C.O.s as being required.

§71-7(C):

C. This section shall also apply to any building permit issued pursuant to Section 71-5 and in which a Certificate of Occupancy or Certificate of Compliance is required.