



# Zoning Law

November 8, 2018



## Town of Denning – Zoning Law

November 8, 2018

This document represents the final draft of the newly proposed zoning law. It contains text changes and reorganization (codification) that provides modifications to the zoning law that is now in effect.

*In part, this document was prepared with funds provided through the New York State Department of State, as well as with resources from the Catskill Watershed Corporation.*

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*This Zoning Law is created in accordance with, and as a means of effectuating a comprehensive plan for protecting and promoting the public health, safety, comfort, convenience, economy, and general welfare. This Law is intended to preserve the rural character of the Town and its sensitive natural environment while allowing for the flexibility and mixture of uses traditional in a rural community and assuring privacy for residences with freedom from nuisances and harmful and unsightly uses and protecting the character and stability of established development, and to facilitate the proper administration and appropriate effective enforcement.*

Town of Denning – Zoning Law  
November 8, 2018

TABLE OF CONTENTS

Town of Denning – Zoning Law  
November 8, 2018

ARTICLE I ☆ SCOPE AND PURPOSE	6
§ 010 - SCOPE	6
§ 020 - PURPOSES	6
§ 030 - NON-INTERFERENCE WITH OTHER LAWS	6
ARTICLE II ☆ ENACTING CLAUSE, TITLE, EFFECTIVE DATE	7
§ 050 - ENACTING CLAUSE	7
§ 060 - SHORT TITLE	7
§ 070 - EFFECTIVE DATE & INTENT	7
§ 080 - SEPARATE VALIDITY	7
ARTICLE III ☆ ESTABLISHMENT OF BASE ZONING DISTRICTS	8
§ 100 - ZONING DISTRICTS	8
A. P: PROVINCIAL DISTRICT	8
B. R: RURAL DISTRICT	8
C. H: HAMLET DISTRICT	8
§ 110 - OFFICIAL ZONING MAP	8
§ 120 - INTERPRETATION OF DISTRICT BOUNDARIES	8
§ 130 - EFFECT OF ESTABLISHMENT OF DISTRICTS	9
§ 140 - OPEN DEVELOPMENT AREAS	9
ARTICLE IV ☆ OVERLAY ZONING DISTRICTS	12
§ 160 - ESTABLISHMENT OF OVERLAY ZONING DISTRICTS	12
§ 170 - NYC WATERSHED HAMLET OVERLAY DISTRICT	12
§ 180 - FLOOD PLAIN OVERLAY DISTRICT	12
§ 190 - INTERPRETATION OF OVERLAY DISTRICT BOUNDARIES	12
ARTICLE V ☆ REGULATIONS & STANDARDS GOVERNING USE	14
§ 200 - SCHEDULE OF DISTRICT USE REGULATIONS	14
§ 210 - PRINCIPAL RESIDENTIAL BUILDINGS PER LOT	14
§ 220 - PERFORMANCE STANDARDS	14
§ 230 - AGRICULTURAL USE AND LOGGING	15
§ 240 - HOME OCCUPATIONS	15
§ 250 - WOOD BOILERS (OUTDOOR FURNACES)	16
ARTICLE VI ☆ REGULATIONS GOVERNING AREA AND BULK	18
§ 270 - SCHEDULE OF DISTRICT AREA AND BULK REGULATIONS	18
A. CONSTRAINTS IN LOT AREA CALCULATIONS	18
B. FLAG LOTS	19
§ 280 - GENERAL SUPPLEMENTARY REGULATIONS ON AREA AND BULK	19
A. HEIGHT EXCEPTIONS	19
B. YARDS	20
C. DRIVEWAY SETBACKS	20
D. FENCES (INCLUDING HEDGES) AND WALLS	20
E. CORNER CLEARANCE/VISIBILITY AT INTERSECTIONS	20
F. MINIMUM DWELLING STANDARDS	20
G. LOT COVERAGE EXEMPTION	20
H. STANDARDS FOR MANUFACTURED HOMES	20
ARTICLE VII ☆ SUPPLEMENTAL REGULATIONS	22
§ 300 - DRIVEWAYS	22
§ 310 - PRIVATE ROADS	23
§ 320 - OFF-STREET PARKING AND LOADING STANDARDS	24
A. OFF-STREET PARKING	24
B. OFF-STREET LOADING	25
§ 330 - OUTDOOR LIGHTING	26
§ 340 - SIGNS	27
A. WALL SIGNS	27
B. PROJECTING SIGNS OVER FOUR (4) SQUARE FEET IN AREA	27
C. FREE STANDING SIGNS	27
D. GENERAL REGULATIONS AND RESTRICTIONS	27
ARTICLE VIII ☆ SITE DEVELOPMENT PLAN REVIEW	29
§ 350 - SITE PLAN APPROVAL	29
§ 360 - USES REQUIRING SITE PLAN APPROVAL	29

# Town of Denning – Zoning Law

November 8, 2018

§ 370 - OBJECTIVES OF SITE PLAN REVIEW	29
§ 380 - PROCEDURE	30
§ 390 - TIME LIMIT ON VALIDITY OF APPROVAL	32
ARTICLE IX ☆ PLAN SUBMISSION REQUIREMENTS	33
§ 400 - BASIC APPLICATION REQUIREMENTS	33
§ 410 - BASIC DATA	33
A. COPIES AND FORM REQUIRED	33
B. CONTEXT	33
C. LEGAL DATA	33
D. PLAN INFORMATION	33
E. BASIC EXISTING CONDITIONS	34
F. DEVELOPMENT DATA	34
§ 420 - ADDITIONAL DATA MAY BE REQUIRED	35
ARTICLE X ☆ SPECIAL USE STANDARDS	36
§ 440 - MANUFACTURED HOME PARKS	36
A. MANUFACTURED HOME PARK SPECIAL USE PERMIT	36
B. MANUFACTURED HOME PARK REGULATIONS	36
C. INSPECTION	38
D. REVOCATION OR SUSPENSION OF LICENSE	38
§ 450 - VETERINARY AND ANIMAL SPECIALTY SERVICES	38
§ 460 - MAJOR COMMUNICATION /TRANSMISSION/ RECEPTION TOWERS	38
§ 470 - MAJOR REPEATERS	41
§ 480 - RESIDENTIAL WIND TURBINES	42
§ 490 - MULTI-PURPOSE ORGANIZATIONAL COMPLEXES	44
§ 500 - SMALL SCALE PHOTOVOLTAIC SYSTEMS (residential use)	45
§ 505 - LARGE SCALE SOLAR ENERGY SYSTEMS.	46
§ 510 - GEOTHERMAL SYSTEMS.	46
§ 515 – TAVERNS AND BARS	46
§ 520 – SMALL SCALE WINERY OR BREWERY	46
§ 525-BED & BREAKFAST ESTABLISHMENT	47
§ 530- SHORT TERM RESIDENTIAL RENTALS.	47
§ 535 - ADULT ESTABLISHMENTS	48
ARTICLE XI ☆ SPECIAL PERMITS PROCESS	49
§ 540 - SPECIAL PERMITS	49
§ 550 - APPLICATION	49
§ 560 - PUBLIC NOTICE, HEARING, & REFERRAL	49
§ 570 - DECISION AND FINDINGS	50
§ 580 - ADDITIONAL CONDITIONS	51
§ 590 - REIMBURSABLE COSTS	51
ARTICLE XII ☆ ADMINISTRATION	52
§ 600 - ENFORCEMENT AND PENALTIES	52
A. ENFORCEMENT OFFICER	52
B. INSPECTION AND NOTICE OF VIOLATION	52
C. LEGAL ACTION BY ENFORCEMENT OFFICER	52
D. LEGAL ACTION BY TAXPAYERS	52
E. REMEDIES	52
§ 610 - BUILDING PERMITS	53
A. BUILDING PERMIT REQUIRED	53
B. PRIOR APPROVALS REQUIRED	53
§ 620 - CERTIFICATES OF OCCUPANCY	53
§ 630 - NON-CONFORMING USES AND BULK	53
A. CONTINUANCE	53
B. CESSATION OF USE	53
C. CHANGE TO CONFORMING USE	53
D. CHANGE TO ANOTHER NONCONFORMING USE	53
E. EXTENSION OF NONCONFORMING USE	54
F. STRUCTURAL ALTERATIONS IN NONCONFORMING BUILDINGS	54
G. REDUCTION IN LOT AREA	54
H. DAMAGE OF NONCONFORMING USE OR BULK	54
§ 640 - EXISTING UNDERSIZED LOTS	54
ARTICLE XIII ☆ BOARD OF APPEALS	56

# Town of Denning – Zoning Law

November 8, 2018

§ 700 - ESTABLISHMENT, APPOINTMENT AND ORGANIZATION	56
§ 710 - POWERS AND DUTIES	56
§ 720 - PUBLIC HEARINGS	56
§ 730 - INTERPRETATION	57
§ 740 - APPEALS	57
§ 750 - VARIANCES	57
§ 760 - REFERRALS	57
A. REFERRAL TO TOWN PLANNING BOARD	57
B. REFERRAL TO ULSTER COUNTY PLANNING BOARD -	57
ARTICLE XIV ☆ PLANNING BOARD	58
§ 800 - POWERS AND DUTIES	58
ARTICLE XV ☆ AMENDMENTS	59
§ 850 - PROCESS FOR AUTHORITY TO AMEND	59
§ 860 - PROCEDURES	59
A. PUBLIC HEARING	59
B. NEWSPAPER NOTICE OF HEARING	59
C. REFERRALS	59
D. PUBLICATION AND POSTING	59
E. EFFECTIVE DATE	59
§ 870 - REFERRALS	59
A. REFERRAL TO THE PLANNING BOARD	59
B. REFERRAL TO THE ULSTER COUNTY PLANNING BOARD (UCPB)	60
C. REFERRAL TO ADJACENT MUNICIPALITIES	60
ARTICLE XVI ☆ TERMINOLOGY	61
§ 900 - USE AND INTERPRETATION OF WORDS	61
§ 910 – DEFINITIONS	
APPENDIX A ~ USE SCHEDULE	75
APPENDIX B ~ DERIVATION TABLE	77
APPENDIX C~ OFFICIAL ZONING MAP	79
APPENDIX B ~ LIST OF PARCELS BY ZONING DISTRICT	80

## Town of Denning – Zoning Law

November 8, 2018

### ARTICLE I ☆ SCOPE AND PURPOSE

#### §010 - SCOPE

This Zoning Law, hereby enacted by the Town of Denning, New York, shall regulate buildings and structures, land use, open spaces, the density of population, structures and land for residence, trade, industry or other purposes as empowered by Section 261 of the Town Law of the Consolidated Laws of the State of New York. In order to accomplish the purpose of this Law and to further the Town of Denning's Comprehensive Plan, the Town shall be divided into several districts, the regulations of which shall be administered uniformly within each district.

#### §020 – PURPOSES

This Zoning Law is created in accordance with, and as a means of effectuating a comprehensive plan for protecting and promoting the public health, safety, comfort, convenience, economy, and general welfare. This Law is intended to carry out the following goals, among others:

- A. To preserve the rural character of the Town and its sensitive natural environment while allowing for the flexibility and mixture of uses traditional in a rural community and assuring privacy for residences with freedom from nuisances and harmful and unsightly uses; and
- B. To promote the use of land for its most appropriate and beneficial development;
- C. To prevent excessively dense development, facilitating the practice of forestry and agriculture, and protecting the character and stability of established development; and
- D. To enhance the physical environment of the Town and promote appropriate scale and design of land and buildings;
- E. To eliminate or improve any existing detrimental conditions with regard to land or buildings or the use thereof;
- F. To improve design and adequacy of transportation facilities, traffic circulation, and parking and loading facilities;
- G. To protect the community against unsightly, obtrusive, and noisome land uses and operations; and
- H. To facilitate the proper administration and appropriate effective enforcement of this Law.

#### §030 - NON-INTERFERENCE WITH OTHER LAWS

Wherever any lawful statute, ordinance, regulation, easement, private agreement, covenant, deed restriction, or other legal relationship, public or private, imposes controls which are inconsistent with any provisions of this Law, then those provisions which are the most restrictive or impose higher standards shall take effect. This Law is not intended to abrogate, render invalid, or interfere with their application and administration. Any references to Statutes, Codes or Regulations, refer to those that presently exist in 2012 or as is here after amended.

## Town of Denning – Zoning Law

November 8, 2018

### ARTICLE II ☆ ENACTING CLAUSE, TITLE, EFFECTIVE DATE

#### §050 - ENACTING CLAUSE

The Town Board of the Town of Denning in Ulster County, New York, acting under the authority of the Municipal Home Rule Law of the State of New York, hereby adopts and enacts this Law as the Comprehensive Zoning Law of the Town of Denning. Adopted as **Local Law # of 20**, this Law, replaces the current operative Town Zoning Law.

#### §060 - SHORT TITLE

This Law shall be known and may be cited and referred to as the ‘TOWN OF DENNING ZONING LAW’.

#### §070 - EFFECTIVE DATE & INTENT

This Law shall take effect **Month Day, Year**, and thereafter consistent with [Article XV], unless otherwise stated, an amendment or change in this Law, including the appurtenant Official Zoning Map, shall take effect ten (10) days following publication, posting and filing in accord with the Municipal Home Rule Law. The original or base date when Zoning in the Town of Denning was first adopted was in 1990; reference Local Law #1 of 1990 (effective June 8, 1990). **This Law is a revision** of current Town of Denning Zoning Law and there is a history of all subsequent changes in the ‘Derivation Table for the Town of Denning Zoning Law’ in [Appendix D] of this document.

#### §080 - SEPARATE VALIDITY

If any part or provision of this Law or the application thereof is adjudged invalid or unconstitutional by any court of competent jurisdiction, such judgment shall be confined in its effect to the part, provision, or application directly involved in the judgment and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted this Law and each article, section, and subsection thereof even without any such part, provision, or application.



## ARTICLE III ☆ ESTABLISHMENT OF BASE ZONING DISTRICTS

### §100 - ZONING DISTRICTS

In order to fulfill the purpose of these regulations, the Town establishes and is hereby divided into the following base zoning districts for the intent indicated:

**A. P: PROVINCIAL DISTRICT**

Low intensity zoning district characterized by open space, prevalent steep slopes, and vast forest coverage is intended for more remote outlying regions of Denning served by roads unsuitable for higher density development and traffic volumes, including dead ends and/or dirt roads. However, many Provincial District properties are located on main town roads and provide accessibility to commercial development. This district provides for residential use, open space, forestry and recreation, agriculture and accessory uses, including home occupations. The minimum lot size of ten (10) acres is intended to ensure retention of its remote rural character.

**B. R: RURAL DISTRICT**

Moderate intensity zoning district with a distinct rural character including residential, forestry, recreational, agricultural, small scale and home-based business, and accessory uses which may be appropriate in a rural setting. The minimum lot size of five (5) acres provides for the retention of quality forested areas and open space character while allowing for future growth.

**C. H: HAMLET DISTRICT**

This district includes the area around two hamlets in the Town that traditionally include a mix of residential and small-scale business and service uses. The minimum lot area requirement of one (1) acre in developable areas includes a general design pattern that is walkable and integrated with residential, public and private space whose development shall respect the unique scale and sensitive environmental character of the hamlets.

### §110 - OFFICIAL ZONING MAP

The location and boundaries of the established base zoning districts are shown on the map entitled 'Official Zoning Map of the Town of Denning'. This map adopted by reference is declared to be an appurtenant part of this Law and with the latest amendments and made available in the Town Clerk's Office. A graphic presentation of the Official Zoning Map is provided in [Appendix A].

### §120 - INTERPRETATION OF DISTRICT BOUNDARIES

The Zoning Map, modified in conjunction with the 2012 zoning update, was developed using the then recognized tax map parcels current as of June 2012. Zoning district boundaries coincide with the outlines of the then recognized tax map lots. Complete textual lists of the parcel IDs (Section, Block, and Lot numbers) contained within the Hamlet and Rural Districts are provided in [Appendix B]. All other Parcels are considered in the Provincial District.

**A. ALONG LOT OR BOUNDARY LINES**

Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.

**B. EFFECT OF COUNDARY LINE ADJUSTMENTS AND SUBDIVISIONS**

The zoning districts in the Town of Denning with the enactment of this law are formed by property line boundaries of the tax maps parcels as they were configured in June 2012.

- 1 - The zoning district boundaries shown on the map entitled 'Official Zoning Map of the Town of Denning' shall remain in effect when a property line adjustment occurs between two adjacent parcels in differing zoning districts.
- 2 - The zoning district boundaries shown on the map entitled 'Official Zoning Map of the Town of Denning' shall remain in effect when multiple adjacent parcels are combined.
- 3 - All new lots created by subdivision of a parcel will remain in the zoning district of the original parcel.

## Town of Denning – Zoning Law

November 8, 2018

### §130 - EFFECT OF ESTABLISHMENT OF DISTRICTS

- A. No land or building shall be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this Law for the district in which such building or land is located.
- B. No yard or open space required in connection with any building or use shall provide the required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by this Law for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with the provisions herein.
- D. Nothing contained in this Law shall require any change in the plans, construction, or designated use of a building lawfully complying with existing Law, a permit for which shall have been duly issued before the effective date of this Law, and which building shall be completed in accordance with such plans during the site plan and building permit duration.
- E. Any uses not specifically permitted shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this Law shall not be deemed to be an exhaustive list, but instead have been included for the purposes of clarity and emphasis, and to illustrate by example some of the uses frequently proposed that are deemed undesirable and incompatible in the particular district.
- F. Regardless of any other provisions of this Law, any use that is noxious or offensive by reason of emission of odor, dust, noise, vibration, smoke, gas, fumes or radiation or which presents a hazard to public safety, is prohibited.
- G. No off-street parking or loading space required for one building or use shall satisfy, in whole or in part, the off-street parking or loading space required for another building or use except as a condition of an approved special use.
- H. Where a lot falls within one or more Overlay Zoning District reference [Article IV], the requirements of all overlay districts shall apply.
- I. Every building, after the effective date of this Law, erected or moved shall be on a lot adjacent to a public road, or with approved access over a private road, and all new structures and driveways shall be so located and maintained on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- J. Shipping containers may only be used for storage, but must be properly screened so they are not visible from public rights-of-way.

### §140 - OPEN DEVELOPMENT AREA

#### A. AUTHORITY

In accordance with NYS Town Law § 280-a(4), the Town Board may, from time to time, by resolution, establish an open development area or areas within the Town wherein permits may be issued for the erection of structures to which access is given by a right of way or easement, upon such conditions and subject to such limitations as may be prescribed by general or special rule of the Planning Board of the Town of Denning. Before establishing any such open development area or areas the Town Board shall refer the matter to the Planning Board for its advice and shall allow the Planning Board a reasonable time to report.

#### B. SCOPE

## Town of Denning – Zoning Law

November 8, 2018

Consistent with the Comprehensive Plan, the Planning Board may approve the following types of Open Development in designated open development areas, provided it does not endanger public health, safety and finances, and helps preserve natural, historic and scenic resources:

- 1 - Authorize the issuance of building permits for structures on Flag Lots in the Provincial and Rural Districts that have limited public road frontage (minimum of fifty (50) feet), and may gain access by easement and a driveway facility constructed according to criteria in [Article VII] of Zoning.
- 2 - Approve lots without frontage on public roads which gain access by right-of-way or easement over other lands, including a private road constructed in accordance with [Article VII] of Zoning.
- 3 - Negotiate the terms of an upgrade to an older public road in exchange for access and development approval.

### C. ADMINISTRATION

The following procedures shall be followed in as consistent a manner as possible in the review of all development in the designated open development districts.

- 1) The Planning Board shall first make a determination that the use of the open development district is appropriate and that the Town Board has established such a district.
- 2) The Planning Board shall then concern itself, but shall not be limited to the following matters:
  - a) Does a legal easement or right-of-way exist?
  - b) Is the driveway surface within the right-of-way adequate for service and emergency vehicles as well as for normal usage?
  - c) Are the drainage facilities adequate?
  - d) Is there sufficient maneuverability at the end of the access drive?
  - e) Does the applicant have permission to improve the driveway within the easement?
  - f) Is the driveway constructed to safe standards, particularly at the entrance to the public street (e.g., are sight distances adequate)?
- 3) The width of the driveway giving access to potential building lots shall be a function of the intensity of its use.
- 4) The construction of the driveway shall be a function of its intensity of use and the density and character of development within the surrounding area. All driveways shall be constructed to standards of the Residential Code of New York State – Driveways/Private Roads, Section 511.2.1 Emergency Vehicle Access.
- 5) In exceptionally long driveways (i.e., more than 1,200 linear feet), the Planning Board may provide for the construction of a road base substantially to the Town standards, but may waive the top course.
- 6) The Planning Board shall make a determination as to the need in each case for street signs, drainage facilities and other normally required utilities.
- 7) The Board shall also concern itself with construction performance bonding.
- 8) The Board may waive any or all of these facilities and utilities for good reason and the Board may avail itself of the advice and assistance of experts in these matters, the intent of which is to obtain maximum consistency in the review of development within open development districts with that of the conventional development of the town.

### D. CRITERIA & CONDITIONS

Any stipulations of approval necessary to meet these regulations shall be clearly noted on permit documents, decisions and other land records running with the land. There shall be notation of stipulations on any linked final subdivision plat, subdivision resolution, and on a discretionary site development plan decision(s). These criteria, and any development agreement, shall also be filed with the County Clerk. Besides the subdivision plat, the Planning Board will require the recording of stipulations in the deeds of the affected properties, and/or applicable agreements, such as protective covenants and homeowners' association agreements, after a legal review provided on behalf of the Planning Board underwritten by the applicant.

### E. PRIOR TO LOT OCCUPANCY

Prior to lot occupancy, any private access over a right-of-way or easement must be sufficiently constructed and accompanied by binding legal covenants that ensures there remains an opportunity for adequate and sustained access by emergency vehicles. Moreover, while it is not the intent of the Town to take over such private rights-of-ways or easements, the legal documentation shall allow the opportunity for public access and improvements consistent with New York State Town Law §281 of Article 16, which provides that,

## Town of Denning – Zoning Law

November 8, 2018

subject to the discretion of the Town Board, a subsurface utility or improvement operated for revenue by the Town, or by a special district, may be constructed in a private way, provided a public easement satisfactory to the Town Board is obtained for such utility or improvement.

## ARTICLE IV ☆ OVERLAY ZONING DISTRICTS

### §160 - ESTABLISHMENT OF OVERLAY ZONING DISTRICTS

The Town may be hereby also divided into the overlay zoning districts. Overlay districts are intended to provide additional protection of important environmental resources and/or to facilitate and permit certain economically productive uses that would not otherwise be allowed in a particular base land use district. They may overlap different districts, but they do not change the use and dimensional requirements of the underlying base districts unless specifically stated in this Article. The Overlay Zoning Districts in effect within the Town shall be shown on an “Overlay Zoning District Map” made available in the Town Clerk’s Office.

### §170 - NYC WATERSHED HAMLET OVERLAY DISTRICT

Established by the 1997 MOA (Memorandum of Agreement) between New York City and individual Towns in the New York City Watershed, this overlay district defined watershed hamlet areas for special consideration in the MOA. In the Town of Denning, approved by the Town Board at that time, these hamlet areas defined whole parcels rather than the 3,000-foot centered by the main road definition of the then current hamlet area. For the fiscal stability of the town all properties in this NYC Watershed Hamlet Overlay District are non-acquirable by NYC as per the MOA. A list of parcels titled NYC Watershed Hamlet Overlay District is included in [Appendix B] and maps for each of the two (2) NYC Watershed Hamlet Overlay Districts are included in [Appendix A].

This NYC Watershed Hamlet Overlay District includes parcels in the Hamlet Districts as well as the Rural District. All land use and bulk regulations for those districts as defined in this zoning law apply to their respective parcels whereas the specific intent of this overlay district is for the special consideration and treatment stated in the MOA.

### §180 - FLOOD PLAIN OVERLAY DISTRICT

The Flood Plain Overlay District boundary is defined by areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM) with any revisions adopted by reference and declared to be part the Town of Denning Flood Damage Prevention Law established in 1987 and amended by [Local Law No. 6 of 2016], and not defined by parcel boundaries. Land use and bulk regulations that govern the original overlaid districts are enhanced by the Town of Denning Flood Damage Prevention Law and only apply to area within referenced Flood Hazard Boundary. A copy of the Flood Damage Prevention Law and referenced FHBM is on file at: Town Clerks Office.

### §190 - INTERPRETATION OF OVERLAY DISTRICT BOUNDARIES

The Overlay District Zoning Map, separate from the Zoning Map, should be created as needed and made available in the Town Clerks Office. Where uncertainty exists with respect to the boundaries of any overlay districts shown on the Overlay District Zoning Map the following rules shall apply:

#### A. ALONG CENTERLINES AND RIGHT-OF-WAY LINES.

Where overlay district boundaries are indicated as approximating the center lines or right-of-way lines of streets, highways, or public utility easements, said boundaries shall be construed to be coincident with such lines. Said boundaries shall be deemed to automatically move if a centerline or right-of-way line of such street, highway, or public utility easement is moved up to a maximum of twenty (20) feet.

#### B. ALONG LOT OR BOUNDARY LINES

Where overlay district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.

#### C. PARALLEL TO LOT OR BOUNDARY LINES

Where overlay district boundaries are so indicated that they are approximately parallel to the Town boundary line, street lines, property lines, lot lines, or center lines of public utility easements, lands or structures, or projections thereof, said boundaries shall be construed as being parallel thereto and at such

## Town of Denning – Zoning Law

November 8, 2018

distances there from as are indicted on the Overlay District Zoning Map or as determined by the Overlay District Zoning Map scale.

### D. WATERCOURSES

Where overlay district boundaries are indicated as following a river or stream said boundaries shall be construed to be coincident with the centerline of such river or stream and shall automatically move if the main channels of such streams or rivers are moved by natural or artificial means up to a maximum of fifty (50) feet.

### E. EXISTING PHYSICAL MARKERS

Where a street, highway, railroad or public utility easement centerline, or right-of-way line is coincident with an overlay district boundary line and varies from the actual on-the-ground physical monument or mark; then such on-the-ground physical monument or mark shall determine said overlay district boundary.

### F. LOTS DIVIDED BY ZONING DISTRICT LINES

Where a lot is divided by an overlay district boundary line, the regulations for each respective district shall apply except that, where an overlay district boundary line is located not farther than 25 feet away from a lot line of record, the regulations applicable to the greater part of the lot shall be deemed to apply to the entire lot.

## ARTICLE V ☆ REGULATIONS & STANDARDS GOVERNING USE

### §200 - SCHEDULE OF DISTRICT USE REGULATIONS

The attached Schedule of District Use Regulations is hereby incorporated into and made part of these zoning regulations and shall be referred to as the "Use Schedule" (see the attached [Appendix C]). Only those uses specifically listed as permitted by right, by site development plan review, by special permit, or as an accessory use within the attached schedule, or as a customary accessory use, shall be permissible uses as prescribed in this Law. Any use which is not listed specifically as permitted or allowed by special permit shall be considered a prohibited use under this Law. This main schedule is supplemented by other provisions of this Law.

The following symbols in the Use Schedule have the indicated meaning within the district under which they are listed.

- P** Designates a use permitted by right. Some uses permitted by right may also require site development plan approval (also known as site plan approval) by the Planning Board (see [Article VIII]).
- R** Designates a use subject to additional standards and that requires site development plan review and approval by the Planning Board [Article VIII].
- SP** Designates a use permitted only upon the issuance of a special permit and site development plan review by the Planning Board in accord with [Articles IX & X], et al.
- TP** Designates a use permitted only upon the issuance of a special permit by the Town Board and site development plan review by the Planning Board in accord with [Articles IX, X], et al.
- N** Indicates that the use is not permitted.

District designations: **H** = Hamlet District; **R** = Rural District; **P** = Provincial District; **O** = Overlay

For "Use Schedule" or when applicable, "Overlay District Use Schedule" created with the Overlay Zoning District, see attached [Appendix C] of this Law.

### §210 - PRINCIPAL RESIDENTIAL BUILDINGS PER LOT

More than one (1), but not more than three (3) principal residential buildings may be placed on a lot, only if each residence is located so that it would conform to all area and bulk regulations of the district in which it is located if a separate lot were created for each residence. Landowners pursuing this option require a site plan review from the Planning Board that includes the internal lot access arrangements.

### §220 - PERFORMANCE STANDARDS

In general, no activity shall produce any noise, smell, glare, or vibration; create a physical hazard by reason of fire, explosion, radiation, or other such cause; cause a discharge of liquid or solid waste, or any other polluting material into the groundwater or into any stream or body of water; result in the storage of material in such manner as to breed vermin or produce a health hazard; or produce an emission of gaseous waste, smoke, flash or dust capable of being a health hazard or damaging property; or which would otherwise cause or create a public or private nuisance or unreasonably interfere with the peaceful enjoyment of their property by properties in proximity.

- A. For a proposed or existing use allowed by approved building permit application, and other existing uses, the Building Inspector/ Enforcement Officer, pursuant to [Article XII], shall make the initial determination of nuisance or disruption of the peaceful use of property in the vicinity.
- B. For proposed uses, like site plans, the designated reviewing entity in Schedule of District Use Regulations shall consider potential for nuisance or disruption of peaceful use of property in the vicinity, consistent with SEQRA, and may, where necessary, require modification of a proposal to eliminate or minimize potential problems and nuisances to abutters and residences within two hundred fifty (250) feet, according to reasonable and generally acceptable standards and mitigation practices, such as for, but not exclusively, noise, smoke, fumes, dust, odor, glare, and stormwater.

## Town of Denning – Zoning Law

November 8, 2018

### §230 - AGRICULTURAL USE AND LOGGING

#### A. DOMESTIC OR FARM ANIMALS

Nothing in this Law shall prevent the keeping of reasonable number domestic or farm animals by residents on their property for the resident's own personal use and enjoyment. Agricultural activity is also permitted, including gardening and nurseries, bee keeping, fur-bearing animal farms, the raising of poultry or rabbits, dairy farming, and the raising of livestock subject to the following: (Note: All animals under four (4) months of age are not counted.)

- 1 - On lots of less than three (3) acres, there must be at least 10,000 square feet of lot area for each cow, horse, or similar animal (approximately 4 per acre), and/or at least 3,000 square feet of lot area for each sheep, or goat, or similar animal (approximately 15 per acre).
- 2 - Buildings, pens, or corrals for agricultural animals or birds must be at least 20 feet from any existing dwelling.
- 3 - Sale of agricultural products, including eggs, honey, poultry or rabbits, raised on the premises, is permitted. One sign pertaining to the sale of agricultural products raised on the property is allowed. Street side stands are permitted.
- 4 - The keeping of domestic or farm animals (other than swine) for commercial practices, shall be permitted in every district subject to the following:
  - a) No building housing horses, farm animals, fowl or bees shall be located within one hundred (100) feet of a street or property line.
  - b) Unenclosed storage of fertilizer, manure or pesticides shall take place no closer than two hundred (200) feet from any street or property line.
  - c) The keeping or raising of swine is permitted only in the Provincial District and shall not be allowed within three hundred (300) feet of any street or property line and shall not exceed one (1) animal per acre.
- 5 - No vicious animal shall be kept permanently or temporarily in any district. (See [§910 - Definitions] for Vicious Animal description.)
- 6 - All animals should remain under the direct personal control of the occupants of the property. Nuisance report by neighboring property owners should be handled by the Animal Control Officer or Duly Appointed Official and in the event a resolution cannot be mitigated the officer will turn the report over to the Planning Board for a site plan review [Article VIII] and [§360 H]. Planning Board decisions will be based on NYS Agricultural Best Practices for Small Farm Operations or similar recommendations.

#### B. LOGGING (Timber Harvesting)

The removal of timber from a property greater in quantity than 10,000 board feet within any given year shall require a "Notification of a Logging Operation" application to be submitted to the Town Clerk prior to beginning operation. All specifications on the logging application must be met including attached Liability Insurance and/or Workmen's Comp if required.

- 1 - The Town Clerk will notify the Highway Superintendent and Planning Board of all logging activities. The Highway Superintendent may issue any appropriate directives to the loggers to prevent or repair damage to any Town roads, bridges, culverts, or other Town infrastructure.
- 2 - The Highway Superintendent will issue a stop work order for any logging operation that commences prior to notification being submitted to the Town.
- 3 - This law does not restrict or prevent cutting of trees by a property owner on his own land for personal use.

### §240 - HOME OCCUPATIONS

Any person may conduct a business, trade or profession from their residence, as an accessory use, incidental and secondary to the dwelling unit. Home Occupations are lower intensity, smaller scale, and permitted by right with registration. Home Occupations shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the rights of neighboring residences, or alter neighborhood character. Home Occupations follow use schedule in [Appendix C].



## Town of Denning – Zoning Law

November 8, 2018

- A. The home occupation shall meet all requirements for habitable space and shall not exceed fifteen (15) percent of the floor area of the primary structure. It may reside in a permitted accessory structure.
- B. No more than one (1) person not residing in the dwelling unit may be employed in the home occupation.
- C. Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
- D. The home occupation shall not involve any operation considered to be hazardous.
- E. Any person may conduct a business, trade or profession from their residence, as an accessory use, incidental and secondary to the dwelling unit.
- F. One (1) unlit freestanding sign (maximum two (2) faces) not exceeding six (6) square feet per face shall be permitted to identify the use.
- G. At least one additional off-street parking space shall be provided for a home occupation, in addition to those required for the principal residential use. Such spaces may be provided in the driveway but not elsewhere in any required front yard.
- H. No materials or equipment used in the home occupation shall be stored or displayed outside, except in the rear yard, unless enclosed within a fence or landscaped screen.
- I. The home occupation shall not result in traffic, noise, vibration, odor, smoke, glare or electrical interference beyond that normally generated by permitted uses in the same zoning district.

### §250 - WOOD BOILERS (OUTDOOR FURNACES)

It is generally recognized that certain types of fuel used, and the scale, duration and type of burning by outdoor furnaces, provides potential for noxious and hazardous smoke, soot, odors and air pollution which can be detrimental to public health, and deprive neighboring residents of the enjoyment of their property. The following restrictions on the placement and operation of outdoor wood-burning furnaces within the Town are provided for the purpose of securing and promoting public health, safety, welfare, comfort and convenience. A Building Permit is required.

- A. No person shall operate an outdoor furnace unless such operation conforms with the manufacturer's instructions and the requirements of this Chapter.
- B. Outdoor furnaces shall be set back one hundred (100) feet from lot lines.
- C. Outdoor furnaces shall be not less than two hundred fifty (250) feet from any dwelling structure on an adjacent lot as measured between the closest edges of such structures.
- D. Any new installation of an outdoor wood boiler after the effective date of this section shall be for a unit manufactured to meet or exceed U.S. Environmental Protection Agency (EPA) 'Phase 2 Qualified' unit guidelines set in the 2008 Hydronic Heater Program, or its successor. The Building Inspector may allow installation of a new two-stage higher-efficiency, lower-emitting biomass heater (gasifier) which is manufactured to exceed these standards, or can be reasonably expected to exceed the EPA eight (8) hour average efficiency and maximum emissions. In allowing flexibility, the goal is to achieve high burn efficiency, such as seventy five (75) percent 8-hour average efficiency, whereby using such a unit will align performance with safety goals. Northeast States for Coordinated Air Use Management may provide resources concerning this topic.
- E. CHIMNEYS – Chimney shall be made to Manufactures Specifications equipped with properly functioning spark arrestors.
- F. MONTHS OF OPERATION - Outdoor Furnaces shall be operated only between September 15 and May 1st in the Hamlet Zoning District and may be operated year-round in the other Districts.

## Town of Denning – Zoning Law

November 8, 2018

- G. EXISTING OUTDOOR FURNACE -- A furnace purchased and installed prior to the original effective date of this specific section shall be permitted to remain, provided the property owner complies with the months of operation.
- H. Fuel burned in any outdoor furnace shall be only natural untreated wood, wood pellets, corn products or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.
- I. If through due process an outdoor furnace is shown to establish a verifiable nuisance as defined by general zoning performance standards, the following steps may be taken by the owner and official having jurisdiction:
  - 1 - Cease and desist unit operations until reasonable steps can be taken to ensure that the furnace will not be a nuisance and can be operated so as to burn efficiently, or relocating the Outdoor Wood Furnace.

Town of Denning – Zoning Law  
November 8, 2018

**ARTICLE VI ☆ REGULATIONS GOVERNING AREA AND BULK**

**§270 - SCHEDULE OF DISTRICT AREA AND BULK REGULATIONS**

This Schedule is hereby adopted and declared as part of this Law, hereinafter referenced as the "Area and Bulk Schedule". No conforming lot shall be reduced in area in a manner that violates the dimensional requirements of this Article.

SCHEDULE OF DISTRICT AREA AND BULK REGULATIONS			
	Hamlet District	Rural District	Provincial District
<b>Lot Requirements</b>			
Minimum Lot Area <sup>1, 2, 3</sup>	1.0 acre	5.0 <sup>3</sup> acres	10.0 <sup>3</sup> acres
Minimum Lot Width	150 feet	200 feet	275 feet
<b>Minimum Road Frontage<sup>4</sup></b>			
Town Road	50 <sup>4</sup> feet	100 <sup>4</sup> feet	150 <sup>4</sup> feet
County Road	50 <sup>4</sup> feet	100 <sup>4</sup> feet	100 <sup>4</sup> feet
<b>Minimum Yard Requirements</b>			
Front Yard <sup>5</sup>	25 feet	40 feet	40 feet
Side Yard	20 feet	25 feet	25 feet
Rear Yard	30 feet	40 feet	40 feet
<b>Maximum Building Height</b>	35 feet	35 feet	35 feet
<b>Maximum Lot Coverage</b>	10%	7%	5%
<ol style="list-style-type: none"><li>1. See [§270 A] 'Constraints in Lot Area Calculations', also known as the minimum development envelope.</li><li>2. In the case of residential uses, this requirement shall apply to each dwelling and there shall be a minimum of two vehicular parking spaces for each dwelling unit.</li><li>3. Modern surveying techniques may provide smaller lot sizes from what owners thought they had. It is permissible for a lot to be up to two tenths (0.2) of an acre (8,712 square feet) smaller, although there shall be no more than one (1) such lot in any subdivision.</li><li>4. Flag Lots are permissible in these zones provided such lot shall meet the standards in [§270 B]. Note: also reference [§140 B.1] for Rural and Provincial districts.</li><li>5. Required front yards shall be measured from the abutting right-of- way or street line, except where such right-of-way or street is less than fifty (50) feet wide, it shall be measured from a line twenty five (25) feet from and parallel to the centerline of the abutting street or right-of-way.</li></ol>			

- A. CONSTRAINTS IN LOT AREA CALCULATIONS -- In computing Minimum Lot Area pursuant to the Area and Bulk Regulations, for a building lot that does not have an existing habitable structure, a minimum development envelope shall be available and shall represent a specifically defined sub-part of the total required lot area. The development envelope is a contiguous area generally free from natural or imposed building constraints so that such area can accommodate new buildings and site utilities. Said envelope shall not consist of unbuildable or restricted lands including: wetlands, watercourses, regulatory conservation buffers where no physical alteration is allowed, floodways, natural slopes in excess of twenty five percent (25%), parts of a lot less than fifty one (51) feet wide, or parts of a lot with significant legal restrictions, such as shared rights-of-ways, or areas encumbered by conservation or public utilities easements. In the Hamlet Zoning District the development envelope shall be at least thirty three thousand (33,000) contiguous square feet, and in all other Zoning Districts the area of the development envelope shall be fifty

## Town of Denning – Zoning Law

November 8, 2018

thousand (50,000) square feet. In all instances the minimum horizontal dimension in any direction in such envelope shall be at least fifty (50) linear feet, excluding the access stem on a 'flag' lot.

- B. FLAG LOTS -- Flag lots [are subject to certain conditions](#). In 'Definitions' there is a diagram of hypothetical flag lots and the component parts, the 'pole' and the 'flag', the latter of which is the main body of the lot. There should be an attempt to provide mostly straight and parallel new lot lines for flag lots so that there is not an irregularly shaped main body or pole part of a lot, and any new proposed lot lines do not have unusual or excessive amounts of elongations, angles, and curvilinear lines that are not related to the existing layout of adjacent lots, topography or other natural features. Moreover, in considering flag lots there should be care to ensure that there is not a land locking impact on adjacent lots or ones in the vicinity. In addition:

- 1 - The "pole" is an integral part of such lot and it:
  - a) Is never less than fifty (50) feet wide and is excluded from the minimum lot area requirement;
  - b) Any approved access affords safe access for emergency vehicles;
  - c) Should not be longer than four (4) times 'minimum lot width';
  - d) Never abuts more than two (2) other adjacent flag poles; and
  - e) Setbacks for structures shall be measured on the flag part (main body) of the lot (not the 'pole') according to the Minimum Yard Requirements.
- 2 - Wherever practicable, adjoining flag lots should be platted to share road access, although the unused pole should be capable of accommodating a driveway through site plan approval should a future need arise.

### §280 - GENERAL SUPPLEMENTARY REGULATIONS ON AREA AND BULK

- A. HEIGHT EXCEPTIONS -- The height limitations of this Law, as shown on the Area and Bulk Schedule, shall not apply to the following structures:
- 1 - Provided they do not exceed the height limit by more than ten (10) feet: Church spires, belfries, cupolas and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, and other necessary mechanical appurtenances usually carried above the roof level, including parapet walls or cornices, home energy generation devices, including solar panels and small-scale wind turbines, public utility transmission towers or cable; and radio or television or personal wireless service receiving or sending antennas, including repeaters, contingent upon compliance with the next items, [§280 A.1 a, b, and c].
    - a) Rooftop communication facilities require site development plan review. In addition to normal submission requirements, the applicant shall deliver a public health report, prepared by a qualified expert, such as a radio frequency engineer, written in plain English and certifying that the technology design and installation is in conformance with the most current Federal Communications Commission (FCC) regulations and any applicable FCC Office of Engineering and Technology (OET) standards.
    - b) For wireless service facilities there shall be compliance with OET Bulletin No. 65, or its successor. Such report shall state the maximum electromagnetic and radio frequency radiation emitted by the proposed facility and whether those emissions conform to FCC adopted safety standards. The report shall include cumulative analysis of electromagnetic and radio frequency radiation of all other existing and anticipated communication facilities within 2,000 feet.
    - c) As part of site development plan approval, the Planning Board shall be required to make a finding that the facility, such as a proposed wireless telecommunications installation, will not generate electromagnetic or radio frequency radiation in excess of FCC adopted standards for human exposure and there shall be requirements for periodic monitoring and reporting every 12 months of operation to confirm continued compliance.
  - 2 - Any such proposed structure exceeding forty-two (42) feet in height shall be permitted only by special permit issued by the Planning Board.
    - a) Small-scale wind systems are accessory to the principal use up to ten (10) kW provided there is a maximum of one (1) turbine per property and a maximum tower structure height of 85 feet

## Town of Denning – Zoning Law

November 8, 2018

(measured from the ground to the blade tip vertically above a rotation point) and individual turbine blades diameter does not exceed twenty-five (25) feet, with minimum height of lowest blade tip twenty (20) feet above ground (measured from the blade tip vertically below a rotation point).

- b) There shall be a setback from the property line of one and a half (1.5) times the structure height (measured from the existing ground level to the blade tip positioned vertically above a rotation point). The tower should be located no closer than five hundred (500) feet from adjacent residences. Monopoles are preferred over lattice towers and guy wires are prohibited.

### B. YARDS

1 - ACCESSORY STRUCTURES AND BUILDINGS -- Accessory buildings shall comply with all yard requirements except that an accessory building shall be permitted in any required rear or side yard, no closer than ten (10) feet to any property line in the Hamlet District and twenty (20) feet in all other districts. Accessory buildings physically attached to a principal building are deemed to be part of such principal building in applying bulk regulations.

2 - ENCROACHMENTS IN REQUIRED YARDS -- The space in any required yard shall be open and unobstructed except as follows:

- a) Awnings and canopies shall be permitted to project a maximum of eight (8) feet.
- b) Any open or enclosed porch or carport shall be considered a part of the building in the determination of the size of the required yard or lot coverage.
- c) Retractable awnings are the exception.

C. DRIVEWAY SETBACKS -- Lots with one hundred (100) feet or more of road frontage shall be provided with new driveways set back a minimum of fifteen (15) feet from side lot lines, except that shared driveways may occupy any part of a side yard adjoining the lot of another user of the common driveway. On lots with less than 100 feet of frontage, ten (10) feet of yard setback shall be required.

### D. FENCES (INCLUDING HEDGES) AND WALLS

1 - Setbacks shall not apply to retaining walls or fences less than seven (7) feet high in side or rear yards, except that these structures shall not encroach into rights-of-way or corner clearances required for traffic safety.

2 - Notwithstanding the line of sight requirements of the previous item, the setback requirements of this chapter shall not apply to any front yard fences or walls less than four feet high, except that agricultural wire, board, or split rail fencing which does not obstruct visibility may be higher.

E. CORNER CLEARANCE/VISIBILITY AT INTERSECTIONS - Where necessary to provide visibility for traffic safety, the Highway Superintendent or the permitting body may require all or part of any corner lot in any District to be cleared of all growth and other obstructions that block visibility of traffic on a street. They may require excavation to achieve visibility.

F. MINIMUM DWELLING STANDARDS - All primary dwellings shall meet (ICC) International Construction Code or NYS Building Code minimum square footage of living area(s), be erected on a permanent foundation and equipped for year-round occupancy.

G. LOT COVERAGE EXEMPTION - Maximum ground coverage of solar panel structure array is no more than 30% of lot size (ex. 3 acres on a 10-acre lot). Additional foot print for major components, such as buildings, poles, access to site, wires, parking, and fencing, should not exceed an additional 3% of lot size. The maximum solar panel surface area for any project should not exceed 5 acres.

H. STANDARDS FOR MANUFACTURED HOMES (SINGLE WIDE OR DOUBLE WIDE HOMES) - (Heretofore known as mobile homes, see the zoning 'Definitions' at the end of this document and take care not to confuse a 'manufactured' versus a 'modular' unit in this code). Mobile home parks must comply with special use standards and New York State Law 4.8.1 All mobile homes must meet New York State Uniform Fire Prevention and Building Code and shall be installed to ICC regulations and NYS Code Supplement Appendix E HUD specifications and rules.

### 1 - ADDITIONAL GENERAL REGULATIONS

## Town of Denning – Zoning Law

November 8, 2018

- a) Manufactured homes shall be used for single family dwelling purposes only.
- b) Manufactured Homes not located in Manufactured Home Parks shall comply with all area and bulk requirements that apply to dwellings in the same zoning district.

### 2 - EXCEPTIONS TO PERMANENT PLACEMENT REQUIREMENTS

- a) A Temporary Permit may be issued for the occupancy of a Manufactured Home on land owned by the occupants during the construction of a home thereon for a period not to exceed the duration of the Building Permit. However, if material progress on the construction ceases for 60 days, such a permit becomes void.
- b) A Manufactured Home Unit may be temporarily located in any zoning district for use as a construction field office. A construction field office may not be installed prior to 30 days before the commencement of a construction project and must be removed within 30 days after the completion of the construction project.
- c) It shall be unlawful to store any Manufactured Home on any property within the Town for more than 30 days unless it is stored on the owner's property or on the lot of a motor vehicle dealer. No more than three Manufactured Homes may be stored on any property without obtaining a Special Use Permit to operate a motor vehicle dealer's lot.
- d) Any Manufactured Home other than a camper or recreational vehicle stored on the owner's property longer than two years after the effective date this Law, which remains unoccupied and is not connected to utilities as prescribed in the pertinent Town regulations, must be removed.

### 3 - NON-CONFORMING MANUFACTURED HOMES -- Any Manufactured Home in existence at the time of the adoption of this subsection which is not in full compliance with this chapter may remain in its existing location unless it contravenes [§280 G.2], and may not be otherwise relocated in the Town.

## ARTICLE VII ☆ SUPPLEMENTAL REGULATIONS

### §300 - DRIVEWAYS

Careful design and construction of new driveways should be considered in order to achieve a safe and compatible fit into Denning's rural characteristics. Access for emergency vehicles (38 Tons), construction vehicles and safe ingress and egress for automobiles should be planned for. It is important to consider slope, soil characteristics, and length when planning a driveway, keeping in mind snow plowing, heavy spring rains and frost heaves.

- A. New entrances (including the conversion of timber harvesting roads) shall require permission from the Town Superintendent of Highways for town roads and County Department of Highways for County roads, which are subject to Ulster County standards. The requirements of obtaining a driveway curb cut approval from the Town of Denning can be found in the Town of Denning Highway, New Road, & Access Standards. Approval of permits may be conditional based upon the application and approval of such curb cut permits.
- B. The minimum safe access requirement for residential dwellings shall consist of vehicle access driveway that is sufficiently designed in its first 30 feet by the following standards. After the 30- foot regulations hereafter cited, driveways should be designed to handle the impact of emergency vehicles, weather and terrain.
  - 1 - The applicant, whenever possible, should construct driveway entrances to have a 200-foot sight line distance in both directions on the access road.
  - 2 - Driveways should not have a grade of more than 3% in the first 30 feet of driveway from the access road. The first 20 feet of the driveway should be as close to zero grade as possible to prevent washouts onto the public road.
  - 3 - At the entrance to all driveways (off Town roads), the Highway Superintendent shall specify the minimum (culvert) pipe length and diameter needed to allow the proper flow of water through drain areas.
  - 4 - Driveways should intersect as closely to perpendicular as possible to the adjoining roadway to achieve safe ingress and egress to the public road.
  - 5 - No driveway should be permitted within fifty (50) feet of an intersection.
  - 6 - A residential driveway entrance should be a maximum of twenty-two (22) feet wide, flaring out from the car path width in the last 10 feet as it joins the public road.
  - 7 - At least thirty (30) feet of vertical clearance should be created and maintained to allow safe access for emergency vehicles.
  - 8 – Driveways shall comply with the *Residential Code of New York State – Driveway/Private Road, Section 511 Emergency Vehicle Access* and provide an unobstructed width of 12 feet and a minimum unobstructed height of 13 feet, 6 inches. Driveways in excess of 500 feet in length and less than 20 feet in width shall provide turnouts along the driveway that are a minimum 20 feet in width for a length of 50 feet in length. Turnout shall be placed at intervals not to exceed 500 feet
- C. Where permitted by County and State requirements, any waiver from these standards shall be at the discretion of the Planning Board.
- D. The right-of-way for a shared driveway shall be in the deed of the properties directly involved and should be not less than fifty (50) feet in width. (The physical access itself would not be constructed fifty feet wide, but rather there would be an access area reservation available if needed).
- E. The right-of-way for ingress and egress across the shared driveway granted to each lot served shall be identified in easements, covenants, recorded maintenance agreements, and/or deeds. This area is labeled 'shared driveway right of way' in [Appendix F - Figure B]. If possible, the boundary of each lot served by a shared driveway should extend to the center line of the shared driveway when it straddles lot lines.
- F. The application for a shared driveway longer than two hundred (200 feet) submitted to the Planning Board must show the exact location, dimensions, grade, construction specifications and proposed legal

## Town of Denning – Zoning Law

November 8, 2018

arrangements of shared driveways. Furthermore, any subdivision plat involving access by a shared driveway shall show this clearly labeled as "Shared Driveway." Such labels shall be provided in the application for sketch plan or in the 'preliminary' and 'final' stage application if 'sketch' review does not apply. At the discretion of the Planning Board the plans submitted shall be by a professional engineer.

G. Please refer to [[§280 C] of this Zoning Law from Driveway Setbacks along property boundaries.

### §310 - PRIVATE ROADS

Low volume Private Roads that serve two or three (3) new lots plus a parent parcel are a suitable way to access development and maximize the conservation of natural resources. A Private Road may promote better transportation network circulation and less earth disturbance compared with multiple individual drives, or a road built to more rigorous Town standards. [Private road](#) access may be provided to the extent considered practicable by the Planning Board. It must meet minimum layout and construction standards, and when possible, private road facilities shall follow natural contours.

- A. Site development plan approval is required for establishing the legal requirements of the [private road](#) right of way, including thorough and binding maintenance agreements that run with the land to ensure that future owners sustain the facility.
- B. The top surface need not be paved, but there should be an adequate, durable construction specification.
- C. There must be feasibility to physically upgrade the right of way to a public road in the future, should a documented public purpose arise.
- D. All minimum standards for the construction of driveways [§300] shall also apply to the development of private roads, and more restrictive standards may apply.
- E. The maximum number of lots gaining access through any new private road shall be four (4) including the Parent Parcel. The right of way will connect with an adequately accessible public road.
- F. All lots should gain their access from the shared facility, regardless of the potential for direct access onto a public road. In other words, if sited, it should be defined and operated as the principal means of access for the properties sharing it in order that one involved property does not opt out of the binding requirements for maintenance and upkeep. There must be legally enforceable standards in place for joint responsibility for the drive, even if such structure provides for shares in reasonable and adequate proportions.
- G. The wearing surface (main travel way) shall not be less than twenty (20) feet in width and there should be two (2) foot shoulders on each side.
- H. Minimum curve radius shall be fifty (50) feet and the minimum tangent distance between reverse curves (the straight distance between curves) shall be one hundred (100) feet. As deemed appropriate by the Planning Board or other reviewing official, the minimum tangent distance between reverse curves may be less than 100 feet.
- I. Grade should not exceed twelve (12%) percent, nor be less than one (1%) percent. Grade should not be greater than three (3) or minus three (-3) percent within fifty (50) feet of a street intersection.
- J. At each branch in a private road there shall be clearly visible signage that signifies which lots are served by each branch and the distance to the habitable structures on each individual branch.
- K. The creator of the private road shall be required to file a [Private Road Maintenance Agreement](#) with the Town Clerk.
- L. A recorded maintenance agreement, executed by the applicant as a condition of site plan or subdivision approval, will provide sufficient protections to lot owners and the Town, and all of the requirements and association functions described herein will be properly fulfilled by such maintenance agreement(s). All lot owners served by the facility shall enter into maintenance and repair agreements with all other lot owners.



## Town of Denning – Zoning Law

November 8, 2018

The recorded maintenance agreement must be executed to provide for the perpetual care and maintenance of the road and assurance of all fire codes of N.Y.S. have been met before the issuance of certificate(s) of occupancy. The Planning Board may request funds from the applicant in order to consult with the attorney for the Planning Board or the Town Attorney as to the adequacy of such agreement(s).

- M. The Planning Board shall have discretion to determine whether a performance bond must be posted by the applicant to ensure proper construction and completion of the shared driveway, including the amount of such performance bond, and what form it shall take.
- N. A private road may not be offered for dedication to the Town of Denning unless it conforms to Town Highway specifications for a new public street in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication, even if the roadway conforms to Town Highway minimum specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town Highway specifications shall be borne by the lot owners served by the driveway.
- O. The Town's engineer, or a consulting engineer's review and approval may be required for a shared driveway, in which case the fee for such consultation shall be paid by the applicant.
- P. It is acceptable for the Planning Board to coordinate with the Town Board to assign a name to these facilities, in which case the developer shall submit an acceptable street sign.

### §320 - OFF-STREET PARKING AND LOADING STANDARDS

Off-street parking and loading spaces shall be provided at the time a new use is established when it involves the construction of a new building or the alteration or conversion of an existing building which adds more than five hundred (500) square feet of active floor area to the use. Such parking and loading spaces shall be provided in accordance with the following standards:

Pre-existing uses and structures in existence as of the effective date of the adoption of this Zoning Law, shall not be subject to the parking requirements herein; however, if the parking spaces serving such structure or use are less than would be required by this Law, they shall not be reduced; and, if the structure or use is expanded beyond the threshold in the preceding paragraph, then additional parking spaces in the appropriate amount required below shall be provided to serve such expanded area.

#### A. OFF-STREET PARKING

1 - REQUIRED PARKING SPACES -- Off-street parking spaces shall be provided as follows:

TYPE OF USE	MINIMUM NO. OF PARKING SPACES
Religious Facilities, Places of Public Assembly, Clubs and Fraternal Organizations, and Recreation Facilities	One (1) space for every four (4) seats in the largest hall or meeting area, or for every four (4) members whichever is greater.
Cultural Facilities	One (1) space for every 500 square feet of gross floor area.
Clinic, Convalescent Home	One (1) space for every four beds.
Bed & Breakfast	One (1) space for every room.
Home Occupation	One (1) space, plus one (1) additional space for any non-resident employee plus those spaces required for the residential use.
Day Care Center or Nursery School	One (1) space per staff member plus one (1) space per classroom.
Banks	Three (3) spaces for each teller.
Retail Stores or Service Establishments	One (1) space for each 200 square feet of gross floor area.
Professional or business offices	One (1) space for each 200 square feet of gross floor area.

Town of Denning – Zoning Law  
November 8, 2018

TYPE OF USE	MINIMUM NO. OF PARKING SPACES
Medical and Dental Offices	Four (4) spaces per doctor or dentist plus one (1) for each additional employee.
Restaurants	One (1) space for every 3 seats or 100 square feet of gross floor area, whichever is greater.
Taverns and Bars	One (1) space for every three (3) occupants using the maximum allowed occupancy.
Theaters and Similar Places of Public Assembly	One (1) space for every 4 seats or 100 square feet of gross floor area, whichever is greater.
Undertakers	One (1) space for each 3 seats provided under maximum occupancy.
Hotel and Motel	One (1) space per guest room plus one space for every 3 employees.
Wholesale, Storage Warehousing	One (1) space for every 2,500 square feet of and gross floor area.
Light Assembly, General Industrial and Similar Uses	One (1) space for each 400 square feet of gross floor area.
Automotive Sales Repair	One (1) space for each 200 square feet of sales and of sales area and (1) space for each 500 square feet of service area.
Other Industrial Heavy Commercial uses	One (1) space for each 500 square feet of gross or floor area.
<b>Uses Not Listed Above</b> -- As determined by the Planning Board based on the nature of the use and the applicable parking requirement for similar uses.	

2 - DIMENSIONS OF PARKING SPACES -- All spaces shall measure at least nine (9) feet wide by eighteen (18) feet long.

3 - LOCATION OF PARKING SPACES

- a) All required parking spaces shall be located on the same lot as the use they are intended to serve.
- b) In the Rural and Provincial Districts, no open or enclosed parking area for more than three (3) cars shall encroach on any required front yard. Parking areas may extend into a required side or rear yard to within twenty-five (25) feet of a side or rear lot line.
- c) In the Hamlet District, open parking areas shall not encroach within ten (10) feet of a street or right-of-way line or of a property line.

4 - SCREENING AND LANDSCAPING OF PARKING AREAS

- a) Parking areas of eight (8) or more cars which are adjacent to or across the street from a residential property shall be screened from the view of such properties by a combination of walls, fences or hedges.
- b) All areas in a parking lot not required for parking space or access drives shall be suitably landscaped and maintained. A landscaping plan for parking areas shall be submitted for those uses requiring Site Plan Review by the Planning Board.

5 - GENERAL PROVISIONS -- Off-street parking areas shall not be used for any purpose other than the parking of vehicles for customer, resident or employee use. There shall be no: commercial storage; servicing or dismantling of vehicles; and no part of any parking lot shall be used for the sale, storage or abandonment of any articles or goods.

B. OFF-STREET LOADING

1 - REQUIRED LOADING FACILITIES -- Off-street loading facilities shall be provided for non-residential uses so that service vehicles do not obstruct adjacent streets or driveways.

2 - LOCATION AND DIMENSIONS OF LOADING BERTHS

- a) All off-street loading berths shall be located on the same lot as the use for which they are required.

## Town of Denning – Zoning Law

November 8, 2018

- b) Open off-street loading areas shall not encroach on any required front or side yard, off-street parking area or access way.
- c) No loading berth shall be located within twenty-five (25) feet of a property line.

### §330 - OUTDOOR LIGHTING

- A. PURPOSE -- Outdoor lighting shall be designed and maintained so as to prevent a glare hazard to travelers, general light pollution, and promote energy conservation, public health and security by:
  - 1 - Using fixtures that control and distribute light in an effective and efficient manner, including shielding light fixtures where required and feasible;
  - 2 - Assuring that light from outdoor fixtures does not extend beyond the property line at levels exceeding established requirements; and
  - 3 - Requiring that certain fixtures be extinguished in nighttime hours when there is likely to be extremely low levels of activity, as determined during site plan, special use permit, and/or subdivision plan review.
- B. LIGHTING PLAN -- A permit granting body may require the submission of a lighting plan and supporting data as part of any site plan, special use permit or subdivision application (in the latter case if street lights are involved).
  - 1 - Said plan and data shall illustrate light locations, proposed lamps and fixtures, glare and optical control devices, mounting heights, plus describe hours of operation.
  - 2 - A map showing lighting levels may also be required. Typically, illumination intensities measured in foot-candles will be shown on a ten (10) foot by 10-foot grid.
- C. LIGHTING STANDARDS
  - 1 - All lighting, including sign lighting, shall be designed and arranged to minimize glare and reflection on adjacent properties, including by providing shielding so as to prevent the light source from causing a visual nuisance on adjacent residential property.
    - a) Light control shall be accomplished primarily through proper selection, layout and shielding of fixtures. The installation of landscaping, fences, walls or similar screening may also be considered by the permit granting body.
    - b) Illumination from light fixtures shall not exceed 0.1 foot-candles on adjacent residential property, or 0.5 foot-candles on business property, as measured in a vertical plane along the shared property boundary.
    - c) Luminance and uniformity. Light emissions shall be designed not to exceed the latest recommended levels for outdoor lighting set by the Illuminating Engineering Society of North America (IESNA) for the type of activity/area being lit, except that light levels for ATMs (banking machines) shall be in accordance with, but not exceed, the NY State ATM Safety Act. Where no IESNA standard exists, the applicable standard shall be determined by using the closest IESNA activity.
  - 2 - Outdoor lighting shall be of such type and location to provide a minimum illumination of one (1.0) foot-candle in publicly accessible areas.
  - 3 - The maximum height of a light fixture shall not exceed eighteen (18) feet and if possible it is preferred for the height not to exceed fifteen (15) feet.
  - 4 - Street lights shall be fully shielded. Full 90-degree cut-off luminaries are a typical application (see diagrams) compared with Cobra type lighting that provides glare. Lights along a right-of-way should comply with principles for low glare and low energy consumption. It is encouraged for such fixtures to be 'Energy Star' rated. See NYSERDA How-to Guide to Effective Energy- Efficient Street Lighting: for Municipal Elected/Appointed Officials October 2002 or successor publication(s).

## Town of Denning – Zoning Law

November 8, 2018

- 5 - As a condition of approval, a permit granting body may impose limits on the hours of lighting operation. Implementing this objective may require the use of sensors and/or automatic timers (controls). Security needs shall be considered in defining operating hours.
- 6 - Mercury vapor fixtures are prohibited.
- 7 - Light styles, standards, poles and fixtures should be consistent with the architectural style of the building, site and its surroundings.

### §340 - SIGNS

The following types of signs are permitted only in the H District, or in conjunction with a non-residential use in another district subject to issuance of a site plan and where applicable a special use permit subject to the standards and procedures set forth below.

#### A. WALL SIGNS -- One wall sign shall be permitted for each non- residential use on a structure.

- 1 - Wall signs shall not project more than one (1) foot from the wall to which they are affixed.
- 2 - Wall signs shall not extend above or beyond the face of the wall in any direction.
- 3 - Aggregate area, in square feet, of all signs on any wall shall not be greater than the length in feet, of such wall.

#### B. PROJECTING SIGNS OVER FOUR (4) SQUARE FEET IN AREA

- 1 - Each establishment shall be permitted one (1) projecting sign for each frontage on a public right-of-way. No more than one sign may be located on each frontage.
- 2 - The distance between the faces of projecting signs shall not exceed twelve inches.
- 3 - Projecting signs shall not exceed an area of fifteen (15) square feet per face and the outer edge of such sign shall not extend more than five (5) feet from the face of the building to which it is applied.
- 4 - The bottom edge of a projecting sign shall be no less than eight (8) feet nor more than fifteen (15) feet above the ground.
- 5 - No part of a projecting sign shall extend within five (5) feet of any public street or right-of-way.

#### C. FREE STANDING SIGNS

- 1 - Where the principal building or group of buildings is set back at least fifteen (15) feet from the right-of-way line, one free standing sign shall be permitted on a property. No part of any free-standing sign or its support shall be located within six (6) feet of any building, property line or right-of-way line.
- 2 - The area of free-standing signs shall not exceed twenty-five (25) square feet per sign face.
- 3 - No part of any free-standing sign shall be higher than twelve (12) feet above grade.

#### D. GENERAL REGULATIONS AND RESTRICTIONS -- The following general regulations and restrictions shall apply in all districts.

- 1 - Off-site signs, including the type commonly known as billboards, are not permitted in any district.
- 2 - Standard methods of constant illumination shall be permitted on any sign provided that the illumination shall be concentrated upon the area of the sign so as to prevent direct glare upon the street or adjacent property. It is preferred to have such lighting directed downwards.
- 3 - No sign shall contain intermittent, moving or flashing illumination.
- 4 - Signs with visible moving, revolving or rotating parts are prohibited.
- 5 - No sign shall be erected in such a manner as to obstruct free and clear vision for drivers; interfere with, mislead or confuse traffic; or be located where, by reason of its position, shape or color such sign may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device by making use of the words "STOP", "LOOK", "DANGER", or any other words, phrase, symbol or character, or red, green or amber illumination or reflection.
- 6 - Signs made of cardboard, paper, canvas or similar impermanent materials may not be outside any building.

## Town of Denning – Zoning Law

November 8, 2018

- 7 - Objects and artifacts, such as but not limited to, building and construction materials, equipment and machinery, vehicles, and finished products for retail sale such as appliances, furniture and plumbing fixtures shall not be used in place of or to serve the purpose of a sign.
- 8 - Directly Illuminated Signs -- Outdoor signs shall not be directly illuminated (see Definitions).

## ARTICLE VIII ☆ SITE DEVELOPMENT PLAN REVIEW

### §350 - SITE PLAN APPROVAL

This Article is enacted pursuant to 274-a of the Town Law, and Sections 10 and 22 of Municipal Home Rule Law. It is not the intent of this Article to prohibit per se any land use activity but to allow land use activities which meet the standards in this section of the code.

### §360 - USES REQUIRING SITE PLAN APPROVAL

No building permit shall be issued for the following uses, buildings or land use activities prior to the review and approval of a Site Plan by the Planning Board in accordance with the provisions of this section. The administrative triggering of said thresholds is determined by the Building Inspector:

- A. Any use stated as requiring Site Plan Review in the Use Schedule [Appendix C].
- B. Any use other than a single or two-family residential use within the use schedule involving a new or changed principal use or the addition of greater than five hundred (500) square feet of building area to the existing use.
- C. Any structure or use which requires or proposes to provide more than six (6) off-street parking spaces, including any subdivision development structured for ownership purposes as a condominium project, excepting one two-family dwelling.
- D. Specified land use activities, including Flag Lots, Private roads pursuant to [§310], and certain driveway types in [§300], which provide the potential to alter land, its safe use, or its appearance and which have a relationship to the community's ability to provide adequate fire/emergency protection.
- E. Any use requiring a Special Permit.
- F. Any new use granted a [use](#) variance by the Zoning Board of Appeals [Article XIII].
- G. Any amendment to an [approved](#) Site Plan must also be approved by the Planning Board. No Certificate of Occupancy shall be issued for any building or use of land within the purview of this section unless the building is constructed or used, or the land is developed or used, in conformity with an approved Site Plan; or an amendment of any such plan.
- H. Domestic or farm animal nuisance recorded by the Animal Control Officer or Duly Appointed Official unable to mitigate a resolution [§230 A.6].

### §370 - OBJECTIVES OF SITE PLAN REVIEW

In reviewing site plans, consideration shall be given to public health, safety, and welfare; the comfort and convenience of the public in general, the residents or users of the proposed development and of the immediate neighborhood in particular; and the accomplishment of the following objectives.

- A. That the proposed use is consistent with the comprehensive plan, including uses in the specific area and District in which it is located.
- B. That the design of structures is compatible with that of surrounding structures. Compatibility shall be determined by a review of proposed use of materials, scale, mass, color, height, texture, buffers and the location of the structures on the site. Facilities to handle solid waste and recycling shall be secure and screened from public view and adjacent properties.
- C. Adjacent properties and streets, particularly residences and public recreation lands, are adequately buffered from adverse noise from the proposed use. A general standard is that a new use shall not produce continuous sound beyond the property line in excess of 45 dB(A) unless authorized.

## Town of Denning – Zoning Law

November 8, 2018

- D. Where practicable, natural or existing buffers and topography that contribute to the area character and the development shall be preserved so as to protect adjacent properties against glare, noise or other objectionable features.
- E. That all proposed traffic access ways and curb cuts are adequate but not excessive in number; adequate in width, grade, alignment, spacing and visibility; including paving and traffic controls, with access not located too near street corners or places of public assembly; and provided there is due consideration for safe traffic flow and turning movements and other similar safety considerations. No use shall be permitted where it is determined, due to the characteristics of such use and the type and number of vehicle trips which it will generate, in relation to the capacity of the street system serving the lot upon which it is to be located, that it will result in unusual traffic hazards. However, if such use is limited, in terms of employees or other appropriate measures, which, in the Planning Board's opinion, would be adequate to ensure that potential traffic generation from such use will be safe and properly related to the capacity of the street system serving it, the Planning Board may approve such use with such limitation.
- F. That off-street parking and loading spaces are designed to prevent obstruction in public streets, and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking lots, loading bays and building services, with on-site snow storage adequate to accommodate snow moved using a suggested minimum of fifteen percent (15%) of the area of the off-street parking, loading and access drives.
- G. That parking and service areas are adequate in size and reasonably screened at all seasons from the view of adjacent residential lots and streets and that the general landscaping of the site is such as to enhance the character with that generally prevailing in the neighborhood. If possible, parking should be kept away from the front and obscured from street view, and landscaping should be used to screen parking from other areas, break up expanses of pavement, and define open space.
- H. That existing trees, wooded areas, water courses and other natural features shall be retained and protected to the maximum extent possible consistent with the site plan and the comprehensive plan and so as to preserve rural character and protect adjacent properties against noise or unsightliness.
- I. That all outdoor lighting is of such nature and so arranged as to preclude the diffusion of glare onto adjoining properties and streets with development consistent with the general lighting standard [§340].
- J. That the drainage system is adequate and meets all applicable local, regional, State and Federal storm water management performance and design standards.
- K. That internal water and sewer systems are adequate. Approval shall be granted by the appropriate involved agencies for any required individual well or septic system, on-site community sanitary sewage or water supply facilities, or public facility connections, including, as may be applicable, certification through such agencies or a licensed engineer retained by the applicant, that existing or proposed facilities are sufficient to accommodate any new or additional demands of the proposed use or modification.
- L. That there is minimal physical development on steep slopes (defined as contiguous areas covering 2,000 square feet with grades of twenty percent (20%)) in order to afford adequate access and minimize the potential for severe erosion and down slope flooding, unless the plan provides for and includes a qualified engineered report.
- M. That the site plan and building design consider the conservation of, impact, and access to solar and other alternative energy sources, as well as the impact of these energy sources for adjacent uses and properties.
- N. That consideration should be given to traditional building forms and layouts evident in the surrounding area.

### §380 - PROCEDURE

- A. PRE-SUBMISSION -- Prior to the submission of a formal Site Plan, the applicant shall meet in person with the Planning Board, and/or their designated representative, to discuss the proposed Site Plan and to

## Town of Denning – Zoning Law

November 8, 2018

determine the specific items and level of detail of the submission requirements necessary for review of the required Site Plan. This pre-application conference is also required for the modification of existing development with or without a previously approved site plan.

- B. Within six (6) months following the pre-submission conference, five (5) similar copies of the site plan and any related information shall be submitted to the Building Inspector. The site plan shall be accompanied by a fee in accordance with the schedule established by the Town Board. If not submitted within this six month period, another pre-submission conference may be required.
- C. **REQUIRED SUBMISSION** -- The data set forth in [Article IX], shall be submitted in support of a request for site plan approval in accord with the provisions therein.
- D. Within thirty (30) days the Building Inspector shall act to certify on each original or amended site plan whether or not the application contains sufficient information necessary to determine whether or not the proposed development will comply with zoning code and the submission requirements. Provided that the Building Inspector finds that the plan meets these requirements the submission is accepted for review, or the Building Inspector shall within the same period return it to the applicant for additional information or revision.
- E. Upon certification that an application is acceptable, the Building Inspector shall forward it to the Planning Board at least ten (10) days prior to its next regular meeting, which meeting shall be considered the official submission date, provided the Planning Board finds that the application is complete and constitutes a submission containing all required data and materials in order to conduct a review of the application. It is strongly suggested that the Planning Board indicate whether it deems an application complete through a vote recorded in the official meeting proceedings.
- F. Simultaneous with its submission to the Planning Board, the certified application should be forwarded to the Fire Chief, Highway Superintendent, the County Department of Public Works; or any other agency that the Building Inspector or the Planning Board deems appropriate.
- G. Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a site plan shall be charges to the applicant, as provided by the fee schedule established and annually reviewed by the Town Board. Such reimbursable costs shall be in addition to the application filing fee, as also set by the Town Board.
- H. **WAIVERS.** Due to particular site, area, land use, and/or development characteristics, including a limited scope or change in use, the approving body may waive and alter submission or other requirements when reasonable and when in their opinion, such waiver will be generally consistent with the comprehensive plan, the standards in zoning, and the public health, safety, and general welfare. If strict compliance with said requirements may cause extraordinary and unnecessary hardship the submission of certain aspects of the information normally required as part of a plan may be determined inappropriate or unnecessary.
  - 1 - The basis for granting each individual waiver shall become a part of the project record, either within the written meeting minutes or the written decision. These shall specifically explain the reason why each waiver is not inconsistent with this article.
  - 2 - SEQR is a State program. It is not possible to waive its requirements.
- I. With the exception of Schedule B actions, as identified in the ‘Referral Submittal Reference Matrix’ of the Land Use Referral Guide, or its subsequent update, which may be exempted from Ulster County Planning Board referral under §239-m and County Code §C-51, any site plan shall be referred to the County Planning Board prior to final action in accord with §239.1 and m. of the General Municipal Law. The Planning Board shall not make a decision until it has received comment from the County Planning Board or until 30 days elapse from the point that County Planning receives such referral.
- J. Planning Board may hold a public hearing on the site plan if it determines that the matter is of wide public interest. If such a hearing is held, the provisions relating to public notice as required for a Special Permit shall be followed.



## Town of Denning – Zoning Law

November 8, 2018

- K. APPLICATIONS SHALL CONFORM WITH SEQR. An application shall not be considered complete until a SEQR negative determination of significance is made, or if there is a positive determination, a draft environmental impact statement (DEIS) is accepted by the lead agency.
- L. Specific requirements of this Article and the plan submission requirements may be waived by resolution of the Planning Board. In waiving any requirement, the Planning Board shall set forth the reason for said waiver in writing.
- M. The Planning Board shall act to approve, disapprove or approve with conditions any such site plan within 62 days after the public hearing or, if no hearing is held, within 62 days of official submission, unless the time has been extended by mutual consent of the applicant and the Planning Board. Conditional approval by the Planning Board shall include written findings concerning site plan elements found contrary to the provisions or intent of this Law and appropriate revisions. All conditions must be satisfied prior to issuance of a building permit.
- N. Amendments to a previously approved site plan shall be acted upon in the same manner as the original site plan, unless a waiver has been granted.

### §390 - TIME LIMIT ON VALIDITY OF APPROVAL

Approval of a site plan by the Planning Board shall be valid for a period of three hundred sixty (360) days from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during this period shall cause the site plan to become null and void. Upon application, the Planning Board may extend the time limit on the validity of the approval to not more than two (2) years from the date of original approval.

## ARTICLE IX ☆ PLAN SUBMISSION REQUIREMENTS

### §400 - BASIC APPLICATION REQUIREMENTS

Before initiating development review with a designated land use permitting board, such as the Planning Board, Town Board or the Zoning Board of Appeals, for a site plan, special use permit, or other designated land use approvals covered under this law, there shall be compliance with basic application requirements. This Article defines common required contents for all types of development plan submissions. The main site development review objectives, procedure and standards are detailed in [Article VIII]. Special Permits Review is in [Article X & XI] and [Article XIII] covers Board of Appeals protocol.

- A. Generally, in order for an application to be deemed complete, and prior to setting any public hearing, it is necessary to classify an action and have a negative declaration or the issuance and lead agency acceptance of a draft EIS under SEQR.
- B. Each applicant shall deliver to the Town Clerk all required fees, payable to the 'Town of Denning'. In addition to application fees during pre-application review or thereafter, the permitting body may determine that there shall be the deposit of review fees in escrow. These sums shall be received by the Town Clerk who shall make a record of receipt of all fees and provide copies to the applicant, Town Board and the applicable permitting body.

### §410 - BASIC DATA

The following information shall be shown and is essential to all submissions. Plans shall contain sufficient data and descriptions to define existing conditions, including the existing physical arrangement and proposed use of land. Submissions shall include designs shown to scale, along with narrative descriptions regarding the proposed activity and necessary supporting documentation.

- A. COPIES AND FORM REQUIRED -- unless indicated otherwise, there shall be submitted five (5) paper and two (2) permanent (mylar) copies to the applicable Board, one (1) of which will ultimately be filed with the Town Clerk at the point of decision. Plans should be prepared by a qualified professional land surveyor licensed in New York. Unless otherwise identified, the descriptive information should be submitted directly on the plan. Standard scale is one inch equals forty feet (1:40) and standard sheet size is 36 inches vertical and 48 inch horizontal, although 24 by 36 inch is also acceptable.
- B. CONTEXT -- All information required for depiction on the plan shall be presented extending two hundred fifty (250) feet onto adjacent property, unless a regulation or specific directive specifies that such information shall be provided over a greater extent of property.

#### C. LEGAL DATA

- 1 - Application Form -- A completed application for the appropriate land use permit shall be made to the respective land use permitting Board on forms supplied by the Planning Board/Town Clerk. Applications shall be signed and such signatures shall only be by and accepted from persons having the legal authority to submit them.
- 2 - The names of all owners of record of adjacent lots, along with the blocks and section numbers as shown on the most recent Tax Assessment Maps. There should be care to identify the applicable limiting distance within which abutters shall be listed as this may vary by the type of application.
- 3 - Stamped envelopes, addressed to each abutting owner of record, including across the street or stream from the tract subject to a proposed development.

#### D. PLAN INFORMATION

- 1 - A title box, with a main title for the development, a sub- title for each subject and or sheet, the original date of submission, the names and addresses of the applicant and the person(s) responsible for the preparation of such drawing, the Town of Denning, Ulster County.
- 2 - A revision box providing for information on the date of any additions or modifications, a description of such changes, and the initials of the person preparing it.

## Town of Denning – Zoning Law

November 8, 2018

- 3 - A signature block for the applicable Board, plus the Ulster County Health Department's endorsement of its approval of the plan, if applicable.
- 4 - A basic location map showing the site with respect to surrounding properties and community facilities such as roads, parks, and schools. The scale may be either 800 or 2,000 feet to the inch.

### E. BASIC EXISTING CONDITIONS

- 1 - Existing contours with intervals of ten (10) feet
- 2 - The location of perennial or intermittent watercourses, wetlands, associated limiting areas with attention to identify any fifty (50) foot riparian limiting area (defined according to New York City Bureau of Water Supply regulations), floodplain, steep slopes (defined for the purposes of documenting the current situation as land areas with gradients of fifteen percent or more), ecologically sensitive areas (as defined according to any locally adopted habitat analysis or through SEQR documentation generated for a site or an area), or any other natural resource restrictions established and defined within this law.
- 3 - Boundaries of the property with bearings and distances
- 4 - Building and setback lines.
- 5 - The total area of the lot in acres and square feet and the Tax Parcel I.D. (SBL);
- 6 - Existing zoning and special district boundaries.
- 7 - Lines of existing streets, rights-of-ways, and adjacent lots with identification of the source information and its date.
- 8 - Reservations, easements and areas dedicated to public use.
- 9 - Rock outcroppings, stone walls, springs and prominent physical features.
- 10 - Graphic scale, approximate true north point

### F. DEVELOPMENT DATA

- 1 - The location of existing buildings.
- 2 - The location of existing sanitary sewers and water wells.
- 3 - The location of existing culverts and storm drains, pipe size and type, grades and direction of flow.
- 4 - Demarcation of the areas of earth disturbance and corresponding figures for the area, in acres, that will be impacted during the buildout of the development.
- 5 - The proposed uses of land and buildings
- 6 - The proposed location of each building and addition, its height, and gross floor area
- 7 - The proposed storm water drainage system and program, including the characteristics for connection to any adjoining systems. Where applicable, a Stormwater Pollution Prevention Plan (SWPPP) showing the stormwater conveyance and the specifications for its management and erosion and sediment control, including the characteristics for connection to any adjoining systems, or any documentation required to evaluate an individual stormwater permit. Where a SWPPP is required, the plan will include GPS (Global Positioning System) reference data for stormwater outfalls and permanent structures built in accordance with New York State Stormwater Management Design Manual. While SWPPPs are frequently reviewed by the NYC DEP for many developments, the plan submitted to the Town should show the proposed or approved stormwater system. The associated maps and reports should detail the stormwater conveyance, storage, distribution, generation, use, treatment and/or disposal.
- 8 - Existing and proposed means of vehicular ingress and egress to and from the site onto public streets including access way width and characteristics.
- 9 - Location and design of off-street parking or loading areas.
- 10 - The location, direction, power and hours of operation of proposed outdoor lighting with associated details.
- 11 - A basic proposed screening and landscaping plan.
- 12 - Proposals for solid waste management
- 13 - The locations of all existing and proposed signs, including plan details which present the dimensions of any new signs as required in [§340].

Town of Denning – Zoning Law  
November 8, 2018

14 - An Environmental Assessment Form (EAF) as required by SEQR.

**§420 - ADDITIONAL DATA MAY BE REQUIRED**

Due to characteristics or special conditions of a neighborhood, or the size, the nature and complexity of a proposed site, and the use or development of land or buildings, the Board may find that any or all or parts of the data below are necessary for the proper review of an application to ascertain compliance with provisions of this law. It may require the following data to be prepared by a professional engineer, surveyor, or other specialist such as a land planner or habitat analyst.

- A. A full survey of the property showing all lengths in feet and decimals of a foot and all angles to the nearest minute, or closer if deemed necessary, along with the surveyor stamp, signature and license number.
- B. Descriptions, coverage and/or copies of any easements, covenants or deed restrictions that cover, or are intended for all or part of a tract.
- C. The location of existing features or resource constraints such as soil units, the 100 foot limiting areas for streams, densely wooded areas, parkland, and similar features.
- D. Existing air photos overlain on a map of the site.
- E. Detailed information on the location of existing or proposed stormwater management systems, septic systems, wells, sewers, water mains, fire water supplies and conveyance systems, all including system specifications and characteristics such as pipe size and type.
- F. Existing contours with intervals of five (5) feet or less, referred to a datum satisfactory to the Board.
- G. Proposed grading with a contour interval of two (2) feet.
- H. All proposed public and private recreation areas.
- I. The location, width, grade, details and characteristics of all proposed streets, driveways, parking and turn around areas, including bridges, large culverts, and traffic controls such as guiderails or signage, with elevations and profiles indicating grading and cross sections.
- J. The locations, size and characteristics of utility lines.
- K. Analysis of the susceptibility of the proposed use to forest fire and measures proposed to prevent or attenuate its spread.
- L. A statement from the applicant's engineer giving the estimated cost of construction of all improvements, along with quantities and unit costs used in the estimate, together with the source of such cost information.
- M. The floor or ground area of each proposed building, structure or any other land use, along with detailed descriptions of the use(s) and depictions of the building entrances or preliminary architectural plans for proposed buildings or structures, indicating typical floor plans, elevations, height and general design or architectural styling. A focus may be the appearances of the façade(s) facing public street(s).
- N. A detailed landscaping plan, including one prepared by a landscape architect, arborist, or engineer, showing the locations and specifications of all existing and proposed significant landscaping, including detailed planting plans and programs, with identification of the location and characteristics of proposed buffer areas (including fences), open spaces, or parks, or recreation areas. No use of invasive plants or invasive species can be used.
- O. Other elements integral to the development as considered necessary by the Board and as may be reasonably related to the requirements of this law, including a development schedule, identification of federal, state, county or regional permits required for the project's execution, or the surety or security proposed as assurance of adequate resources to complete a development.

## ARTICLE X ☆ SPECIAL USE STANDARDS

USES REQUIRING A SPECIAL PERMIT -- The following uses shall satisfy the criteria set forth in the Special Permit Process [Article XI] in addition to relevant standards of the Area and Bulk Schedule and as provided below.

### §440 - MANUFACTURED HOME PARKS

#### A. MANUFACTURED HOME PARK SPECIAL USE PERMIT

- 1 - Any applicant for a Manufactured Home Park Special Use Permit shall state that he or she as an agent or owner shall be responsible for the proper maintenance and upkeep of the proposed park and shall furnish the following documented information:
  - a) Boundaries of the plot
  - b) Entrances, exits and walkways
  - c) Location of the Manufactured Home sites
  - d) Setbacks and landscaped buffer areas
  - e) Location of the storage building
  - f) Location of recreational areas
  - g) Location of visitor parking
  - h) Method and plan of sewage disposal
  - i) Method and plan of refuse and garbage recycling and disposal
  - j) Water supply
  - k) Electric power supply
  - l) Method and plan for fuel supply and storage
  - m) Owners' and operators' names, addresses, phone numbers and other contact information
- 2 - The Town Board shall, by resolution, establish and periodically update an annual permit fee for the operation of a Manufactured Home Park.
- 3 - No person shall operate a Manufactured Home Park prior to the issuance of a Special Use Permit.
- 4 - [Once a special permit has been issued, it is not personal to the applicant, but affixes to, and runs with, the ownership of the land.](#)
- 5 - [Special](#) permits shall be valid to the end of the year and shall be renewed annually.
- 6 - Renewal applications shall be filed with the Code Enforcement Officer before the first day of November next preceding the expiration of the original permit or any renewal thereof. Prior to the issuance of a renewal permit the Code Enforcement Officer shall inspect the premises and report his findings to the Planning Board.

#### B. MANUFACTURED HOME PARK REGULATIONS

- 1 - No more than one (1) Manufactured Home stand shall be permitted per site, and no more than fifty (50) Manufactured Home sites shall be permitted per Manufactured Home Park.
- 2 - Each Manufactured Home site shall contain a minimum of ten thousand (10,000) square feet. Density of Manufactured Home sites within the Manufactured Home Park shall not exceed two (2) sites per acre.
- 3 - All Manufactured Homes and accessory structures shall be set back at least two hundred (200) feet from any street or right-of-way, one hundred fifty (150) feet from any property line and forty (40) feet from the center line of any internal private street. Minimum separation distance between Manufactured Homes shall be seventy-five (75) feet.
- 4 - Each Manufactured Home site shall be provided with at least two (2) spaces to park cars, in addition to one (1) car space for visitors to each two (2) home sites. Parking spaces shall be no less than two hundred (200) square feet in area.

## Town of Denning – Zoning Law

November 8, 2018

- 5 - A one hundred (100) foot landscaped and planted buffer area shall surround the Manufactured Home Park.
- 6 - A Manufactured Home Park shall be located on a well- drained site suitable for the purpose, with all roads constructed to meet the existing specifications of the Zoning Law. It shall have an adequate frontage to a public road sufficient to provide safe sight lines for vehicles entering and leaving the Park. Access to the Manufactured Home Park shall be provided by no more than two connections to a public road.
- 7 - Each Manufactured Home Park shall have a central water supply that is approved by the Ulster County Department of Health prior to issuance of a Special Use Permit. The flow of water shall be sufficient to provide each Manufactured Home site with at least three gallons of water per minute. No expansion of the number of sites in the Park shall be permitted unless the supply of water to each site can be maintained at that level.
- 8 - Water tanks used in providing an adequate water supply to the Manufactured Home Park must not be visible from any Town road at any time of the year.
- 9 - Each Manufactured Home Park shall have a central sewage disposal system of adequate capacity which must be approved by the Ulster County Department of Health (UCDH) and the New York City Department of Environmental Protection (DEP) prior to the issuance of a Special Use Permit. No expansion of the number of sites in the Park shall be permitted unless the DEP certifies that the septic system is adequate to meet the increased flow.
- 10 - Adequate refuse and recycling receptacles with tightly (bear proof) fitting covers shall be provided for each Manufactured Home. These receptacles shall be kept in sanitary condition and emptied at least once a week by the permit holder or his agent. The permit holder shall employ a private firm to carry away the contents of these receptacles.
- 11 - Storage space within a building shall be provided in an amount equal to at least four hundred (400) cubic feet for each home site in the Park, and the building shall be located at the rear of the lot.
- 12 - All service buildings and the grounds of the Park shall be kept clean and free from any condition that would be detrimental to the health of the occupants.
- 13 - All utilities, including electric power, telephone service, cable or central satellite television service shall be installed underground.
- 14 - Park roads shall be kept passable, potholes shall be periodically repaired and roads shall be kept free of snow and ice by the permit holder.
- 15 - All home sites shall be numbered and the numbers displayed on each site in a manner making evident the site number to an emergency response. The permit holder shall keep a record of all occupants of the Park. A copy of this record shall be given to the local fire and emergency departments. Updated copies of this record shall be provided to these departments whenever changes in the record are made.
- 16 - Any additional living space added to a Manufactured Home shall require a Building Permit and shall be no more in total than one third of the original Manufactured Home area. No other buildings will be permitted on the site.
- 17 - A smooth, hard surface, year-round paved patio area shall be provided for each Manufactured Home site measuring not less than ten by eighteen feet (10 X 18). Such patio shall be located adjacent and parallel to the Manufactured Home.
- 18 - Dead-end streets shall be limited to a length of six hundred (600) feet and shall be provided with a turn- around having an outside radius of ninety-six (96) feet.
- 19 - Grades of internal private streets shall not exceed fifteen (15) percent.
- 20 - All Manufactured Home Parks containing ten (10) or more Manufactured Home sites shall provide one or more recreation areas covering at least ten percent (10%) of the total Park area, which shall be accessible to all Park residents. Setbacks from street and property lines and landscaped buffer zones shall not be deemed to be part of the recreation area.
- 21 - Home Occupations are allowed and these are limited to employing only the residents of the home. A truck owner-operator shall operate only one truck from the Manufactured Home Park and maintain no freight storage beyond what is allowed to any resident. Parking for such trucks must be provided by the Park owner in an area separate from the residential lots.

## Town of Denning – Zoning Law

November 8, 2018

22 - No more than one (1) Manufactured Home Park will be permitted in each respective fire district within the Rural zoning district.

- C. INSPECTION -- Before any Park commences operation the Code Enforcement Officer shall make an inspection of the premises to insure that all requirements of this law are met. If all conditions have been met the Code Enforcement Officer shall then issue a Certificate of Occupancy. Nouse shall be permitted until such Certificate(s) have been issued.
- D. REVOCATION OR SUSPENSION OF LICENSE -- Under the Administration Article of this Law, the Code Enforcement Officer is authorized to enter and inspect any Manufactured Home Park established under this Zoning Law and impose penalties.

### §450 - VETERINARY AND ANIMAL SPECIALTY SERVICES

- A. All veterinary clinics, grooming and similar services should occur indoors in enclosed facilities.
- B. Any kennels, runs or similar facilities and animal housing will be at least one hundred fifty (150) feet from lot lines and shall be fenced with adequate screening providing a buffer with potentially effected properties. Landscape screening may also be warranted. Where reasonable, dense plantings of trees (existing or proposed) may be used to provide the required screening.
- C. Animals shall be confined in suitably enclosed and ventilated buildings between 7:00 p.m. and 7:30 a.m.

### §460 – WIRELESS COMMUNICATION TOWERS

- A. USERS. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Planning Board as a means of demonstrating the need for a new tower.
- B. EXISTING STRUCTURES. Antennas existing prior to the approval of this law will not need to meet the requirements of these regulations but are subject to safety review by the Code Enforcement Officer.
- C. LOCATION REQUIREMENTS.
  - 1 - The minimum size area for a tower is five (5) acres.
  - 2 - Towers shall be located not closer than five hundred (500) feet from any dwelling.
  - 3 - Towers shall not be located closer than five hundred (500) feet from any property line.
  - 4 - The applicant must provide evidence to the Planning Board the antenna is able to provide adequate and reliable service to the Town.
- D. ANTENNA HEIGHT -- The following guidelines will be followed unless it can be proven by the applicant that a variance from these standards should apply, not excepting that the maximum height of the tower will be 200 feet including the antenna.
  - 1 - The entire [§460] does not apply to towers less than 42 feet in height. See [§280 A.2]
  - 2 - Where the tower site is surrounded by a dense mature vegetative canopy within one hundred (100) feet of the tower site, the tower shall not extend more than thirty (30) feet higher than the average height of the mature vegetative canopy found within 500 feet of the site.
  - 3 - Where no vegetative canopy exists within 100 feet of the tower site, the maximum tower height shall be 100 feet.
- E. ANTENNA SUPPORT -- Monopole type towers are the only tower that will be permitted.
- F. ASSOCIATED USES

## Town of Denning – Zoning Law

November 8, 2018

- 1 - All ancillary uses to the antenna and tower are prohibited without permission from the Planning Board.
- 2 - Advertising from the antenna site is prohibited.

### G. ACCESS AND PARKING

- 1 - The Planning Board will have oversight and authority to regulate the access required to the site. This includes the access design and route. Whenever possible, the site and access points should be designed to have minimum impact on the area.
- 2 - "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- 3 - Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

### H. FENCING – Chain link security fencing eight feet in height shall surround the tower, equipment shelter and any support cables, either completely or individually as determined by the Planning Board.

### I. OTHER STRUCTURES - The equipment shelter shall be no greater than 750 square feet.

### J. LANDSCAPING - Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

### K. SITE AND VISUAL IMPACT

- 1 - No advertising is permitted anywhere on the facility, with the exception of identification signage.
- 2 - The tower shall be painted a non-contrasting gray or similar color minimizing its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- 3 - No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA.
- 4 - Security lighting around the equipment shelter is permitted only with motion detecting equipment.
- 5 - Antennas and accessory facilities should be located so as to minimize their site impact. The full Environmental Assessment Form shall provide particular attention to key viewpoints in and around Denning. The Planning Board may require more detailed analysis based upon the information disclosed in the visual EAF. Where the proposed location of the communication tower poses a potential significant adverse visual impact, the Board may require a Visual Assessment with photo simulations showing "leaf-on" and "leaf-off" conditions. Balloon test may be required, as determined by the Board.
- 6 - Self-starting generators will be required for emergency power and must be maintained to stay in good working order by the tower owner, designated company or individual who is responsible for the maintenance and testing of the generator.
- 7 - Noise producing venting systems will not be permitted.

### L. ABANDONMENT OR DISCONTINUED USE -- All providers utilizing towers shall present a report to the Planning Board notifying them of any tower facility located in the municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for one (1) year, a designated local official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Code Enforcement Officer and instruct the owner to either reactivate the facility's use within one (1) year, or dismantle and remove the facility. The Code Enforcer may extend the one (1) year in six month increments up to an additional one (1) year should unforeseen circumstance arise. If reactivation or dismantling does not occur, the Town will remove or will contract to have removed the facility and assess the owner/operator the costs.

### M. LIABILITY INSURANCE -- Prior to the issuance of a permit the applicant shall be required to provide certificates of insurance demonstrating it has a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the wireless telecommunication facility.



## Town of Denning – Zoning Law

November 8, 2018

The applicant shall be required to maintain such coverage in full force until such time as all above ground portions of the facility (not including any part of the foundation) have been removed and all other conditions of its Maintenance/Removal Agreement have been satisfied.

- N. **LICENSES** -- The proposed wireless telecommunication facility will comply with and at all times be maintained and operated in accordance with all applicable FCC rules and regulations with respect to environmental effects of electromagnetic emissions and licensing.
- O. **MAINTENANCE**
- 1 - All wireless telecommunication facilities shall be maintained in a neat and orderly manner on a regular and as-need basis. Maintenance shall include but not be limited to the following:
  - 2 - Mowing and general maintenance including replacement of diseased or dying plant material;
  - 3 - Painting;
  - 4 - Removal of debris, garbage and waste; and
  - 5 - Graffiti removal.
- P. **SURETY REQUIREMENT** -- Prior to the issuance of a building permit, the applicant shall provide financial surety to the Town in an amount and form acceptable to the Town Board. Proof of the continuation must be presented to the Town Board annually. Failure to continually maintain such surety will constitute an abandonment of the tower and legal action to dismantle the tower may begin according to [Article XII] and the Current Town of Denning Unsafe Building Law.
- Q. **NEW TOWER**
- 1 - A building permit will not be granted until the owner of the proposed tower can provide the Town with proof that a binding agreement exists with a service provider to install and operate a working antenna for the purpose agreed upon with the Town Board.
  - 2 - Any building permit issued for a tower will expire one (1) year after issue. No work may continue after the permit expires. [The Code Enforcer may extend the permit in one \(1\) year increments up to an additional one \(1\) year](#) should unforeseen circumstance arise.
  - 3 - A new tower will not be approved unless the applicant can prove that the new device cannot be co-located on an existing tower or structure. The Planning Board may deny a new tower application if a good faith effort has not been made to co-locate.
- R. **OTHER ANTENNAS** -- In order to keep the number of towers to a minimum, new structures shall be built to accommodate additional users. These may include emergency services as well as commercial wireless providers.
- S. **PERMIT APPLICATION** -- An application for a wireless telecommunication facility permit shall include the following:
- 1 - All application materials otherwise required for design review as prescribed in Denning local laws, including zoning requirements.
  - 2 - Scaled photo simulations, elevations and other visual or graphic illustrations necessary to determine the visual compatibility of the proposed project with the general character, aesthetics, scenic qualities, and existing development in the surrounding area;
  - 3 - A landscape plan that shows existing vegetation and vegetation to be removed;
  - 4 - A geographic service area map showing:
    - a) The applicant's existing and anticipated future wireless telecommunications network within three (3) miles in all directions of the proposed wireless telecommunication facility;
    - b) The handoff sites within the area described in (a) above;
    - c) The geographic area of the "cell" in which the proposed wireless telecommunication facility could be located to provide the new or expanded wireless service;
    - d) All other existing facilities that could be used for co-location within three (3) miles in all directions of the proposed wireless telecommunication facility;

## Town of Denning – Zoning Law

November 8, 2018

- e) If the proposed wireless telecommunication facility will not be co-located with an existing approved facility, written justification why co-location is not feasible shall be submitted. Feasibility shall include the following:
    - (1) Whether there are any existing facilities within the geographic area of the cell required for the proposed wireless telecommunication facility;
    - (2) If there are existing facilities within the geographic area of the cell for the proposed wireless telecommunication facility, feasibility shall consider whether:
      - (a) The existing facility(ies) is of sufficient height to meet the needs of the proposed wireless telecommunication facility;
      - (b) The existing tower(s) or support structure(s) have sufficient structural strength to support the proposed new wireless telecommunication antennas or antenna arrays and related equipment;
      - (c) There is adequate vertical and horizontal distance available on the existing tower(s) or support structure(s) to accommodate the proposed wireless telecommunication antennas or antenna arrays and related equipment;
      - (d) The proposed wireless telecommunication facility would cause adverse electromagnetic interference with the existing facility(ies);
      - (e) There is adequate site area and/or building floor area at the existing facility(ies) to accommodate the proposed wireless telecommunications ground equipment; and
      - (f) The owner of the existing facility(ies) will consent to co-location.
  - 5 - A FCC TOWER Determination that the antenna structure does not require registration or an aircraft and airport safety analysis providing a copy of the FAA approval letter that the project conforms to FAA regulations (Form FAA 7460-1 Notice of Proposed Construction or Alteration and the Determination of No Hazard to Air Navigation) and including specific safety requirements such as lighting, facility color, etc.
  - 6 - A structural analysis prepared by a qualified New York licensed civil engineer showing that the proposed wireless telecommunication facility meets manufacturer's specifications and all New York State code as may be amended from time to time, relating to structural design, wind, ice and snow loads;
  - 7 - A public health report, prepared by a qualified radio frequency engineer written in plain English and in conformance with the FCC OET 65.
  - 8 - The public health report shall state the maximum electromagnetic and radio frequency radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the FCC. The public health report shall include the cumulative analysis of the electromagnetic and radio frequency radiation of all other existing and anticipated future wireless telecommunication facilities within 2,000 feet of the proposed facility.
- T. REQUIRED FINDINGS – A wireless telecommunication tower permit may be granted only if the following findings are made.
- 1 - The proposed wireless telecommunication facility will not generate electromagnetic or radio frequency radiation in excess of the FCC adopted standards for human exposure;
  - 2 - The proposed wireless telecommunication facility will be compatible with the general character, aesthetics, scenic qualities, and existing development in the surrounding area;
  - 3 - The coverage of the area is suitable to the requirements of the Town of Denning.

### §470 - MAJOR REPEATERS

- A. The use of Repeaters to assure adequate coverage or fill holes within areas of otherwise adequate telecommunication coverage while minimizing the number of larger towers is permitted and encouraged. A Special Permit shall be required for any Repeater(s) situated above forty-two (42) feet average existing ground elevation, such as to be mounted on an existing or new tower or non-tower structure. An application may be made by an Applicant currently applying for a Major Communication/ Transmission/ Reception Towers Special Permit, an Applicant who previously received a Special Permit, or an entity providing

## Town of Denning – Zoning Law

November 8, 2018

personal wireless service to the Town from a Base Station outside Town. The Applicant must submit all information below plus all other required information.

### B. APPLICATION REQUIREMENTS

1 - Applicants shall provide the following:

- a) Longitude and latitude to degrees, minutes and seconds, street address and pole # (if applicable);
- b) Ground elevation and height of Repeater;
- c) Type, manufacturer and model number;
- d) Proposed output frequency; number of channels;
- e) Power input; and maximum power output per channel;
- f) Radial Plots from any proposed Repeater(s);
- g) Consent to apply from the owner(s) of the Tower or Structure on which the Repeater shall be located;
- h) Proposed Repeater site layout, grading and utilities at a scale no smaller than 1" = 40' showing the entire vicinity within a three hundred (300) foot radius of the Repeater Site with topography drawn with two (2) foot contour intervals, including:
  - (1) Limits of areas where vegetation is to be altered and justification for such alteration;
  - (2) Plans of any proposed vehicular access including drainage.

### C. GENERAL REQUIREMENTS

- a) - No Major Repeater shall be located closer than fifty (50) feet to an existing dwelling or residential structure.
- b) - The Planning Board may require the use of screening, painting or camouflage to reduce visual impact(s).
- c) - The applicant shall deliver a public health report, prepared by a qualified expert, such as a radio frequency engineer, written in plain English and certifying that the technology design and installation is in conformance with current Federal Communications Commission (FCC) regulations and applicable FCC Office of Engineering and Technology (OET) standards. If relevant, the report shall state maximum electromagnetic and radio frequency radiation emitted by the proposed facility and whether the emissions conform to FCC adopted safety standards. The report shall include cumulative analysis of electromagnetic and radio frequency radiation of all existing and anticipated communication facilities within 2,000 feet.
- d) - The Major Repeater will not generate electromagnetic or radio frequency radiation in excess of FCC adopted standards for human exposure and there shall be requirements for periodic monitoring and reporting every twelve (12) months of operation to confirm ongoing compliance at the expense of the owner/operator.

## §480 - RESIDENTIAL WIND TURBINES

A wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 25 kW and which is intended primarily to reduce consumption of utility power at that location for residential use.

A. **Permit Requirement:** A special permit is required for a residential wind turbine to be constructed, reconstructed, modified, or operated in the Town of Denning. Replacement in-kind or repair of a residential wind turbine may occur without planning board approval. The special permit is nontransferable and must be renewed with new ownership.

### B. Application Requirements:

1. A copy of an executed interconnection agreement with the transmission owner, if applicable.
2. A site plan is required along with proposed elevation and wind rose.

## Town of Denning – Zoning Law

November 8, 2018

### C. **Residential Wind Turbine Standards:**

1. All power transmission lines from the tower to any building or other structure shall be located underground.
2. No television, radio or other communication antennas may be affixed or otherwise made part of any wind turbine, unless approved by the planning board.
3. No advertising signs are allowed on any part of the residential wind turbine, including fencing and support structures.
4. No tower shall be lit except to comply with federal aviation administration (FAA) requirements.
5. All applicants shall use measures to reduce the visual impact of residential wind turbines to the satisfaction of the Planning Board. All structures in a project shall be finished in a single, non-reflective matt finished color.
6. No residential wind turbine shall be installed in any location where it's proximity with existing fix broadcast, retransmission, or reception antenna for radio, television, for wireless phone or other communication systems would produce electromagnetic interference with signal transmission or reception. If it is determined that a residential wind turbine is causing electromagnetic interference the operator shall be required to take necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of issues with the affected parties. Failure to comply to remedy electromagnetic interference is grounds for revocation of the special permit.
7. The residential wind turbine shall be located in a manner so that there will be no shadow flicker on off-site properties and public roadways.
8. Towers shall be of the freestanding tubular type. The total height shall not exceed one hundred (100) feet above ground in the rural district and one hundred thirty (130) feet above ground in the provincial district and be less than 20% lower than the height of the surrounding mountain terrain. The rotor shall not exceed a diameter of 35 feet. The distance between the ground and any part of the rotor or blade system shall be a minimum of 30 feet.

### D. **Safety Measures:** The following safety measures shall be required of all residential wind turbines in the Town of Denning.

1. All residential wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
2. Warning signs shall be posted at the base of the tower warning of electrical shock or high-voltage and containing emergency contact information.
3. No climbing pegs or tower ladders shall be located closer than 15 feet to the ground level at the base of the freestanding tubular tower.
4. Residential wind turbines shall be designed to prevent unauthorized access to electrical and mechanical components.
5. An emergency shut off switch shall be installed at the bottom of all residential wind turbines.
6. Residential wind turbine property setbacks shall be a distance no less than one and a half (1.5) times its total height from property lines, right of ways, and private/public roads.
7. The statistical sound pressure level generated by a residential wind turbine shall not exceed LEQ 10 25 dBA measured at the property lines and inside any adjoining occupied residential structure. Calculations shall be determined in accordance with the double distance rule.
8. In the event audible noise due to residential wind turbine operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph (G) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the (2) contiguous (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

### E. **Removal, Abatement Plan:** If any Residential Wind Turbine remains nonfunctional or inoperative for a continuous period of six (6) months a designated town official may declare the facility abandoned. The owner will receive written notice from the Code Enforcement Officer and instruct the owner to either repair

## Town of Denning – Zoning Law

November 8, 2018

the wind turbine use within six (6) months, or dismantle and remove the residential wind turbine. The repair of said system shall make it functional again. The removal of said system shall include at least the entire above ground structure from the property with site restoration being required. The current local town law "Unsafe Buildings and Structures or Abandon Structures", will take precedents and be enforced.

- F. **Limitations on Approval:** Nothing in this section "Residential Wind Turbines" shall be deemed a guarantee against any future construction or town approvals of future construction that may in any way impact the wind flow to any residential wind turbine facility.

### §490 - MULTI-PURPOSE ORGANIZATIONAL COMPLEXES

- A. **APPLICABILITY** -- The following provisions shall apply to sites upon which more than one recreational, educational or cultural use is situated as part of an integrated, multi-purpose complex. The complex must consist of at least 1,000 acres under common ownership, of which each part in contiguous ownership is at least 500 acres.

- 1 - Uses in such a complex may include organizational campgrounds, conference centers, cultural facilities, schools, places of worship, and uses and facilities which support or are ancillary to such uses.
- 2 - Ancillary uses include uses and facilities such as a library, dormitory, dining room, faculty housing, medical center, athletic, recreation and equestrian facilities, including trails and pools, gymnasium, information kiosks, and other facilities needed to accommodate a population which lives on the site, such as buildings for staff offices, laundry, bakery, fire house, vehicle maintenance and repair facilities, gasoline pumps which meet State or Federal standards, bus and other transportation facilities, observatory, water reservoir, solid waste management and disposal facilities, electric power, heat generation at a scale that serves the complex, museum, and agricultural uses. Incidental uses involving the sale or production of goods or materials are considered ancillary so long as the goods and materials are for the use and enjoyment of persons residing on or attending other activities on the site.
- 3 - A generic environmental impact statement (GEIS) as defined under SEQR shall be prepared when new development representing more than 25,000 square feet of buildings is proposed at any one point, or as it arises cumulatively in the future, after the date of adoption of this subsection.
- 4 - A use included in [1] above which already exists at the time of enactment of this local law, may be altered or expanded with required site plan approval from the Planning Board.

- B. **DESIGN STANDARDS** -- The elements of the particular site and land use and ancillary features shall be suitably arranged and coordinated so that they have a safe and appealing fit with one another, and are compatible with the site natural resource capabilities.

- 1 - **Setbacks and buffers** -- The use and its ancillary features will not disrupt adjacent residential uses or alter the general solitude inherent within residential zoning districts.
  - a) There shall be a perimeter buffer of three hundred (300) feet from the road frontage where the main site access/egress occurs along with two hundred (200) feet on all other sides. There may be consideration whether plantings or other landscaping may be desired within a portion of such buffer(s).
  - b) There should be efforts to locate recreation fixtures like pools or tennis courts inside the perimeter buffer.
  - c) Loudspeaker or amplifying device should not be permitted which can be heard beyond the site.
  - d) All exterior lighting in connection with all buildings and other uses shall be directed away from adjoining streets and properties and shall not cause any objectionable glare observable from such streets or properties and shall be limited to twelve (12) feet in height.
  - e) Other yard regulations shall not apply within the site.
- 2 - **Coordinated Complex Design**
  - a) Cumulative (total) lot coverage shall not to exceed ten (10) percent of the total lot area.

## Town of Denning – Zoning Law

November 8, 2018

- b) Lot area requirements per dwelling unit shall not apply to freestanding individual residences if connected to an approved central sewer and water system.
  - c) Parking requirements for individual uses, where applicable, may be modified by the Planning Board based on the nature of the specific use and the inter-relationship of uses.
  - d) The minimum distance between individual buildings may be no less than fifty (50) feet provided that the individual structures are less than seven hundred fifty (750) square feet and one hundred (100) feet when structures are larger. Clusters of buildings may be considered on a case by case basis.
  - e) In order to promote rural scale, individual buildings should have no more than twenty thousand (20,000) square feet of above ground building area and individual building facades should not be longer than fifty (50) feet without breaks in the facade. Architectural considerations may be made on a case by case basis.
- 3 - Circulation & Access – there shall be managed access and egress that provides for safe and coherent vehicular movement.
- a) One main curb cut should be provided, and there shall be a maximum of two curb cuts, for every two thousand five hundred (2,500) feet of road frontage.
  - b) There should be an internal vehicular circulation network plan with coordinated directional and safety signage as well as formal layout of the site pedestrian and/or bicycle circulation network with details and specification of the associated paths and lanes.

### §500 - SMALL SCALE PHOTOVOLTAIC SYSTEMS (residential use)

Small scale photovoltaic system having a rated capacity of 25kw or less, and energy is used entirely onsite with or without net metering.

- A. **Roof Mounted (12 kW or less):** Special New York State Unified Solar Permit from the building inspector can be used to expedite the permitting process. If not applicable, a special use permit is required containing the requirements for Unified Solar Permit application including requirement variances.
- B. **Ground Mounted:** A special permit is required for solar panel area larger than 64 square feet with energy output greater than 1.5kw and less than 12kW, connected to the residential electrical system with some net metering.
  - 1. **Application Requirements:**
    - a. Site plan showing location of major components of the solar system and other equipment. This plan should represent relative location of components at site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan should show access and pathways that are compliant with New York State Fire Code, if applicable.
    - b. One-line or 3-line electrical diagram. The electrical diagram required by NYSERDA for an incentive application and/or utility for an interconnection agreement can be used here.
    - c. Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the municipality.
    - d. All diagrams and plans must include the following: (a) Project address, section, block and lot number of the property; (b) owner's name, address and phone number; (c) Name, address and phone number of the person preparing the plans; and (d) System capacity in kW-DC.
  - 2. **Permit Requirements:**
    - a. Only one per residence.
    - b. Maximum height of 10 ft.
    - c. Setbacks and yard requirements as per Section 270.

## Town of Denning – Zoning Law

November 8, 2018

- d. Blending and screening- needs to address reflection or glare from panels on roadways, thoroughfares and neighboring residences.
- e. Safety and Utility interconnection as required by appropriate building codes.

### §505 - LARGE SCALE SOLAR ENERGY SYSTEMS.

Generally ground mounted, a large scale solar field would Generate over 25 kW to a maximum of 1000 kW. A special use permit is required for large scale solar systems. This is for a stand-alone bulk use project.

- A. **Bulk and Area of System Dimensions:** Maximum ground coverage of solar panel structure array is no more than 30% of lot size (ex. 3 acres on a 10-acre lot). Additional foot print for major components, such as buildings, poles, access to site, wires, parking, and fencing, should not exceed an additional 3% of lot size. The maximum solar panel surface area for any project should not exceed 5 acres.
- B. **Setbacks and yard requirements:** Nothing in the solar project can be 25 feet from any property lines. Maximum height of any structure is 15 feet.
- C. **Blending and screening:** To address reflection or glare from panels on roadways, thoroughfares and neighboring residences, blending and screening is required.
- D. **Safety:** Safety and utility interconnection as required by appropriate building codes. Fencing as required surrounding the electrical utilities for safety purposes.
- E. **Abatement:** If any large-scale solar energy system remains nonfunctional or inoperative for a continuous period of one year the owner shall remove said system at their own expense. Removal of the system shall include at least the entire above ground structure from the property. Site restoration is required. The local town law "Unsafe Buildings and Structures or Abandon Structures", will take precedents and be enforced.
- F. **Environmental Assessment:** The planning board may require further environmental assessment at its discretion.

### §510 - GEOTHERMAL SYSTEMS.

**Restrictions:** Geothermal Systems are permitted as long as it does not interfere with the groundwater aquifer and does not affect or contaminate the groundwater of surrounding properties. Strict adherence to any and all requirements of the EPA, of New York State law and of Catskill State Park regulations if applicable.

### §515 – TAVERNS AND BARS

Bars and Taverns are only allowed in the Hamlet District with a Special Permit issued and renewed periodically. Although this use is regulated by state law this section establishes some standards due to our lack of local law enforcement, regulating access, operation times, noise, waste, and impact on the local community.

- A. Hours of operation shall follow state law, but all activities shall remain indoors after 11:00 PM and before 7:00 AM.
- B. For parking regulations refer to section [§320]; for outdoor lighting and signage refer to [§330 and §340]
- C. Deliveries shall occur during daylight hours and should not impact traffic or parking.
- D. Product storage and distribution should be addressed with a specific site plan. No product or materials stored outside the established facility unless in an approved building that addresses the issues warehousing.

### §520 – SMALL SCALE WINERY OR BREWERY

## Town of Denning – Zoning Law

November 8, 2018

The establishments of wineries and or breweries are not classified as retail operations. Retail sale of beer and wine is by NYS license as in a restaurants, liquor stores, taverns or bars. Tasting rooms are permitted. These establishments shall be permitted upon the issuance of a special permit and renewed periodically by the Planning Board, subject to the following conditions:

- A. The Town Refuse and Recycling facility is not set up to handle waste from these types of establishments aside from the normal trash disposal. A system of waste handling needs to be put in place before permit is granted. No waste is to be stored outside the established facility.
- B. There will be times when traffic and parking could be a problem and special consideration should be given to ease the burden on the Town infrastructure during those times, such as open house operations. Additional parking should not impact existing uses on the sited property.
- C. Odor and noise needs to be mitigated before issuing a permit if necessary in populated areas.
- D. Product storage and distribution should be addressed with a specific site plan. No product or materials stored outside the established facility unless in an approved building that addresses the issues warehousing.
- E. The special permit granting body may impose any conditions required to address secondary effects.

### §525-BED & BREAKFAST ESTABLISHMENT.

A principal dwelling providing transient housing accommodation less than one month in length. A special use permit is required for operating a Bed & Breakfast Establishment.

#### A. Bed & Breakfast Establishment

- 1. Establishment providing no more than five (5) rooms of transient housing accommodation.
- 2. Provides breakfast only to persons occupying the transient quarters.

### §530 – SHORT-TERM RESIDENTIAL RENTALS.

Properties using short term transient rentals, under thirty (30) days; unoccupied by owner. It is the general purpose and intent of this section to establish a permitting process for short term residential rentals to enable the Town of Denning to monitor these rentals and to provide for and protect the general health, safety and welfare of the residents of the Town of Denning.

- A. Special Permit is required (annual renewal).
- B. Inspection required annually and before operation.
- C. Annual permit, year starts on date of approval of application, fee to be set by the Town Board at the town's annual organizational meeting.
- D. On-site parking only, no street parking permitted.
- E. A (911) sign is to be posted at the entrance of the driveway.
- F. No advertising signs permitted.
- G. Homeowner shall maintain records; Dates of short-term rental and number of guests. Such records shall be made available upon request to the Code Enforcement Office.
- H. A short term rental may not adversely affect the residential character of the neighborhood. A Short-term rental may not, for example, display an advertising sign, generate unreasonable noise, vibration, glare, odors or other effects that unreasonably interfere with a person's enjoyment of his/her residence.
- I. Renters shall be made aware of all property boundaries by the homeowner and no trespassing on neighboring properties is permitted.
- J. Owners' shall post contact information including telephone number, house address and the (911) number in a conspicuous place.
- K. Proof of appropriate insurance coverage for transient occupants/commercial rental is required.
- L. Owner or agent must have renters' contact information available.
- M. Owners are required to sign an affidavit agreeing to follow a list of performance standards, including a limit on the number of guests, parking requirements, quiet hours (10 p.m. to 9 a.m.), and a prohibition of any outdoor amplified music.
- N. After the permit is approved, owners must provide neighbors within a 250-foot radius with a 24-hour



## Town of Denning – Zoning Law

November 8, 2018

working phone number of someone (owner, property manager, etc.) who can respond within one hour on-site to any problems and complaints.

- O. Fire Safety shall be the same as the requirement for Bed & Breakfast.

### Penalties for Offences:

- P. A violation of the Article is an offense, punishable by a fine of not more than two hundred and fifty dollars (\$250.00) per day or fifteen (15) days imprisonment or both for each violation. Each day that a violation is permitted shall constitute a separate offense. In addition, to the penalties hereinbefore set forth, the Town Board or Building Inspector may bring action in the Supreme Court, for an injunction to restrain the continuance of such violation, against the owner or any other person who shall knowingly violate any of the applicable provisions of the New York State Uniform Fire Prevention and Building Code, the State Sanitary Code or any other lawful order.

## Town of Denning – Zoning Law

November 8, 2018

### §535 - ADULT ESTABLISHMENTS

Certain adult uses have a significant potential to adversely impact public health, safety, welfare and quality of life. As defined in [Article V and Appendix C], adult establishments shall be permitted upon the issuance of a special permit by the Planning Board, subject to the following conditions:

- A. Adult establishments shall be permitted in the Provincial District only. The Town affirms the rights of free speech and expression protected by the Constitution. It is acknowledged that regulation of adult uses must occur consistent with available constitutional protections. Thus, by allowing for the use within these Districts, it is the intent, after the attainment of a special permit, to assure that any such use will be on a sufficiently large lot, and with adequate screening, setback, and buffers so that activities on the subject site are isolated and there is minimized potential for spill-over secondary effects on adjacent lots. Furthermore, adequate assurance shall be provided that any potential adverse impacts on vehicular circulation, transportation facilities, and the provision of public emergency services are adequately mitigated.
- B. Adult establishments, meaning the building(s) and areas where such business or other regulated activities are carried out, shall not be located less than:
  - 1 - One thousand (1,000) feet from any lot line.
  - 2 - One thousand five hundred (1,500) feet from the property line of any sensitive use(s) which by the nature of their activities are particularly susceptible to the potential secondary impacts of an adult establishment, including a: multi-purpose organizational complex; church or place of worship; school; camp; day-care center; park; playground; playing field; or any place that caters to children; and
  - 3 - Two thousand feet from any other adult establishment.
- C. No adult establishment shall serve alcohol.
- D. With the exception of the designated entertainers working on a stage or platform separated from the clientele, no adult establishment shall permit any employee to the adult establishment to display specified anatomical areas as defined in [§910].
- E. All adult establishments shall be staffed with one security person for every thirty five (35) persons or portion thereof approved for occupancy of, to be on duty at all times that the establishment is open.
- F. The special permit granting body may impose any conditions required to address secondary effects.

## ARTICLE XI ☆ SPECIAL PERMITS PROCESS

### §540 - SPECIAL PERMITS

The Town Planning Board and Town Board (the special permit granting bodies) are authorized, in accordance with Sections 274-a and 274-b of the New York State Town Law, to review and approve, approve with modifications or disapprove special uses and site plans connected therewith. Pursuant to an application, either directly or through the Building Inspector, the applicable special permit granting body is hereby authorized to issue a special permit only for an approved use specifically listed as requiring such permit in the district in which it is proposed. The special permit granting body may impose any conditions required to address secondary effects. The special permit process is subject to the following regulations and procedures.

### §550 - APPLICATION

Each application for a special permit shall be submitted in the number of copies and form prescribed in [Article IX], accompanied by a fee in accordance with a schedule adopted by the Town Board, and shall include the data required by the special permit granting body for review of the proposed use. Before filing an application, a preliminary conference should be held with the [Code Enforcement Officer](#) regarding the nature of the proposed use and the review process. It is also strongly encouraged to hold a preliminary meeting with the Planning Board in order to discuss the nature of the proposed use and to determine the information required to be submitted in the Site Plan. The Planning Board, at the request of the applicant, may waive in writing such information it deems not relevant to its review or which it determines would cause unusual hardship to obtain. Application for a special permit shall constitute simultaneous application for site plan approval [Article VIII].

### §560 - PUBLIC NOTICE, HEARING, & REFERRAL

- A. Public Hearing Schedule -- The Planning Board shall schedule a public hearing to be held within 62 days of receipt of a complete application for a special permit.
- B. Hearing Notice -- Notice of the public hearing shall be published in the official newspaper of the Town at least fifteen (15) days prior to the date of such hearing. In addition, the Planning Board shall cause a notice of such hearing to be mailed to the owners of all property within four hundred (400) feet of the subject property at least fifteen (15) days prior to the public hearing. Such notices shall be sent to the owner's last known address as shown on the most recent Town Tax Assessment records, with costs for such notices borne by the applicant.
- C. Referral to County Planning Board Prior to Final Local Action
  - 1 - Triggers for Referral to Ulster County Planning Board.
    - a) The applicable local special permit granting body, at its discretion, may where not otherwise required, trigger the referral of a land use permit application to UCPB for review and consideration.
    - b) The Town of Denning lies entirely within the Catskill State Park. According to N.Y.S. Town Law 239 l and m of the General Municipal Law, as amended, this factor triggers the referral of special permit applications to the UCPB; however, consistent with the County Charter effective January 2009, and as explained in the November 2008 Land Use Referral Guide by the UCPB, the following special permit application ARE NOT subject to the County land use referral process, unless referral is explicitly required by [ 1.a ] above:
      - (1) Re-occupancy or reuse of existing structures meeting one or both of the following conditions:
        - (a) An increase in parking spaces is not required by local statute and channelized access to state or county road exists or is proposed; and
        - (b) New site lighting, if proposed utilizes full cut off luminaires and does not exceed IESNA lighting levels.
      - (2) Erection of signs meeting zoning requirements; and
      - (3) Accessory apartments.
  - 2 - Referral Process. For any application involving a special permit application which shall be referred to the Ulster County Planning Board prior to final action in accord with (Sections 239 l. and m.) of the General Municipal Law, as amended, or according to the Ulster County Charter, the applicable special

## Town of Denning – Zoning Law

November 8, 2018

permit granting authority shall not make a decision until it has received comment from the Ulster County Planning Board or until thirty (30) days have elapsed from the County Planning Board's receipt of a complete application.

### §570 - DECISION AND FINDINGS

A. CRITERIA FOR DECISIONS — The granting of a special permit is at the reasoned discretion of the designated permitting body. In granting a Special Permit the special permitting body may impose any conditions which it considers necessary to fulfill the purposes of this chapter. These conditions may include:

- 1 - Increasing dimensional or area requirements;
- 2 - Specifying the location, character and number of vehicle access points and traffic controls;
- 3 - Management and control of earthwork;
- 4 - Requiring landscaping, planting and screening;
- 5 - Requiring grouping of structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities; and
- 6 - Requiring action by the applicant, including the posting of performance bonds and furnishing of guarantees to insure the completion of the project in accordance with the conditions imposed.
- 7 - Accommodating to the existing harmony and character of the surrounding area.

### B. FINDINGS AND CONCLUSIONS

- 1 - The Board shall only approve the issuance of a special permit if it finds the following criteria have been met:
  - a) That any specific standards set forth for the proposed use in [Article X] have been satisfied and that objectives for site plan review in [Article VIII] have been achieved.
  - b) That all proposed structures, equipment, or material shall be readily accessible for fire and police protection and shall be adequately served by stormwater, sewer and water facilities and recreation facilities.
  - c) That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
  - d) That in the case of any use located in, or directly adjacent to, a residential district:
    - (1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient, or incongruous with, said residential district or conflict with the normal traffic of the neighborhood.
    - (2) The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or diminish the value thereof.
    - (3) Adjoining properties are adequately buffered from any adverse noise from the proposed use.
- 2 - Within 62 days after the public hearing, unless the time has been extended by mutual consent of the applicant and the Planning Board, the Planning Board shall review and issue its decision as to whether to issue the special permit.
- 3 - The decision of the Board shall be a written report setting forth its findings and conclusions and the basis for its decision. A written decision shall be filed with the Town Clerk within five business days after the decision is rendered and a copy thereof mailed to the applicant in that same period.

## Town of Denning – Zoning Law

November 8, 2018

### §580 - ADDITIONAL CONDITIONS

When issuing a special permit, the Planning Board may attach such conditions and safeguards as it deems necessary to further the intent of these regulations and to protect the public interest. Such conditions may include a requirement that the special permit be periodically renewed. Such renewal shall only be withheld, following due public notice and hearings, upon a determination that the applicant has not complied with the provisions of the original application or with any conditions prescribed by the Board in conjunction with approval of such application. In such case, the applicant shall be granted a period of 60 days within which to achieve full compliance with all conditions prior to revocation of the special permit.

### §590 - REIMBURSABLE COSTS

- A. The Town Board, Planning Board and the Zoning Board of Appeals are hereby authorized to retain engineering consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of the duties of the respective Boards relative to any matters before either Board.
- B. Payment for the services of such consultants is to be made from funds deposited by the applicant with the Town in escrow accounts for such purposes.
- C. It shall be the responsibility of the applicant to submit to the Town, prior to the commencement of any work associated with said application before the Board or at such other time as directed by the Board, certified check(s) in amounts equal to the estimate of the expert consultant for the cost of services to be rendered.
- D. The approving agency may require the deposit of additional amounts from time-to-time thereafter if necessitated by further professional consulting fees in connection with the review and subsequent inspection of an application. If such additional amount is not deposited with the Town within 20 days after the applicant is notified in writing of the requirement for an additional deposit, the approving agency may suspend its review of the application.
- E. This sum shall be released by the Town to said consultant or engineer in payment for the services rendered to it upon acceptance by the Town of such services.
- F. Upon completion of the approving agencies review and payment of all professional consulting fees, any unused balance of the escrow shall be reimbursed to the applicant.

## ARTICLE XII ☆ ADMINISTRATION

### §600 - ENFORCEMENT AND PENALTIES

#### A. ENFORCEMENT OFFICER

- 1 - This Zoning Law shall be enforced by the Zoning Enforcement Officer appointed by the Town Board.
- 2 - The Code Enforcement Officer shall review all applications for building permits and certificates of occupancy, and if the minimum requirements of this code are met, the [Code Enforcement Officer](#) shall issue the permit. If the applicant's plans do not meet Zoning requirements, the Officer must deny the permit. No building or occupancy permit or certificate of occupancy shall be issued by the [Code Enforcement Officer](#) for any purpose except in compliance with the provisions of this Law.
- 3 - Properties subject to violations shall not be entitled to have the properties ruled upon in any way by Town agencies or personnel authorized to issue approvals.
- 4 - However, the Code Enforcement Officer has the right to issue temporary building certificates and certificates of occupancy in instances when disproportionate harm will result and a reasonable timetable for compliance is established.

#### B. INSPECTION AND NOTICE OF VIOLATION

- 1 - The [Code Enforcement Officer](#) accompanied by a police officer based upon reasonable cause the showing of proper credentials and in the discharge of his or her duties, is authorized to enter, inspect and examine any building, structure, place, premises or use in the Town at any reasonable hour with regard to the provisions of this Law and to issue a written order for the proper remedying or compliance, within a reasonable period, of any condition found to be in violation thereof. In case of refusal of entry, the Inspector may obtain an Administrative Search Warrant from a court of competent jurisdiction.
- 2 - The Police, Fire Inspector and the Health Department Inspector shall, at the request of the [Code Enforcement Officer](#) or on their own initiative, upon the showing of proper credentials, examine or investigate, based upon reasonable causes, any building, structure, use or premises with regard to any provision of this Law and shall issue reports and recommendations to the [Code Enforcement Officer](#) regarding any violation thereof. In case of refusal of entry, an Administrative Search Warrant may be obtained from a court of competent jurisdiction.

#### C. LEGAL ACTION BY ENFORCEMENT OFFICER -- If an unlawful condition or use is found not to have been properly remedied or made to comply with the provision of this law by the expiration of the reasonable time period granted by the [Code Enforcement Officer](#), then said official is empowered to immediately institute appropriate action in the Town Court to prosecute any occupant, owner, or offender for the violation and to enforce the penalties set forth in [§600 E] hereof; and, upon approval of the Town Board, to take any other appropriate action, charge, or proceeding in the proper legal court for the prevention, cessation, or discontinuance of any condition, use, or occupancy, or act in, on, of, or around any building, structure, or tract of land in violation of this local law and for the prosecution of any owner, occupant, or offender.

#### D. LEGAL ACTION BY TAXPAYERS -- If the Enforcement Officer fails or refuses to proceed with any action in accordance with [§600 C] within a thirty (30) day period following written request by any taxpayer so as to proceed, then any three (3) or more taxpayers of the Town residing or owning property in the district wherein such condition or use in violation of this Law exists or in an adjacent district and who are jointly or severally aggrieved by such violation, may institute for reasonable causes, such appropriate action, charge, or proceeding in like manner as such Enforcement Officer is authorized.

#### E. REMEDIES -- Any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the Fire Code and Property Maintenance Code, who shall fail to comply with such order within the time fixed by the regulations promulgated, such time period to be stated in the order, and any owner, tenant, maintenance, or fire protection equipment and systems, shall be punishable by a fine of not more than five hundred dollars (\$500.00) per day of violation, or imprisonment not exceeding one (1) year, or both.

## Town of Denning – Zoning Law

November 8, 2018

### §610 - BUILDING PERMITS

- A. **BUILDING PERMIT REQUIRED** -- A building permit in accord with the procedures of the Town, shall be issued prior to any action requiring such a permit. Upon receipt of an application for a building permit, the [Code Enforcement Officer](#) shall review said application to determine compliance with all relevant provisions of this Zoning Law and act to approve, deny or refer such application, as appropriate, within thirty (30) days of receipt. A building permit shall only be issued if the proposed action complies with all relevant provisions of this Law as well as those of any other applicable codes, laws, regulations, or ordinances of the Town. All applications for such permits shall be made in accordance with the requirements established by the Town Board including payment of any fee(s) in accordance with schedule(s) established therefore.
- B. **PRIOR APPROVALS REQUIRED** -- The [Code Enforcement Officer](#) shall not issue a building permit for any use requiring issuance of a special permit or approval of a site plan unless and until such permit or approval has been transmitted in writing by the applicable Board to the [Code Enforcement Officer](#) and any conditions attached thereto have been satisfied.

### §620 - CERTIFICATES OF OCCUPANCY

All persons desiring permission to perform the following shall apply to the [Code Enforcement Officer](#) for a certificate of occupancy. All such applications shall be made in accordance with requirements established by the Town Board and shall only be issued upon a finding by the [Code Enforcement Officer](#) that all provisions of this Law have been satisfied including any conditions established as part of the approval of site plan approval and/or a special permit:

- A. Occupy and use a lot, building or structure following construction, erection, alteration, extension, relocation, or structural changes, wholly or in part, in accord with previously issued building permit;
- B. Change the use of an existing building or of a part thereof;
- C. Occupy and use of vacant land for any residential, commercial or industrial uses other than those consisting principally of tilling the soil;

### §630 - NON-CONFORMING USES AND BULK

The provisions of this section shall apply to all non-conforming uses or bulk lawfully existing on the effective date of this Law and to a lawfully existing use or bulk that becomes non-conforming by reason of any amendment thereof, and to buildings or other structures housing such uses. Any appeals from this provision shall be dealt with in accord with the procedures provided in [Article XIII].

- A. **CONTINUANCE** -- Any nonconforming use or building may be continued indefinitely except as hereinafter provided in this Section or elsewhere in this law and notwithstanding action under the Current Town of Denning Unsafe Building Law.
- B. **CESSATION OF USE** -- Any nonconforming use which is discontinued for a period of more than three years, shall thereafter be replaced only by a use permitted in the district in which the building is located; except that upon issuance of a special permit by the Planning Board, consistent with [Article XI], the building may be used for a similar or more restricted use. The Board shall consider, in addition to those criteria set forth in [Article VIII], the size, condition and adaptability of the building to other uses in arriving at its decision.
- C. **CHANGE TO CONFORMING USE** -- A nonconforming use may be changed to a conforming use at any time, but shall not thereafter be changed back to a nonconforming use.
- D. **CHANGE TO ANOTHER NONCONFORMING USE** -- A nonconforming use may be changed to another nonconforming use upon a determination by the Zoning Board of Appeals that the proposed nonconforming use is similar in nature to the existing nonconforming use or more in character with surrounding conforming uses than the existing nonconforming use.

## Town of Denning – Zoning Law

November 8, 2018

- E. **EXTENSION OF NONCONFORMING USE** -- A nonconforming use may be enlarged or extended, including relocated to a different position on the lot which it occupies, so long as such enlargement or extension, whether occurring as a single expansion or as the aggregate of two or more smaller expansions, shall not exceed fifty percent (50%) of the gross floor area of the structure(s), or fifty percent (50%) of the site devoted to the use at the time of enactment of this Law, and so long as no new non-conformities are created. Any such expansion shall be preceded by site plan review and approval by the Planning Board in accordance with [Article XIII] of this chapter. Customary maintenance of a building or other structure containing a nonconforming use is permitted, including necessary structural repairs and minor alterations.
- F. **STRUCTURAL ALTERATIONS IN NONCONFORMING BUILDINGS** -- Buildings and structures which are only non-conforming in bulk may be altered, moved, or reconstructed provided that such change does not increase the degree of, or create any new, nonconforming bulk in such building and does not violate any other provisions of this Law.
- G. **REDUCTION IN LOT AREA** -- No lot shall be reduced in area so that it creates a non-conforming bulk or use in violation of any regulations contained in this Law.
- H. **DAMAGE OF NONCONFORMING USE OR BULK** -- A building housing a nonconforming use or which is nonconforming in terms of bulk or setback, which sustains damage or destruction by any cause may be repaired or reconstructed, so long as the nonconformity is not increased or expanded, subject to the provisions of [§630 B].

### §640 - EXISTING UNDERSIZED LOTS

#### A. SEPARATE LOTS

- 1 - Any vacant lot held in single and separate ownership, prior to the original adoption of this Law (meaning original or base effective date of 1990 zoning), whose area and/or width and/or depth are less than the specified minimum lot requirements of this Law for the district in which it is located, may be considered as complying with such minimum lot requirements, and no variance shall be required, provided that:
  - a) Such lot has an area of at least 5,000 square feet and a minimum width of at least 50 feet at the required setback;
  - b) All other yard and height requirements for that district are complied with and maximum lot coverage does not exceed fifty (50%) percent; and
  - c) Applicable requirements for on-site sewage disposal are satisfied prior to issuance of a certificate of occupancy.
- 2 - Excluding lots covered by the preceding [§640 A.1], this subsection applies to any vacant lot legally recorded, held in single and separate ownership, and in compliance with the Minimum Lot Area; Minimum Lot Width, and Minimum Yard Requirements which were previously in effect for single family dwellings prior to a rezoning that: provides for larger Minimum Lot Area in the Rural District, establishes a new Provincial District, also with a larger Minimum Lot Area, and moves some parcels out of the one (1) acre Hamlet District. Any such lot, that at the time of recording, does not meet Minimum Road Frontage or any stricter Minimum Lot Area or Minimum Yard Requirements, shall be considered as complying with the regulations herein, and no variance shall be required for use of the lot, provided that there is:
  - a) At least one (1) acre Minimum Lot Area for a lot formerly at least half (50%) in the Hamlet District;
  - b) At least three (3) acres Minimum Lot Area for all other lots;
  - c) No more than a single-family dwelling;
  - d) Compliance with all prior yard and height requirements and maximum lot coverage does not exceed thirty (30%) percent;
  - e) A development envelope available of at least thirty-three thousand (33,000) contiguous feet for any lot; and
  - f) Applicable requirements for on-site sewage disposal systems are satisfied prior to the issuance of any certificate of occupancy.



## Town of Denning – Zoning Law

November 8, 2018

- B. APPROVED SUBDIVISIONS -- Any lot in a subdivision plat approved and properly filed prior to the passage of this Law that has not been designated as a separate lot, by nature of reevaluating the assessed value and assignment of separate Tax ID, and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Law for that district, may be considered as complying with such minimum lot requirements for a period of two (2) years from the date of filing of said plat. (See also [§640 A]).

## ARTICLE XIII ☆ BOARD OF APPEALS

### §700 - ESTABLISHMENT, APPOINTMENT AND ORGANIZATION

- A. Pursuant to applicable provisions of the Town Law, the Town Board shall appoint a Board of Appeals consisting of five members and shall designate its chairman. Members may receive compensation for their services as provided by the Town Board.
- B. Of the members first appointed, one shall hold office for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Each successor to an original appointee shall be appointed for a term of five years. A vacancy occurring for reason other than by expiration of a term shall be filled by the Town Board by appointment for the unexpired term only.
- C. The Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Law. Such rules, by-laws and forms shall not be in conflict with, nor have the effect of waiving any provision of this Law or any other Law of the Town.

### §710 - POWERS AND DUTIES

The Board of Appeals is governed by, and shall act in strict accordance with the procedures specified by Town Law, this Law, and its own duly-adopted rules, by-laws, and forms. Upon proper request made in the form and manner prescribed by the Board of Appeals and accompanied by a fee in accord with a schedule adopted by the Town Board, the Board of Appeals shall perform the following functions:

- A. Hear and decide any question properly brought before it involving the interpretation of any provision of this Law;
- B. Hear and decide appeals from any decision, determination, act, or failure to act of the Enforcement Officer, and all matters properly referred to it by the [Code Enforcement Officer](#);
- C. Grant variances to provisions of this Law in accordance with this Article. In exercising the mentioned powers and duties, the Board of Appeals may, in conformity with Town Law, reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as ought to be made in the case referred to it. To that end the Board of Appeals shall have all the powers of the Enforcement Officer from whom an appeal is made. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Enforcement Officer or to decide in favor of the applicant any matter upon which such Board is required to pass.

### §720 - PUBLIC HEARINGS

The Board of Appeals on due notice shall hold a public hearing on every appeal and application for a variance referred to said Board or upon which it is required to pass under this law.

- A. NOTICE -- Notice of each public hearing shall be published in a newspaper of general circulation in the Town at least fifteen (15) days prior to such hearing. In addition, the Board of Appeals shall cause a notice of such hearing and an explanation of any change sought to be sent to the owners of all property within 400 feet of the subject property. Such notices shall be sent to the last known address as shown on the most recent Town tax records and mailed at least fifteen (15) days prior to such public hearing.
- B. FINDINGS AND CONCLUSIONS -- Within sixty (62) days after such public hearing, and after considering the application, the Board of Appeals shall either grant or deny the request or appeal and make a written report on the findings and conclusions concerning the subject matter of such hearing, including the reasons for the grant or denial of the relief sought. Such decision shall be filed in the office of the Town Clerk within ten (10) days.

## Town of Denning – Zoning Law

November 8, 2018

### §730 - INTERPRETATION

The Board of Appeals shall, upon proper request, interpret any provision of this Law about which there is uncertainty, lack of understanding or misunderstanding, ambiguity, or disagreement, and shall determine the exact location of any zoning district boundary about which there may be uncertainty or disagreement.

### §740 - APPEALS

- A. Any person allegedly aggrieved by a decision, determination, act, or refusal to act of the Enforcement Officer may file an appeal with the Board of Appeals. Such request shall clearly state the decision, determination, act, or failure to act, of the Enforcement Officer from which the appeal is taken.
- B. Any appeal from a decision of the Enforcement Officer, properly filed with the Board of Appeals, shall stay all proceedings in furtherance of the action appealed from, unless the Enforcement Officer certifies to the Board of Appeals that by reason of facts stated in the certification, a stay would, in his or her opinion, cause imminent peril to life and property.
- C. The Board of Appeals shall have the power to grant a restraining order to stay all proceedings in furtherance of the action appealed from, over any action by the Enforcement Officer from whom the appeal is taken, upon notice to the Enforcement Officer and on due cause shown.

### §750 - VARIANCES

Variances shall be decided by §267-b of New York State Town Law.

### §760 - REFERRALS

- A. REFERRAL TO TOWN PLANNING BOARD -- At least 30 days before the date of a public hearing held in connection with any application for a variance, the Board of Appeals shall transmit to the Planning Board a copy of said application, and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application prior to the date of said hearing. Should the Planning Board fail to submit such report within the stipulated time, the Board of Appeals may proceed to make a determination.
- B. REFERRAL TO ULSTER COUNTY PLANNING BOARD -- An application for a variance involving real property shall be referred to the County Planning Board prior to final action in accordance with Sections 239.l. and m. of the General Municipal Law. The Board shall not make a determination until it has received comment from the County Planning Board or until 30 days elapse from the point that County Planning receives such referral.

## ARTICLE XIV ☆ PLANNING BOARD

### §800 - POWERS AND DUTIES

Consistent with New York State Town Law Section 271, et al, in addition to the other powers and duties assigned to it by law, the Planning Board is hereby empowered to perform the following functions. All resolutions or official actions of the Planning Board shall require the concurring vote of a majority of the Board, unless in accordance with NYS General Municipal Law Sections 239-m and -n, and Ulster County Charter Section C-51, the UCPB has the authority and the UCPB renders a recommendation for “Required Modifications” and/or “Disapprove”, in which case a majority plus one is required:

- A. Issue special permits for those uses specifically listed as requiring such a permit in the Use Schedule in accord with the provisions of [Article XI] and Section 274-b of the Town Law as now exists and as may hereafter be amended.
- B. Review the site development plan for those uses requiring such review in accord with [Article VIII].
- C. Review and submit advisory opinions concerning applications for variances and amendments to the zoning regulations, as required by this Law. The Board shall have thirty (30) days prior to the public hearing in which to prepare and submit its advisory opinion. Failure to submit an opinion within 30 days shall not prevent determination and action on the proposed variance or amendment by the appropriate Board.

## Town of Denning – Zoning Law

November 8, 2018

### ARTICLE XV ☆ AMENDMENTS

#### §850 - PROCESS FOR AUTHORITY TO AMEND

- A. The Town Board may from time to time amend, supplement or repeal, in whole or in part, this Law, including the Zoning Map, subject to the provisions of this Article and Town Law. Such amendment shall be adopted by majority vote of the Town Board, except as specified in [§850 B] and [§870 B] hereof, and may be initiated in the following ways:
  - 1 - By the Town Board on its own motion;
  - 2 - On the recommendation of the Planning Board or the Zoning Board of Appeals;
  - 3 - By the filing of a petition by Town taxpayers or residents, on a form prescribed by the Town Clerk, describing such proposed amendment, accompanied by a fee in accord with a schedule established by the Town Board.
- B. If a duly signed and acknowledged protest against a proposed amendment to this Law is submitted to the Town Board, by anyone of the following, it shall not become effective except by a favorable vote of three-fourths of the members of the Town Board.
  - 1 - The owners of twenty percent or more of the area of the land included in such proposed change; or
  - 2 - The owners of twenty percent or more of the land immediately adjacent to such proposed change extending one hundred (100) feet therefrom; or
  - 3 - The owners of twenty percent or more of the land directly opposite such proposed change extending one hundred feet from the street frontage of such opposite land.

#### §860 - PROCEDURES

- A. PUBLIC HEARING -- No change in the text or zoning district boundary of this Law shall become effective until a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard.
- B. NEWSPAPER NOTICE OF HEARING -- At least fifteen (15) days prior to the date of such public hearing, a notice of the time and place shall appear in the official newspaper of the Town. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves.
- C. REFERRALS -- All proposed changes to these zoning regulations or map shall be referred to the appropriate body as set forth in [§870].
- D. PUBLICATION AND POSTING -- Every amendment to this Zoning Law, including any map incorporated therein, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board, and a copy or summaries thereof, exclusive of any map incorporated therein, shall be published once in a newspaper of general circulation in the Town. In addition, a copy of such Law or amendment, together with a copy of any map incorporated therein, shall be posted conspicuously at or near the office of the Town Clerk in accordance with Town Law. Affidavits of the publication and posting thereof shall be filed with the Town Clerk.
- E. EFFECTIVE DATE -- An amendment or change in this Law shall take effect ten (10) days following publication and posting in accordance with [§860 D] and filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

#### §870 - REFERRALS

- A. REFERRAL TO THE PLANNING BOARD
  - 1 - PROCEDURE. All proposed amendments originated by petition or by motion of the Town Board shall be referred to the Town Planning Board thirty (30) days prior to the required public hearing for a report

## Town of Denning – Zoning Law

November 8, 2018

and recommendations thereon. If the Planning Board shall not have made its final report thereon within 30 days of reference thereto, the Town Board may proceed to final action.

2 - **PLANNING BOARD REPORT.** In preparing a report on a proposed amendment, the Planning Board shall consider the following:

- a) Whether such change is consistent with the objectives and purposes of the district(s) to be affected.
- b) The nature and location of uses and buildings to be affected and the manner in which they will be affected.
- c) Whether uses permitted by the proposed change will be appropriate in the affected area(s).
- d) The affect of the change on existing or proposed public facilities and services such as schools, streets, utilities, etc.

### B. REFERRAL TO THE ULSTER COUNTY PLANNING BOARD (UCPB)

1 - **MATTERS TO BE REFERRED.** Any adoptions and amendments to the zoning statutes, zoning map, comprehensive plan, and any moratorium in the Town shall be referred to the UCPB prior to final action in accord with the Ulster County Charter and Sections 239 1. and m. of the General Municipal Law. No final action shall be taken within 30 days of UCPB receipt of such referral unless a response is received sooner.

2 - **COUNTY PLANNING BOARD RECOMMENDATIONS.** If the County Planning Board fails to report its recommendations within 30 days after receipt of a full statement of such referred material, the Town Board shall construe such inaction as approval of the proposed zoning action and may act without such a report.

3 - **THE EFFECT OF NEGATIVE REPORT.** If the County Planning Board disapproves the proposed amendment, or recommends modification thereof, the proposed amendment shall not become effective except by a vote of a majority plus one of all members of the Town Board and after the adoption of a resolution fully setting forth the reasons for such action.

### C. REFERRAL TO ADJACENT MUNICIPALITIES -- At least 10 days prior to the date of the public hearing, written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundary of any adjacent municipal entity shall be transmitted to the respective Clerk of that Town or Village. The Town or Village shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment, but shall not have the right of review by a court as provided in Article 78 of the Civil Practice Act.

## ARTICLE XVI ☆ TERMINOLOGY

### §900 - USE AND INTERPRETATION OF WORDS

Except where specifically defined herein, all words used in this Law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

The word "shall" is always mandatory. The words "may" and "should" are permissive. "Building" or "structure" includes any part thereof. A "building" includes all other structures of every description except fences and walls, regardless of dissimilarity to conventional building forms. The word "lot" includes the word "plot" or "parcel". The word "person" includes a corporation as well as an individual. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

### §910 - DEFINITIONS

**Abutting or Contiguous** – Adjoining, being next to, or having a common boundary.

**Access Strip** - A strip of land which is part of a lot and provides access, or is capable of providing access, to the part thereof used or intended to be used for buildings and structures.

**Accessory Building/Structure** - A structure detached from the principal building on the same lot and customarily incidental and subordinate to the principal building or use.

**Accessory Use** - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**Adequate Coverage** - For the review of wireless telecommunications, coverage is considered to "adequate" in the area surrounding a Base Station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -95 decibels referenced to one milliwatt (dbm) for at least 75% of the intended coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -95 dbm, as long as the signal regains its strength to greater than or equal to -95 dbm further away from the Base Station.

**Adequate Capacity** -For the review of wireless telecommunications capacity is "adequate" if the Grade of Service is p.05 or better for at least seventy five percent (75%) of the days in a preceding month, as measured using direct traffic measurement of the facility in question.

**Adult Establishment** - a use such as an adult entertainment business, adult media or other adult materials sales business, including any adult arcade, adult bookstore, adult camp, adult hotel or motel, adult motion picture arcade, adult theater, cabaret, sexual encounter center, or any other closely related business or establishment that offers its patrons entertainment and services characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or offers the sales of materials including those uses. An adult bookstore or materials sales business is further defined as any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, films, devices, slides, or other photographic or written reproductions and materials is conducted as a principal use of the premises, or as an adjunct to some other business activity, but which constitutes a primary or a major attraction to the premises, defined as occupying more than fifteen (15) percent of the gross floor area. (Studies by other municipalities have documented that secondary effects from adult establishments may include increased crime, decreased property values, negative impact upon other commercial businesses and a deterioration of residential neighborhoods. A common conclusion of those studies has been that if adult uses are not regulated the adjoining neighborhoods may decline. Both the State Court of Appeals and the U.S. Supreme Court have affirmed the right of a community to regulate the location of adult uses based on secondary effects).

**Adult Uses** – See “Adult Establishment”.

**Agricultural Crops** - Any agricultural product, growing or harvested, such as wheat, corn, fruit, etc.

**Agricultural Livestock** – Domestic animals kept for use or raised for sale and profit.

## Town of Denning – Zoning Law

November 8, 2018

**Agricultural Processing** - The conversion of agricultural products, including slaughterhouses, canneries and packing houses. Also see Manufactured Agriculture Products.

**Agricultural Structure** - Any barn, stable, shed, silo, garage, farm housing, permanent fruit or vegetable stand, observation tower or other structure directly and customarily associated with agriculture or forest management activities.

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

**Amusement Enterprise** - Any indoor or outdoor commercial business that is operated for the amusement, entertainment and recreation of the general public for a patronage fee. These uses are typically accessible to the general public, including: coin- controlled amusement devices; waterpark; rides; multiple playing courts; golf course; miniature golf course; driving range; motor cross; gocarts; motorboating; and movie theaters. This use does not include art galleries; health clubs; museums; nor institutionally or publicly owned or operated recreation facilities.

**Amusement Facilities** - See “Amusement Enterprise”.

**Anatomical Areas** – Human genitals or pubic region; The cleavage of the human buttocks; That portion of the human female breast which includes the entire lower portion of the breast but shall not be interpreted to include any portion of the cleavage of the breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel; Human male genitals, even if completely and opaquely covered.

**Applicant** - Any Person submitting an application to the Town for a Site Plan, Special Use Permit or other Application under this law. The form approved by the Board, together with all necessary and appropriate documentation that an applicant submits in order to receive permit consideration. The applicant is the owner of the land proposed to be developed or their duly appointed representative. Written consent shall be required from the legal owner when a representative makes application.

**Area Variance** - 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.

**Automobile Sales/Repair** – See “Motor Vehicle Repair”.

**Auto Washing** – See “Motor Vehicle Service Station”.

**Banks** – An establishment used for receiving, keeping, and lending money as well as making easier the exchange of funds.

**Bar/Tavern** – A place where liquors, beer, food, etc. are sold and consumed on the premises.

**Base Station** - The primary sending and receiving site in a wireless telecommunications network. More than one Base Station and/or more than one variety of personal wireless service provider can be located on a single tower or structure.

**Bed and Breakfast** - An establishment providing no more than **five (5) rooms** of transient housing (less than one month in length), which provides breakfast and/or nonalcoholic drink only to persons occupying the establishment.

**Billboard** - An off-premise sign or structure which directs attention to an idea, product or service which is conducted, sold or offered at a location other than the premises on which such sign is located.

**Board** - The Planning Board of the Town, unless otherwise explicitly referred to within this Law.

**Boarding House (Rooming House)** - A private dwelling in which between three to six rooms are offered for rent, and table board is furnished only to roomers, and in which no transients are accommodated.

**Buffer** - a land area intended for screening which is designed to set apart one use or area from another. A buffer protects the uses on adjacent land from the impacts of uses arising on the lot containing said buffer. Buffers may include existing vegetation (minimally cut), newly planted vegetation, fencing, earth work (including berms), etc., or combinations thereof, sufficient to provide visual and noise attenuation as required by this law. Unless otherwise indicated, such buffer should not be paved or used for buildings or parking. An



## Town of Denning – Zoning Law

November 8, 2018

appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the applicable land use permitting board consistent with this law see [Appendix F - Figure D].

**Building** - Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing, or enclosure of persons, animals or property. Also see Accessory Building.

**Building Area** - The total square footage of interior floor areas, measured on a horizontal plane, of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

**Building Code** - The current Uniform Fire Prevention and Building Code of the State, which may be also referred to as the Uniform Code or the State Building Code.

**Building, Detached** - A building entirely surrounded by open space on the same lot.

**Building Inspector** – See Code Enforcement Officer

**Building Line** - A line parallel to the street line and set back there from a distance equal to the required front yard in the zoning district in which the lot is located.

**Building, Principal** - A building in which the principal use of the lot is located.

**Bulk** - A term used to describe the size, volume, area, and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, and all open spaces required in connection with a building, other structure, parcel or tract of land.

**Business Services** – See “Service Establishments”.

**Cemeteries** – a deeded place for the burial or internment of the dead, graveyards.

**Child Day Care, Exempt** - Daytime care or instruction of two or fewer individuals away from their own homes for more than three (3) but less than twenty-four (24) hours per day on a regular basis by an individual, association, corporation, institution or agency, whether or not for compensation or reward.

**Child Day Care, Licensed** - A place designed to provide day care to two or more individuals, including a licensed residence intended to provide day care for more than three individuals.

**Churches/Places of Worship** - See "Religious Facilities".

**Clinic/Convalescent Home** - See Nursing or Convalescent home.

**Clubs** - See "private clubs".

**Code Enforcement Official** - The officer or duly authorized representative designated by the authority having jurisdiction with responsibilities for the administration and enforcement of the Uniform Code.

**Co-Location** - The shared use by two or more entities of a structure as the site of a personal wireless service facility or Repeater.

**Commercial Campground and Recreational Vehicle Parks** - A plot of ground which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes; operated as a business and open to the public for a fee.

**Completed Application** - All information and/or data necessary to enable the Board to evaluate the merits of an Application, and to make an informed decision with respect to the effect and impact on the Town in the context of the permitted land use for a particular location.

**Condominium** - A mode of ownership wherein each dwelling unit may be owned in fee simple individually and separately from all others, but where all such owners have an indivisible interest in the common areas. Thus, they share ownership and attendant responsibilities for the provision, maintenance and/or repair of facilities.

**Conference Center** - A facility which is used for conferences, seminars or similar purposes and which provides housing, food service, meeting space, educational and recreational facilities as well as ancillary facilities for twenty or more guests.

## Town of Denning – Zoning Law

November 8, 2018

**Cultural Facilities** - Any building or structure used for programs or activities involving the arts or other endeavors that encourage refinement or development of the mind.

**Customary Accessory Uses** - See Home Occupations.

**Direct-to-home Satellite Services or Direct Broadcast Service or DBS** - Only programming transmitted or broadcast by satellite directly to subscribers' premises without the use of ground receiving equipment, except at the subscribers' premises or in the up-link process to the satellite.

**Drive-in Establishment** - denoting a facility that one can visit and interact business without leaving one's car.

**Driveway** - A route accessible by motor vehicles, suitably improved, maintained, and of sufficient width leading from a habited structure to the boundary of a lot, usually the lot frontage (non-residential uses typically have access provided over routes built to a different standard than residential uses). While often termed a "Driveway" a Common or Shared Driveway is really the functional equivalent of a private low volume joint access/ road or street or right of way.

**Dwelling** - A building designed or used principally as the living quarters for one or more families (see "Residences").

**Dwelling (One family)** - A building containing only one dwelling unit. **Dwelling (Two family)** - A building containing two dwelling units.

**Dwelling Unit** - A building or entirely self-contained part thereof designed for occupancy by only one family (including domestic staff employed on the premises) and having complete cooking and sanitary facilities for exclusive use of the occupants of the "dwelling unit". A boarding house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging or rooming house, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

**EAF** - Unless otherwise explicitly stated within this Law, the Full Environmental Assessment Form (long form) (Appendix A to 6NYCRR part 617.20) and includes a Visual EAF Addendum (Appendix B) approved by the New York State Department of Environmental Conservation to implement the provisions of the State Environmental Quality Review Act (SEQRA).

**Farm Stands** – See “roadside farm stand and/or Agriculture Structure.”

**Family** - One or more persons who live together and maintain a common household.

**Fraternal Organizations** - See private clubs.

**Finished Grade** - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not horizontal, the finished grade - in computing height of buildings and other structures or for other purposes - shall be the average elevation of all finished grade elevations around the periphery of the building.

**Firing range** - (also rifle range) - an outdoor site used for the discharge of fire arms, including target and skeet shooting.

**Floor Area (Gross)** - The aggregate sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings. In particular, the gross "floor area" of a building or buildings, shall include: a) Basement spaces; b) Floor space used for mechanical equipment, with structural headroom of 6 feet 6 inches or more; c) Attic spaces (whether or not a floor has actually been laid) providing structural headroom of 6 feet 6 inches or more; Interior balconies and mezzanines; and e) Enclosed porches; However, the "gross floor area" of a building shall not include: a) Cellar spaces, except that cellar spaces used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths; b) Accessory water tanks and cooling towers; c) uncovered steps; exterior fire escapes; d) Terraces, breezeways, open porches and outside balconies; e) Accessory off-street parking spaces; f) Accessory off-street loading berths; and g) Elevator shafts and stairwells at each floor.

## Town of Denning – Zoning Law

November 8, 2018

**Floor Area, Livable** - All spaces within the exterior walls of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, heater rooms, and basements having a window area of less than 20 percent of the square foot area of the room. Usable floor area shall be deemed to include all spaces not otherwise excluded above such as: principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit and all attic space having a clear height of at least five feet from finished floor level to pitch of room rafter with a clear height of seven feet six inches from finished floor level to ceiling height of seven feet six inches from finished floor level to ceiling level over 50 percent of the area of such attic space.

**Food Stores/General Stores** - See "retail stores".

**Forestry** - The operation of timber tracts, tree farms, forest nurseries, and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap, Spanish moss, and other forest products.

**Fraternal Organizations** - See "private clubs".

**Frontage** - That side of a lot abutting a Town road or an approved right of way, ordinarily regarded as the front of the lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a road shall be considered frontage.

**Funeral Home** – An establishment where the dead are prepared for burial or cremation.

**Gasoline Service Station** - See "motor vehicle service station".

**General and Professional Offices** - A building, room or a series of connected rooms in which the affairs of a business or a professional are conducted.

**General Contractors And Builders** - A person(s) who contracts to supply certain materials or to do certain work for a stipulated sum, in erecting buildings.

**Geothermal Systems** - A geothermal system is a central heating and/or cooling system that transfers heat to or from the ground. Strict adherence to any and all requirements of the EPA, of New York State law and of Catskill State Park regulations if applicable.

**Government Offices And Facilities** - A building that houses the administration necessary to govern local, state and city politics for the Town of Denning.

**Grade of Service** -For the review of wireless telecommunications, a measure of the percentage of calls able to connect to a facility during the busiest hour of the day. Grade of Service is expressed as a number, such as p.O5, which means that 95% of callers will connect on their first try. A lower number (e.g., p.04) indicates a better Grade of Service.

**Health Services** - See "Nursing or Convalescent Home".

**Height** - When referring to any building, structure, or Tower the distance measured from the pre-existing grade level to the highest point on such building, structure, or Tower, even if said highest point is an antenna.

**Height of Building** - The vertical distance measured from the average finished grade along the exterior walls of the building (or adjacent to the side of a structure) to the highest point of such building or structure.

**Home Energy Generation Device** - A device, used at a residence for the purpose of providing a power source for the residence, whether driven by the wind, supplied from the sun or generated from some other resource (e.g. geothermal).

**Home Occupation** - An activity carried out for gain by a resident (occupant) in their dwelling or accessory structure which is clearly incidental and secondary to the principal use of the dwelling for residential purposes.

**Homeowners' Association** - A contract agreed to by owners of homes in any area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space, in accordance with New York State law.

## Town of Denning – Zoning Law

November 8, 2018

**Hospitals** - Large facilities that offer many kinds of Health Services from emergency to long term treatments. These facilities usually serve a large area/population.

**Hotel** - A building or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances, and may contain one or more common dining rooms, drinking places and entertainment facilities.

**Impervious Cover** - Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

**In-Law Apartment** - A room or suite of rooms connected to a residential primary dwelling for use by individual(s) related to the primary owner of the dwelling.

**Industrial Scale Wind Energy Facility** - An industrial scale electricity-generating facility consisting of one or more wind turbines under common ownership or operating control that includes substations, meteorological towers, cables/wires and other building accessory to such facility. The main purpose of such an installation is to supply electricity to off-site 'regional' customers, defined as more than one fifth (1/5) of the average annual facility power output being distributed off-site (meaning not consumed by uses that are situated on-site or on adjacent parcel(s) and where the total facility generating capacity exceeds 125 kW). Any turbine wherein the main tower is greater than one hundred twenty (120) feet or the diameter of the blades greater than fifty (50) feet shall be classified as industrial.

**Junk** - Goods so worn, deteriorated or obsolete as to make them unusable for their original purpose in their existing condition, but are subject to being dismantled, including but not limited to used paper, scrap iron, tin, brass, copper, lead, zinc and all other scrap metals and their alloys, rags, used cloth, rubber, rope, tinfoil, used bottles, old or used machinery, tools, appliances, fixtures, utensils, used boxes or crates, other lumber, used pipe or pipe fittings, used tires and furniture.

**Junkyard** - An area of land with or without buildings used for or occupied by the storage, keeping, or abandonment of junk, including scrap metals or other scraps, used or salvaged building materials, or the dismantling, demolition, or abandonment, of automobiles other vehicles, appliances or machinery or the major parts thereof for three (3) months or more shall be deemed to make the lot a "junkyard".

**Kennel** - A commercial establishment in which more than four (4) dogs or other domestic animals are housed, groomed, bred, boarded, trained or sold.

**Landscaping** - The act of changing or enhancing the natural features of a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, fences, etc.

**Living Area** - That area comprised of the enclosed, occupied living accommodations within a residence, exclusive of cellars, garages and open porches.

**Loading Berth, Loading Facility** - A space at a building, housing a nonresidential use, specifically designed to allow loading or unloading of goods and materials from a vehicle.

**Loading Facilities** - One or more loading berths at a building.

**Logging** - The removal of timber from a property in quantities greater than 10,000 board feet within any given calendar year. Nothing in this law shall prevent cutting of trees by a property owner on his own land for his own personal use and enjoyment.

**Lot** - A defined portion or parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use, or ownership, and the customary accessories and open spaces belonging to the same.

**Lot Area** - The total horizontal area included within the lot lines.

**Lot (Flag)** - A parcel fronting on a road/approved right of way which is allowed reduced minimum road frontage, such that the minimum lot width performance point is not achieved until after an access strip (that is fully part of the lot), and such that full lot width is set back further from the road than on a standard lot.

**Lot Coverage** - The lot area or percentage of lot area covered by all principal and accessory buildings and structures.

## Town of Denning – Zoning Law

November 8, 2018

**Lot Frontage** - A lot line which is coincident with a street line.

**Lot Line** - The lines bounding a lot as defined herein.

**Lot Width** - The width of a lot measured parallel to the lot frontage at the rear of the required front yard.

**Lot of Record** - A lot which is recorded in the office of the Ulster County Clerk.

**Maintenance** - An activity that restores or sustains the scope, size, or design of a serviceable area, structure, or land use to its previously existing, undamaged or unauthorized condition. Requirements for the sustained maintenance of facilities or infrastructure may be a condition of some types of development.

**Maintenance Guarantee (or Declaration of Maintenance)** - A guarantee of facilities or work to ensure the correction of any facilities pursuant to the standards contained in a land use approval or regulation. For private roads and driveways, it can represent the legal guarantee and/financing placed in a trust by property owner, or owners, to sustain the facility with emergency access in perpetuity. Features might include an escrow fund set aside at inception to ensure maintenance.

**Manufacturing and Assembling** - Establishments engaged in mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, creation of products, and the blending of materials such as oils, resins or lacquers.

**Manufactured Agriculture Products** – including cheese making, meat smoking, canning, butchering, baking, and candlestick making.

**Manufactured/Mobile Home** - A portable, factory-made dwelling unit, built on its own chassis, designed to be transported on its own wheels or those of another vehicle, and intended, when connected to all required utility systems, to be suitable for year-round occupancy. The term mobile home shall not be construed to include a modular home or a recreational vehicle. There are Uniform Code standards for the installation of these type of units.

**Manufactured/Mobile Home Park** - A contiguous parcel of land plotted with two (2) or more mobile home lots which are to be rented or leased for more than ninety (90) consecutive days but not sold. The management and maintenance of a “mobile home park” shall be deemed to be the responsibility of a single owner or operator, with improved lots and/or services being available under a leasing arrangement.

**Medical and Dental Offices** – See “General and Professional Offices”.

**Mining and Quarrying** – See “Soil Mining”.

**Modular Home** - A dwelling unit consisting of two or more major segments constructed Off-site, which complies with the New York State Uniform Fire Prevention and Building Code, and designed to be transported to a site for permanent assembly and anchoring to a permanent foundation and to become a fixed part of the real estate.

**Monitoring Protocol** - An approved testing protocol. For a wireless communications facility this is as defined in the most current FCC regulations.

**Monopole** - a single free-standing columnar pole, post or similar structure used to support equipment typically associated with a communication device or other similar large vertical structure such as a wind tower.

**Motel** - A building or group of buildings containing individual living and sleeping accommodations primarily consisting of one bedroom and bath units, each of which is provided with a separate exterior entrance and a parking space, and is offered principally for rental and use by motor vehicle travelers. The term "motel" includes but is not limited to every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, and roadside hotel.

**Motor Vehicle Repair** - General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, such as collision service, body repair and frame straightening; painting and upholstery; vehicle steam cleaning; and undercoating.

**Motor Vehicle Sales/Dealer Lot** – A building/facility used primarily for sale/resale of motorized vehicles.

**Motor Vehicle Service Station** - Any building, land area, or other premises used or intended to be used for the retail dispensing or sale of automobile fuels, which activity may be accompanied by accessory uses such as

## Town of Denning – Zoning Law

November 8, 2018

sales of lubricants, tires, accessories or supplies, minor repairing of automobiles or a single-bay auto wash; provided, however, that automobile wrecking, major repairing of automobiles, parking or storing automobiles for hire and operation of more than one towing vehicle shall not be deemed permissible accessory uses of an automobile service station.

**Motor Vehicle Wrecking** - The dismantling or disassembling motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Multi-Purpose Organizational Complex** - sites upon which more than one recreational, educational or cultural use is situated as part of an integrated, multi-purpose complex of at least 1,000 acres under common ownership, of which each part in contiguous ownership is at least 500 acres.

**Non-conforming Bulk** - That part of a building, other structure, or tract of land, lawfully existing, which does not conform to one or more of the applicable bulk regulations of this Law, either following its effective date or as a result of subsequent amendments thereto.

**Non-conforming Use** - Any use of a building, other structure, or tract of land, otherwise lawfully established, which does not conform to the use regulations for the district in which such use is located, either at the effective date of this Law or as a result of subsequent amendments thereto.

**Nursery** - An establishment where woody or herbaceous plants are grown for sale, including a structure for the sale of such merchandise.

**Nursery School or Preschool** - A place providing or designed to provide daytime care or instruction by an individual, association, corporation, institution, or agency, whether or not for compensation or reward, for seven or more children from the age of two to five years inclusive, away from their homes for more than two and one half but less than 10 hours per day.

**Nursing or Convalescent Home** - A state-licensed residential care facility in which nursing and medical services are performed under the general direction of persons licensed to practice in the State of New York, for the accommodation of convalescent or other persons who are not in need of hospital care but who do require, on a twenty-four-hour basis, nursing care and related medical services. This definition shall include skilled nursing facilities, intermediate care facilities, nursing facilities and life care facilities.

**Organizational Campgrounds** - A facility in which young people, families, and adults live at a camp and are supervised and instructed by counselors, program directors, teachers, and other camp staff. A camp's facilities usually include group housing, eating facilities, hiking trails, swimming, campsites, sports fields and other recreational facilities for the camp attendees, as well as ancillary facilities.

**Outdoor Furnace (Wood Boilers, Outdoor Wood Furnace, Outdoor Wood Fired Hydronic Heater or Outdoor Hydronic Heater)** - Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

**Person** - Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

**Personal Wireless Service** - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, Personal Communications Services (PCS), specialized mobile radio services, and paging services.

**Personal Services** – See “Service Establishments”.

**Personal Wireless Service Provider** - An entity licensed by the FCC to provide Personal Wireless Services.

**Photovoltaic Systems, Large Scale** - Generally ground mounted, a large scale solar field would Generate over 25 kW to a maximum of 1000 kW. A special use permit is required for large scale solar systems.

**Photovoltaic Systems, Small Scale** - Small scale photovoltaic system having a rated capacity of 25kw or less, and energy is used entirely onsite with or without net metering.

**Premises** - A lot together with all the buildings and uses thereon. Principal Use — The use which is primary and dominant to the lot.

## Town of Denning – Zoning Law

November 8, 2018

**Private Club** - A facility operated by a corporation, association or group of people for the social, educational or recreational intent of the dues-paying members and their guests, but not primarily for profit nor to render a service which customarily is carried on as a business. Adult uses are not allowed as part of a private club.

**Public Assembly** - A group or gathering of persons in a public arena for worship, legislations, etc.

**Public and Private Schools** - Schools formally accredited by the New York State Department of Education. and schools which instruct more than twenty students per year, even though not formally accredited by the New York State Department of Education. The latter category would encompass nursery schools, environmental education centers, trade schools and Elderhostel's.

**Public Utility Station or Structure** - Electric lines and poles, gas mains and lines, water and sewer main and lines, telephone and telegraph lines and poles, and appurtenant structures, used to convey utility services to members of the public. The term does not include high voltage transmission lines and poles. The term does not include Personal Wireless Services.

**Public Utility Use** - An essential appurtenant facility within an overall utility network or system, such as an electric unit substation, municipal water pumping station or water tower, telephone relay station or sewage pumping station, with the building, structure or lot used for or in connection with the transmission, distribution or regulation of water, gas, electric, telephone or other public utility service.

**Radiation Propagation Studies or Radial Plots** - For the review of wireless telecommunications, computer generated estimates of the radiation emanating from antennae or Repeaters sited on a specific tower or Structure. The height above ground and above mean sea level, power input and output, frequency output, type of antenna (e), antenna (e) gain energy dispersion characteristics, and topography of both the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide Adequate Coverage.

**Recreational Facilities, Rural** - Basic facilities and supporting buildings and accessory activities that do not require extensively developed (disturbed) sites, and which are uses involving lower and moderate impact outdoor physical recreational activities and observance, generally including: hiking; fishing; picnicking; canoeing and kayaking; playgrounds; outdoor archery; hunting and hunting clubs; swimming; skating; cross-country skiing; nature watching; biking; horseback riding; and snowmobiling.

**Recreational Vehicle** - A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed as temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**Recycling Centers, Commercial** - See "Junkyard".

**Religious Facilities** – Buildings and grounds that are for the purpose of observing a particular religion as recognized by the State of New York.

**Repeater** - A micro or macro cell designed to extend Personal Wireless Service to areas which are not able to receive Adequate Coverage directly from a Base Station, using the same channels as the Base Station.

**Residence** - A building, or any part of a building, which contains living and sleeping accommodations for permanent occupancy. "Residence" therefore includes all one-family and two-family houses, row houses, mobile homes, apartment houses, boarding, rooming, fraternity, and sorority houses. However, "residence" shall not include the following: a) Transient accommodations, such as hotels, motels, and camp grounds; or b) That part of a building containing both residences and other uses which is used for any nonresidential uses, except accessory uses for residences.

**Residential Wind Turbine** - A wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 25 kW and which is intended primarily to reduce consumption of utility power at that location for residential use.

**Resort** - a facility for transient guests where the primary attraction is generally recreational facilities or activities.

**Restaurant** - Any establishment which serves prepared meals for consumption on the premises or for takeout. It does not include the term tavern or bar or drive-in's. (See "drive-in" and "establishment.")



## Town of Denning – Zoning Law

November 8, 2018

**Retail Store** - A business contained within a floor area of five thousand (5,000) square feet or less, engaged in the sale of commodities to walk-in consumers for direct consumption and not for resale, including apparel stores, pharmacies, bookstores and other retail outlets, excluding gasoline or filling stations.

**Ridgeline** - the highest elevation of a mountain or line of hills and the long, narrow crest or horizontal line of hills.

**Riding Academy** - Any establishment where horses are kept and cared for riding, driving or stabling for compensation, not including rough boarding of two horses.

**Right-of-Way** - A strip of land acquired or dedicated by reservation, dedication, purchase, prescription or condemnation, used or intended to be used to afford adequate legal access to abutting property/or properties. See also street.

**Right-of-Way Line** - The dividing line between a lot and the adjacent right-of-way.

**Roadside Farm Stand** - An establishment, usually a booth or stall, which is accessory to a farm, primarily engaged in the retail sale of produce and farm products to the general public and which is open no more than eight months in any calendar year.

**Rooming House** - See "Boardinghouse".

**Sawmills** - A factory in which logs are sawed into lumber by machine.

**Setback** - The distance in feet from street line to the principal building on a lot.

**Scrap Materials Salvaging and Wholesaling** - See "Junkyard".

**Screening** - Fences, bushes or trees or other natural and/or artificial material which obscures the visual character of any given building or use of land.

**Self-Storage** - A building or group of buildings containing separate individual and private storage spaces of varying sizes and available for lease or rent for varying periods of time.

**Service Establishments** – Any business, social or personal enterprise with the primary purpose of providing a service encompassing a wide range of business and professional services.

**Setback, Front** - The required minimum distance between the front line of a building and the related front lot line. (See "building, front line of" and "lot line, front")

**Setback, Rear** - The required minimum distance between a rear lot line and the rear of a building. The building rear line shall be measured from any bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof.

**Setback, Side** - The required minimum distance between a side lot line and the closest side of a building. The building side shall be measured from any bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof.

**Shared driveway** - (a 'Joint Access Drive' or 'Common Driveway') the equivalent of a low volume street or road right of way that connects no more than four (4) contiguous sites, including the parent parcel, to the public highway.

**Shopping Center** - a localized and concentrated collection of various business enterprises, food stores, retail stores, service oriented stores that sell services and items to the public.

**Short Term Residential Rentals** - properties using short term transient rentals, under thirty (30) days; unoccupied by owner.

**Sign** - Any letter, word, model, banner, flag, pennant, insignia, device, or representation designed or used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political entity, or signs devoted to prohibiting trespassing. The following words and phrases shall have the meanings ascribed to them as they relate to sign regulations:

- a. **Accessory Sign** - Any sign related to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.



## Town of Denning – Zoning Law

November 8, 2018

- b. **Awning** - A roof-like covering of canvas, fiberglass or other material attached to a metal or other frame and supported entirely from a building or other structure.
- c. **Freestanding Sign** - Those signs which are affixed to the ground and not attached to a building.
- d. **Front Face** - The outer surface of a building which is visible from any public street or walkway. A building may have more than one front face.
- e. **Mobile Sign** - A sign not permanently affixed to a structure or to the ground and designed or intended to be moved from one location to another (see also "Temporary Sign").
- f. **Projecting Sign** - A sign which is affixed to an exterior wall of the structure extending perpendicular or at an angle of more than 30 degrees from the wall and with the sign surface plane (upon which the typography is displayed) perpendicular to or at an angle of more than 30 degrees to the wall plane.
- g. **Roof Sign** - A sign which is erected, constructed, or maintained on, partly above, or as part of the roof of any building.
- h. **Sign Area** - The area of a sign shall be measured as follows: (1) When such sign is on a plate or framed or outlined: all of the area of such plate or the area enclosed by such frame or outline shall be included. (2) When such sign consists only of letters, designs, or figures engraved, painted, projected, or in any manner affixed on a wall or a fascia panel integrated into the building design, the total area of such sign shall be deemed the area of the smallest triangle, rectangle, or circle within which all of the matter of which such sign consists may be inscribed.
- i. **Temporary Sign** - A sign which is designed to advertise or announce a particular event or series of events, to solicit political support, or to announce the availability for sale of a particular item or items which will be available for a limited period.
- j. **Wall Sign** - A sign which is affixed to or painted on an exterior wall of a structure and the surface on which the typography is displayed is in the same plane as the wall plane.

**Sign (Directly illuminated)** - A sign which incorporates any artificial lighting as an integral part or feature or which depends for its illumination on transparent or translucent material or electricity or radio-activated material or substance.

**Sign (Flashing)** - An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

**Sign (Indirectly Illuminated)** - A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

**Site Plan** - A development plan that indicates the existing and proposed conditions and development and uses of land and structures thereon.

**Skilled Nursing Home or Convalescent Home** - A facility operated for the purpose of providing lodging, board, and nursing care to sick, invalid, infirm, disabled, or convalescent persons for remuneration.

**Small Scale Winery or Brewery** – A craft beverage producer conducted in compliance with the Craft New York Act.

**Soil Mining** - Excavating for the purpose of removal of gravel, quarrying and any non- incidental soil removal.

**Special Permit Use (Special Use)** - A use of property that may be basically appropriate to a given district, but which may be incompatible (in some locations in the district) and thus is not permitted by right everywhere within such district. A special permit use is one which is allowable only when specified facts and conditions are found to exist. The official document or permit granted or issued by the permit granting board for a use specifically listed as requiring such permit.

**Stable (Commercial Riding) Academy** – See "Riding Academy".

**State** - The State of New York.

**Street** - An existing public way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on a plat approved by the Planning Board and/or recorded in the office of the County Clerk. A new Private Street cannot serve more than four lots.

## Town of Denning – Zoning Law

November 8, 2018

**Street Line** - The dividing line between a lot and a street right-of-way, which forms the front lot line of a lot abutting a street, and is defined by the right-of-way or parcel containing a street.

**Street Width** - The width of the right-of-way or the distance between property, street parcel or taking lines on opposite sides of a street.

**Structure** - A static construction of building materials, including buildings, mobile homes, stadia, platforms, towers, sheds, storage bins, antennas and other receivers, swimming pools and the like.

**Studio** - The workshop of an artist, sculptor, photographer or crafts person, which can include the sale of works or products produced therein.

**Subdivision, Duration** - A subdivision is complete when all the definitive conditions set forth by the Planning Board are met following the signing of the final plat by the Planning Board Chairman.

**Subdivision, Minor** - The division of any parcel into three (3) to four (4) parcels or lots, blocks, or sites (including the original lot or lots within this count, and including resub division). A subdivision involving the utilization of central sewage disposal systems or water supplies, or the construction of new public streets should be considered a Major Subdivision. If a new private road/joint access right of way is proposed, a maintenance agreement should be a project component. See separate latest version of the 'Town of Denning Subdivision Regulations'

**Subdivision, Major** - The division of any parcel into more than four (4) parcels or lots, with or without streets and highways, and includes resub division. Generally, a major subdivision is a Type I action under SEQR within the Town of Denning. See separate latest version of the 'Town of Denning Subdivision Regulations'

**Swimming Pool** - An outdoor water pool intended for swimming or bathing. An outdoor water pool shall, be construed to mean any swimming pool, tank, depression, or excavation in any material, dike, or berm constructed, erected, excavated, or maintained, which will cause the retention of water to a greater depth than 18 inches or having a plane surface area of water greater than 100 square feet, and includes in ground as well as above ground swimming pools.

**Temporary** - In relation to all aspects and components of this law, something intended to, or that does, exist for fewer than ninety (90) days.

**Trailer (Private Utility)** - A vehicle not capable of self-propulsion, designed or used primarily for the transportation or storage of materials, equipment, or personal effects, not exceeding one ton in capacity.

**Transmission Line** - A method of conveying electromagnetic/radio frequency energy either to a transmitter or from a receiving antenna.

**Travel Trailer** - Any portable vehicle, including a tent camper, truck camper or motor home, which is designed to be transported on its own wheels, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes and which may or may not include one or all of the accommodations and facilities customarily included in a mobile home, provided that any travel trailer used for residential purposes for more than 30 consecutive days or 45 days aggregate in any one calendar year shall be considered a mobile home.

**Uniform Code** - The Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law.

**Uniform Code Supplement** - The publication entitled most current Uniform Code Supplement published by the New York State Department of State.

**Use** - This term employed in referring to: a) The purpose for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied; or b) Any occupation, business activity, or operation conducted (or intended to be conducted) in a building or other structure, or on land.

**Use Variance** - authorization by the Zoning Board for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

**Veterinary and Animal Services** - A facility with building(s) that offer treatment and prevention of diseases in animals, especially domestic animals.

## Town of Denning – Zoning Law

November 8, 2018

**Vicious Animals** - defined as any animal(s) that attacks, bites or injures human beings or domesticated animals without adequate provocation, or that, because of temperament, conditioning or training, has a known propensity to attack, bite or injure human beings or domesticated animals.

**Warehouse** - A building designed or used as a wholesale distribution center.

**Water Supply and Distribution System, Community** - A supply of water from a reliable source adequate to meet the daily needs of dwellings and their permitted accessory buildings or business or industrial establishments or any combination thereof, on two or more lots or parcels of land and having a system of intake conduits or pipes, pumps, purification and storage equipment and facilities, hydrants and other ancillary equipment and a system of distribution mains and pipes whereby the potable water is conducted to the dwellings, accessory buildings, business or industrial establishments or any combination thereof, located on the lots served by the system.

**Water Supply, Private** - A supply of potable water from a reliable source adequate to meet the daily needs of a dwelling and its permitted accessory buildings or a business or an industry, on a lot or parcel of land meeting the area and frontage requirements for use in the district in which it is located and which supply of water is approved as to potability, reliability and adequacy by the State Department of Health. Such private water supply may be from an on-site well or from a spring, stream, river, lake or other permanent source of water.

**Wholesale Establishment, Storage, and Warehousing** - building(s) used as a wholesale distribution center.

**Wholesale Trade** - the selling of goods in large quantities to be retailed by others.

**Wireless Telecommunications Facilities or Telecommunications Tower or Site** - A structure, facility, or location designed, or intended to be used as, or used to physically support antenna (e). It includes mono-poles and similar structures that employ camouflage technology, including, but not limited to, a multi-story building, church steeple, silo, water tower, or other similar structures intended to mitigate the visual impact of an antenna. It is a structure excluding those used exclusively for private radio and television reception, and private citizen's bands, amateur radio, and other similar telecommunications.

**Woodworking** - small scale carpentry which involves the manufacture/ crafting of wooden products of artistic quality or handmade workmanship within enclosed structures and involving the use of hand tools, or the use of mechanical equipment commonly associated with carpentry. Such land use may include an adjunct craft shop, meaning an inclusive part of the above referenced premises where the articles produced on-site are presented for sale. Examples may include woodworking, wood sculpture, cabinets, picture frames, furniture, and other closely associated woodworking activities that are customarily part of the business of woodworking shops and woodworking hobbyists. However, in no case shall total gross floor area of the business operation exceed five thousand (5,000) square feet.

**Wood Boiler** - see "Outdoor Furnace".

**Yard (Required)** - That par of the open area of a lot extending unobstructed from the ground upward, along a lot line, for a depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

**Yard, Front** - An open, unoccupied space extending across the full width of the lot, between the front lot line and a line drawn parallel thereto at the closest building.

**Yard, Rear** - An open, unoccupied space extending across the full width of a lot between the rear lot line and a line drawn parallel thereto at the closest building. There shall be minimal clearing of existing vegetation within this area except for the provision of transportation access, solar access, or landscaping improvement.

**Yard, Side** - An open, unoccupied space between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a street line shall be deemed a side line. There shall be minimal clearing of existing vegetation within this area except for the provision of transportation access, solar access, or landscaping replacements and improvement.

**Zoning Enforcement Official** - The officer or duly authorized representative designated by the authority having jurisdiction with the responsibility for administration and enforcement of the Local Zoning Law.

# Town of Denning – Zoning Law

November 8, 2018

## APPENDIX A ~ USE SCHEDULE

Refer to [ARTICLE V §200] - SCHEDULE OF DISTRICT USE REGULATIONS

### SCHEDULE USE KEY:

- P - Permitted.
- R - Requires Planning Board site development plan review.
- SP - Permitted by special permit.
- TP - Permitted by special permit and site plan review by the Town Board and site plan review by the Planning Board.
- N - Not permitted.

USE	Hamlet District	Rural District	Provincial District
<b>RESIDENTIAL</b>			
One and Two Family Residence	P	P	P
Manufactured Home - see [ §280 G]	P	P	P
Bed and Breakfast	SP	SP	SP
Short Term Rentals of Residences (one week or less)	SP	SP	SP
Boarding House	SP	SP	SP
Child Care, exempt	P	P	P
Customary Accessory Uses	P	P	P
Home Occupation - see [ §240 ]	P	P	P
In-law Apartment	R	R	R
Manufactured Home Park	N	SP	N
Wood Boiler - see [ §250 ]	P	P	P
<b>AGRICULTURE, FORESTRY, MINING</b>			
Agriculture, Crops	P	P	P
Agriculture, Livestock	R	P	P
Farmstands	P	P	P
Forestry	P	P	P
Logging – see [ §230 B ]	P	P	P
Mining and Quarrying of Non-metallic and Non-fuel Minerals	SP	SP	SP
Nursery	R	R	R
<b>MANUFACTURING, CONSTRUCTION, INDUSTRIAL AND RECYCLING</b>			
General Contractors and Builders	SP	R	R
Industrial Scale Wind Energy Facility	N	N	N
Manufactured Agricultural Products (greater than Home Occupation)	N	SP	SP
Manufacturing and Assembling	SP	SP	N
Recycling, Scrap Materials Salvaging and Wholesaling, and Junkyards	N	N	N
Sawmills	SP	SP	SP
Woodworking	SP	SP	SP
<b>WHOLESALE, RETAIL TRADE</b>			
Bar /Tavern	TP	N	N
Food Stores/General Stores	SP	SP	N
Motor Vehicle Service/Gasoline Station/ Repair Garages and Shops	SP	N	N
Motor Vehicle Sales/ Dealer Lot	SP	SP	N
Liquor Stores	TP	TP	N
Restaurants	SP	SP	SP
Retail Stores and Shops	SP	SP	SP
Winery / Brewery	TP	TP	TP
Wholesale Trade	SP	SP	SP
<b>SERVICE AND OFFICE USES</b>			
Auto Washing	N	N	N
Banks	R	N	N
Business Services	R	SP	N
Drive-in Establishment	N	N	N

# Town of Denning – Zoning Law

November 8, 2018

USE (continued)

**Hamlet**  
District

**Rural**  
District

**Provincial**  
District

## SERVICE AND OFFICE USES (continued)

General and Professional Offices	R	SP	SP
Hotels and Motels	SP	SP	N
Kennel	N	SP	SP
Personal Services	R	SP	SP
Resorts and Conference Centers	SP	SP	SP
Self-storage Facilities	N	SP	SP
Studio	R	R	SP
Veterinary and Animal Services	N	SP	SP

## INSTITUTION AND RECREATION

Adult Uses	N	N	TP
Amusement Facilities	N	N	N
Cemeteries	R	R	P
Child Care, licensed	R	R	R
Churches and Place of Worship	P	P	R
Clubhouses and Organizational Meeting Halls, including Hunting Clubs	R	P	P
Commercial Campgrounds and Recreational Vehicle Parks	N	N	N
Recreational Facilities, Rural Outdoors	SP	SP	SP
Cultural Facilities	SP	SP	SP
Funeral Home	R	R	N
Government Offices and Facilities	R	R	N
Nursery School/ Preschool	R	SP	SP
Health Services	SP	SP	N
Hospitals	N	TP	TP
Multi-purpose Organizational Complexes	SP	SP	SP
Organizational Campgrounds	N	SP	SP
Public and Private Schools / Educational Services	SP	SP	SP
Social Services	SP	SP	N
Stable (Commercial Riding) Academy	N	SP	SP

## TRANSPORTATION AND UTILITIES

Commercial TV and Radio Receiving and Transmitting Antenna	TP	TP	TP
Residential Wind Turbines	SP	SP	SP
Fixed Microwave Services Transmitting or Receiving Dish	TP	TP	TP
Motor Freight Transportation / Warehousing	SP	SP	N
Major Communication /Transmission/ Reception Tower	SP	SP	SP
Minor Communication /Transmission/ Reception Tower	R	R	R
Public Utility or Transportation Use, including Garage and Maintenance Facility	SP	SP	SP
Public Utility Station, Sub-Station or Non-Tower Facility	SP	SP	SP
Solar, Wind, Geothermal Systems	SP	SP	SP
Repeater (Major)	SP	SP	SP
Residential Communications Receiving and Transmitting Antenna	P	P	P

## Town of Denning – Zoning Law

November 8, 2018

### APPENDIX B ~ DERIVATION TABLE FOR THE TOWN OF DENNING ZONING LAW

**History:** The Original Zoning Law of the Town of Denning was adopted by Local Law 1 of 1990, and the effective date according to Town Clerk was June 8, 1990. Amendments and renumbering and prior amendments noted where applicable.

**Amendment** in 1991

**Addition of Cell Tower Law** in 2001

**Addition of Manufactured Home Park Law** in 2004

**Addition of Timber Harvest Law** in 2004

**Repeal of Timber Harvest Law** in 2008

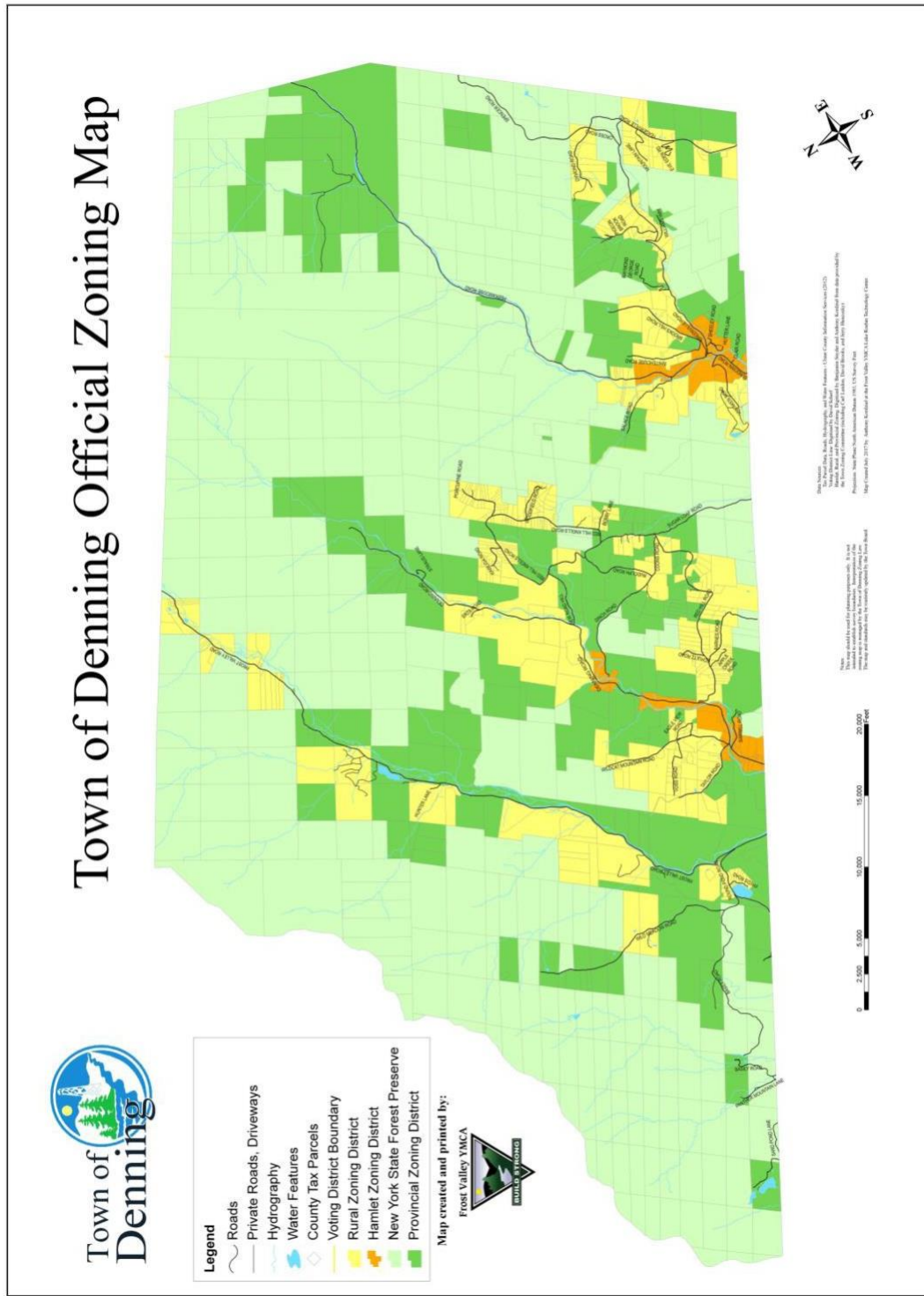
**Revised and Amended in 2018** by: This Local Law No. x-2018, adopted x-x-2018, and filed with the NY Secretary of State on x-x-2018, provided for the modification, compilation, renumbering and tabulation of the Comprehensive Zoning Law of the Town of Denning, otherwise known as the Town of Denning Zoning Law, as previously adopted and amended effective up to that dat

Town of Denning – Zoning Law  
November 8, 2018

November 8, 2018

## APPENDIX C ~ OFFICIAL ZONING MAP

A large format graphic depiction of the zoning map is on file with the Town of Denning Town Clerk. The List of Parcels by Zoning District [Appendix B] represents the exact boundaries of the zoning districts and supersedes the possible inaccuracy of the colored overlays on the town zoning map.





# Town of Denning – Zoning Law

November 8, 2018

## APPENDIX D ~ LIST OF PARCELS BY ZONING DISTRICT

With adoption of the proposed zoning a definitive list of parcels by zoning district has been generated and a copy of this list is available in this Appendix (listed below) as well as at the Town of Denning Town Clerks Office. This list represents the exact boundaries of the zoning districts and supersedes the possible inaccuracy of the colored overlays on the town zoning map. Properties listed below are for the Hamlet and Rural Districts. All other properties are considered to reside in the Provincial District. The Overlay Districts as defined in [Article IV] also listed in a separate table below may overlay the parcels in the Hamlet, Rural, and Provincial Districts.

### HAMLET DISTRICT – (as of latest Tax Maps of 2012 and Assessment Roll of 2012)

**“H” - Hamlet District:** defined by parcel boundaries and include all parcels listed in the table below. The Overlay Districts as defined in [Article IV] may overlay these parcels.

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
42.0-2-26.200	2321	Denning Road	H (D)	12.4	12.40
42.0-2-28.200	2205	Denning Road	H (D)	84.3	84.30
42.0-2-31.100 (map)	2284	Denning Road	H (D)	15.30	
42.0-2-31 (tax roll)	2284	Denning Road	H (D)		8.90
42.0-2-32 (tax roll)		Denning Road	H (D)		6.25
42.0-2-33	2304	Denning Road	H (D)	1.25	.39
42.0-2-34	2297	Denning Road	H (D)	1.6	1.55
42.0-2-35		Denning Road	H (D)	2	3.15
42.0-2-36	2328	Denning Road	H (D)	4.7	4.70
42.0-2-37		Dinch Road	H (D)	38.6	38.60
42.0-2-38	2659	Denning Road	H (D)	1.2	1.00
50.0-1-06.200	7	Taylor Road	H (D)	12	12.00
50.0-3-04.100	2156	Denning Road	H (D)	5.9	9.50
50.1-1-01		Denning Road	H (D)	.5	.50
50.1-1-02 & 03	1401	Denning Road	H (D)	1.4	1.40
50.1-1-04	1409	Denning Road	H (D)	1	1.02
50.1-1-05		Denning Road	H (D)	8.4	8.40
50.1-1-06		Denning Road	H (D)	4.7	4.70
50.1-1-08.100	1481	Denning Road	H (D)	1.5	1.30
50.1-1-08.200		Denning Road	H (D)	3.5	3.50
50.1-1-09	1511	Denning Road	H (D)	.5	.81
50.1-1-10	1525	Denning Road	H (D)	1.7	1.70
50.1-1-11.100	1549	Denning Road	H (D)	1	1.00
50.1-1-12	1561	Denning Road	H (D)	.4	.40
50.1-1-13	1567	Denning Road	H (D)	.4	.40
50.1-1-14.100	1836	Denning Road	H (D)	1.2	1.20
50.1-1-14.200	15	Sawmill Road (Pvt)	H (D)	1.4	1.40
50.1-1-15	23	Sawmill Road (Pvt)	H (D)	1	.92
50.1-1-16	27	Sawmill Road (Pvt)	H (D)	1.2	1.18
50.1-1-17	29	Sawmill Road (Pvt)	H (D)	1.2	1.20
50.1-1-18		Sawmill Road (Pvt)	H (D)	1	.85
50.1-1-19	37	Sawmill Road (Pvt)	H (D)	1	1.07
50.1-1-20	43	Sawmill Road (Pvt)	H (D)	.5	.56
50.1-1-21		Sawmill Road (Pvt)	H (D)	2.2	2.19
50.1-1-22.100	32	Sawmill Road (Pvt)	H (D)	12.2	12.70
50.1-1-22.200		Sawmill Road (Pvt)	H (D)	1	1.00
50.1-1-23	30	Sawmill Road (Pvt)	H (D)	3.3	3.30
50.1-1-24	20	Sawmill Road (Pvt)	H (D)	3.3	3.30
50.1-1-25	10	Sawmill Road (Pvt)	H (D)	1.1	1.14
50.1-1-26	1558	Denning Road	H (D)	1.2	1.15
50.1-1-27	1546	Denning Road	H (D)	1.6	1.80
50.1-1-28	1540	Denning Road	H (D)	3.5	3.53
50.1-1-29	1512	Denning Road	H (D)	.5	.50
50.1-1-30	1500	Denning Road	H (D)	.5	.50
50.1-1-33	1474	Denning Road	H (D)	17	11.35
50.1-1-34	1462-1472	Denning Road	H (D)	.8	.75
50.1-1-35	1456	Denning Road	H (D)	1	1.00
50.1-1-36	1444	Denning Road	H (D)	2.1	2.20
50.1-1-37		Denning Road	H (D)	.5	.50
50.1-1-38		Denning Road	H (D)	.5	.70
50.1-1-39	1430	Denning Road	H (D)	1.5	1.50
50.1-1-40	1414	Denning Road	H (D)	2.6	2.60
50.1-1-41	1406	Denning Road	H (D)	1	1.00

# Town of Denning – Zoning Law

November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
50.1-1-42		Denning Road	H (D)	14.2	13.20
50.1-1-43	1463	Denning Road	H (D)	.5	.70
50.1-1-44	1471	Denning Road	H (D)	5.2	5.20
50.1-1-45.110	1545	Denning Road	H (D)	1	1.00
50.1-1-45.120		Denning Road	H (D)	1	1.00
50.1-1-46.100	1505	Denning Road	H (D)	1.8	1.80
50.1-1-47	1478	Denning Road	H (D)	17.3	17.30
50.1-1-48 (map)	1511	Denning Road	H (D)	.5	
50.1-2-01.100	15	Wildcat Road	H (D)	2.7	2.70
50.1-2-37.110	20	Wildcat Road	H (D)	1.1	1.10
50.1-2-37.210	16	Wildcat Road	H (D)	7.2	7.20
50.1-2-38	38	Wildcat Road	H (D)	1.0	1.00
50.1-3-01	1868	Denning Road	H (D)	3	3.01
50.1-3-02.112		Denning Road	H (D)	1.1	1.13
50.1-3-02.113	1880	Denning Road	H (D)	1	1.00
50.1-3-02.114		Denning Road	H (D)	5.3	5.30
50.1-3-02.120	1895	Denning Road	H (D)	2.1	2.13
50.1-3-02.200		Denning Road	H (D)	3.3	3.35
50.1-3-03	1899	Denning Road	H (D)	52.7	52.70
50.1-3-04	1971	Denning Road	H (D)	15.1	15.10
50.1-3-05	1900	Denning Road	H (D)	1.7	1.70
50.1-3-06		Denning Road	H (D)	4.5	4.80
50.1-3-07	1964	Denning Road	H (D)	.5	.28
50.1-3-08		Denning Road	H (D)	.5	.75
50.1-3-10	2071	Denning Road	H (D)	1	.55
50.1-3-14.100		Denning Road	H (D)	.5	.40
50.1-3-14.200	2046	Denning Road	H (D)	.5	.40
50.1-3-15	2050	Denning Road	H (D)	1.5	1.00
50.1-3-48.100	2004	Denning Road	H (D)	.5	.76
50.1-3-49.100	2011	Denning Road	H (D)	1.5	1.50
<b>Hamlet area in Denning - Totals</b>			<b>81</b>	<b>418.95</b>	<b>417.02</b>
51.0-2-33.100	20	Van Aken Road	H (S)	75	79.00
51.18-3-01	749	Sundown Road	H (S)	1	.60
51.18-3-02	4	Peekamoose Road	H (S)	1	.75
51.18-3-03	4	Greenville Road	H (S)	.5	.50
51.3-1-10.100	149	Peekamoose Road	H (S)	12.1	12.10
51.3-1-10.200	153	Peekamoose Road	H (S)	2.5	2.50
51.3-1-12	142	Peekamoose Road	H (S)	13.3	13.30
51.3-1-13	111	Peekamoose Road	H (S)	12.6	12.40
51.3-1-15.100	98	Peekamoose Road	H (S)	2.4	2.47
51.3-1-15.200	107	Peekamoose Road	H (S)	4.7	4.74
51.3-1-16.110		Peekamoose Road	H (S)	6.2	6.53
51.3-1-16.120	87	Peekamoose Road	H (S)	1	1.04
51.3-1-16.200		Peekamoose Road	H (S)	3.5	3.50
51.3-1-20		Peekamoose Road	H (S)	15	15.49
51.3-1-21		Peekamoose Road	H (S)	1	1.00
51.3-1-22	47	Peekamoose Road	H (S)	3	3.00
51.3-1-23		Peekamoose Road	H (S)	5.9	5.90
51.3-1-24	53	Peekamoose Road	H (S)	5.4	5.38
51.3-1-25.110	59	Peekamoose Road	H (S)	1.5	1.50
51.3-1-25.120	57	Peekamoose Road	H (S)	2	2.00
51.3-1-25.200		Peekamoose Road	H (S)	2.4	2.29
51.3-1-26	65	Peekamoose Road	H (S)	4.4	3.00
51.3-1-27		Peekamoose Road	H (S)	2.5	2.44
51.3-1-28		Peekamoose Road	H (S)	5	5.00
51.3-1-29	71	Peekamoose Road	H (S)	2	2.89
51.3-1-30	85	Peekamoose Road	H (S)	.5	.80
51.3-1-31		Peekamoose Road	H (S)	3.4	3.21
51.3-1-33	131	Peekamoose Road	H (S)	3.8	3.80
51.3-1-34	139	Peekamoose Road	H (S)	1.2	1.20
51.3-1-35	143	Peekamoose Road	H (S)	3	3.00
58.0-1-02	58	Greenville Road	H (S)	10.9	10.90
58.0-1-04.100	68	Greenville Road	H (S)	19.5	9.30
58.1-1-04	607	Sundown Road	H (S)	6.8	6.80
58.1-1-05	615	Sundown Road	H (S)	10.4	10.40
58.1-1-06.100		Sundown Road	H (S)	8.1	8.10
58.1-1-06.200	662	Sundown Road	H (S)	1.7	1.70
58.1-1-07		Van Aken Road	H (S)	3.9	3.90
58.1-1-08		Van Aken Road	H (S)	6.5	6.50

# Town of Denning – Zoning Law

November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
58.1-1-09.100	58-62	Van Aken Road	H (S)	10.1	9.00
58.1-1-09.200	68	Van Aken Road	H (S)	9.6	9.60
58.1-1-11		Van Aken Road	H (S)	4.9	4.90
58.1-1-12	715	Sundown Road	H (S)	2.4	2.40
58.1-1-13	711	Sundown Road	H (S)	1.6	1.60
58.1-1-14	714	Sundown Road	H (S)	2.8	2.80
58.1-1-15.100	684	Sundown Road	H (S)	3	3.02
58.1-1-16.100	678	Sundown Road	H (S)	1.2	1.20
58.1-1-18.100 (map)		Sundown Road	H (S)	3.4	
58.1-1-18 (tax roll)	7	Clair Road	H (S)		3.44
58.1-1-20	654	Sundown Road	H (S)	3	2.20
58.1-1-24	628	Sundown Road	H (S)	5.7	5.70
58.1-1-25	648	Sundown Road	H (S)	4.8	4.80
58.1-2-05.110	16	Greenville Road	H (S)	53.6	53.60
58.1-2-05.120	37	Huttar Lane (Pvt)	H (S)	5.4	5.46
58.1-2-05.200	736	Sundown Road	H (S)	2.4	2.26
58.1-2-06	741-745	Sundown Road	H (S)	2.5	2.50
58.1-2-07	11	Sheeley Road	H (S)	3.3	3.30
58.1-2-08	7	Sheeley Road	H (S)	1.6	1.60
58.1-2-09	46	Greenville Road	H (S)	1	.80
58.1-2-10	50	Greenville Road	H (S)	1	.88
58.1-2-11.100	64	Greenville Road	H (S)	1	.90
58.1-2-12	76	Greenville Road	H (S)	5.8	5.80
58.1-2-13	124	Greenville Road	H (S)	2.8	2.80
58.1-2-14	72	Brooks Hill Road	H (S)	2.3	2.59
58.1-2-17	632	Sundown Road	H (S)	5.3	4.00
58.1-2-18		Sheely Road	H (S)	1.0	1.95
58.1-2-19	54	Greenville Road	H (S)	2.4	2.40
Hamlet area in Sundown - Totals			65	409.5	400.43
Total Hamlet area in Town of Denning			147	829.45	817.45

RURAL DISTRICT – (as of latest Tax Maps of 2012 and Assessment Roll of 2012)

**“R” - Rural District:** defined by parcel boundaries and include all parcels listed in the table below. The Overlay Districts as defined in [Article IV] may overlay these parcels.

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
33.0-1-22	2000	Frost Valley Road	R (D)	150.6	160.00
33.0-1-29	2000	Frost Valley Road	R (D)	150	160.00
33.0-1-30	2000	Frost Valley Road	R (D)	160	160.00
33.0-1-31	2030	Frost Valley Road	R (D)	5	5.00
34.0-1-10	1840	Frost Valley Road	R (D)	14.7	14.70
34.0-1-11	1830	Frost Valley Road	R (D)	10.7	10.70
34.0-1-12	1820	Frost Valley Road	R (D)	17.6	17.60
34.0-1-15	1804	Frost Valley Road	R (D)	1.8	1.80
34.0-1-16	1806	Frost Valley Road	R (D)	18.4	18.40
34.0-1-17		Frost Valley Road	R (D)	53.8	53.80
34.0-1-21	1690	Frost Valley Road	R (D)	1.3	1.30
34.0-1-22	1694	Frost Valley Road	R (D)	4.3	4.33
34.0-1-23.100		Frost Valley Road	R (D)	6.1	6.12
34.0-1-23.210	1700	Frost Valley Road	R (D)	3.1	3.09
34.0-1-24	1718	Frost Valley Road	R (D)	30.3	39.00
34.0-1-25	1730	Frost Valley Road	R (D)	10.7	10.70
34.0-1-26	1717	Frost Valley Road	R (D)	54.7	54.70
34.0-1-28	1790	Frost Valley Road	R (D)	49.4	49.40
34.0-1-29		Frost Valley Road	R (D)	34.4	27.80
34.0-1-30		Frost Valley Road	R (D)	0.5	.60
34.0-1-31	1799	Frost Valley Road	R (D)	0.5	.80
34.0-1-36.111	1645	Frost Valley Road	R (D)	54.4	54.42
34.0-1-36.112		Frost Valley Road	R (D)	4.7	4.70
34.0-1-36.120		Frost Valley Road	R (D)	5.8	4.79
34.0-1-36.200		Frost Valley Road	R (D)	6	5.09
34.0-1-37		Frost Valley Road	R (D)	1	1.00
34.0-1-38		Frost Valley Road	R (D)	1	1.00
34.0-1-39	1674	Frost Valley Road	R (D)	25.1	27.00
34.0-1-40	1636	Frost Valley Road	R (D)	1	.90

Town of Denning – Zoning Law  
November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
34.0-1-41		Frost Valley Road	R (D)	1	1.00
34.0-1-42	1650	Frost Valley Road	R (D)	1.7	1.70
34.0-1-43	1620	Frost Valley Road	R (D)	1	.80
34.0-1-44.100		Frost Valley Road	R (D)	26.2	42.70
34.0-1-44.200		Frost Valley Road	R (D)	1.8	1.80
34.0-1-44.300		Frost Valley Road	R (D)	24.7	24.70
34.0-1-53	1814	Frost Valley Road	R (D)	28	28.00
34.3-2-01	1817	Frost Valley Road	R (D)	1.5	1.50
34.3-2-02		Frost Valley Road	R (D)	1	.90
34.3-2-03	1827	Frost Valley Road	R (D)	1.8	1.80
34.3-2-04	1831	Frost Valley Road	R (D)	1	.84
34.3-2-05	1837	Frost Valley Road	R (D)	1	.83
34.3-2-06		Frost Valley Road	R (D)	1	.80
34.3-2-07	1835	Frost Valley Road	R (D)	1	.80
41.0-2-01		Round Pond Road	R (D)	5	5.70
41.0-2-02		Round Pond Road	R (D)	5.1	5.14
41.0-2-03	136	Round Pond Road	R (D)	5	5.07
41.0-2-04	132	Round Pond Road	R (D)	5.1	5.16
41.0-2-05	129	Round Pond Road	R (D)	5.2	5.20
41.0-2-06	1	Freds Road	R (D)	5.1	5.10
41.0-2-07	2	Freds Road	R (D)	5	5.05
41.0-2-08	3	Freds Road	R (D)	5	5.02
41.0-2-09	4	Freds Road	R (D)	5	5.01
41.0-2-10		Round Pond Road	R (D)	5	5.03
41.0-2-11	6	Freds Road	R (D)	5	5.04
41.0-2-12	7	Freds Road	R (D)	5	5.04
41.0-2-13	8	Freds Road	R (D)	5	5.00
42.0-1-10	231	Wild Meadow Road	R (D)	130.6	130.00
42.0-1-11	276	Wild Meadow Road	R (D)	108.2	120.00
42.0-1-27.111		Frost Valley Road	R (D)	45	45.00
42.0-1-27.112		Frost Valley Road	R (D)	20	20.00
42.0-1-27.120		Frost Valley Road	R (D)	40	40.00
42.0-1-27.200		Frost Valley Road	R (D)	42	42.00
42.0-1-27.300		Frost Valley Road	R (D)	40	40.00
42.0-1-28		Frost Valley Road	R (D)	46	46.00
42.0-1-29.100	2822	Frost Valley Road	R (D)	141.3	141.30
42.0-1-33.100	64	Round Pond Road	R (D)	8.1	86.90
42.0-1-40		Frost Valley Road	R (D)	44.5	42.00
42.0-1-42.112	2620	Frost Valley Road	R (D)	38	38.00
42.0-1-42.120		Frost Valley Road	R (D)	20	20.00
42.0-1-51.200		Frost Valley Road	R (D)	51.2	58.00
42.0-1-52	2138	Frost Valley Road	R (D)	97.1	90.00
42.0-2-01		Taylor Road	R (D)	35	35.00
42.0-2-02		Taylor Road	R (D)	51	51.00
42.0-2-03	93	Taylor Road	R (D)	52	52.00
42.0-2-04.100	139	Voss Road	R (D)	6.9	6.90
42.0-2-06.110	148	Voss Road	R (D)	18.1	18.10
42.0-2-08	221	Wildcat Road	R (D)	5	93.50
42.0-2-09	255	Wildcat Road	R (D)	96	96.00
42.0-2-10	283	Wildcat Road	R (D)	2	2.00
42.0-2-11	287	Wildcat Road	R (D)	2	2.00
42.0-2-12.110	311	Wildcat Road	R (D)	22.5	22.55
42.0-2-12.120		Wildcat Road	R (D)	7.3	7.35
42.0-2-12.200	331	Wildcat Road	R (D)	3	3.02
42.0-2-13	335	Wildcat Road	R (D)	33.3	33.36
42.0-2-14	356	Wildcat Road	R (D)	53	53.00
42.0-2-39		Denning Road	R (D)	72	72.00
42.0-2-40		Denning Road	R (D)	79.6	54.30
42.0-2-41	2417	Denning Road	R (D)	44.2	44.20
42.0-2-42.100	2745-2811	Denning Road	R (D)	515.3	515.29
42.0-2-43		Denning Road	R (D)	98.8	98.76
42.0-2-48.100		Denning Road	R (D)	100.6	87.00
42.0-2-48.200	2911	Denning Road	R (D)	2.9	2.63
42.0-2-49		Denning Road	R (D)	13.8	13.80
42.0-2-50		Denning Road	R (D)	42.8	71.50
42.0-2-51	2499	Denning Road	R (D)	65.8	65.80
42.0-2-53	144	Voss Road	R (D)	51.1	5.10
42.0-3-01	2558	Frost Valley Road	R (D)	35.7	35.78
42.0-3-02	2550	Frost Valley Road	R (D)	8.7	8.69
42.0-3-03	2554	Frost Valley Road	R (D)	138	138.09

Town of Denning – Zoning Law  
November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
42.0-3-04		Frost Valley Road	R (D)	8.6	8.67
42.0-3-05.200		Frost Valley Road	R (D)	68.95	68.95
42.0-3-07		Frost Valley Road	R (D)	41.2	41.19
42.0-3-08	2244	Frost Valley Road	R (D)	7.5	7.56
42.0-3-09	2552	Frost Valley Road	R (D)	3.1	3.10
42.0-3-10	2274	Frost Valley Road	R (D)	4.3	4.30
43.3-1-01	35	Erts Road	R (D)	1	1.00
43.3-1-02.100	20	Erts Road	R (D)	1	1.07
43.3-1-03.100	10	Erts Road	R (D)	1.1	1.09
43.3-1-04	2899	Denning Road	R (D)	.5	1.00
43.3-1-05	2875	Denning Road	R (D)	13	13.00
43.3-1-07	2735	Denning Road	R (D)	59	58.29
43.3-1-08.100		Red Hill Knolls Road	R (D)	14.6	14.60
43.3-2-01		Kawlija Road	R (D)	15.4	15.40
43.3-2-02	115	Kawlija Road	R (D)	5.2	5.15
43.3-2-03	107	Kawlija Road	R (D)	5.5	5.50
43.3-2-04		Kawlija Road	R (D)	6.9	6.88
43.3-2-05	99	Kawlija Road	R (D)	3.6	3.58
43.3-2-06		Kawlija Road	R (D)	3.6	3.50
43.3-2-07.100	89	Kawlija Road	R (D)	3	3.00
43.3-2-08.100	83	Kawlija Road	R (D)	3.7	3.70
43.3-2-09		Red Hill Knolls Road	R (D)	2.2	2.20
43.3-2-10	367	Red Hill Knolls Road	R (D)	1.6	1.58
43.3-2-11	383	Red Hill Knolls Road	R (D)	1.8	1.70
43.3-2-12	71	Kawlija Road	R (D)	1	1.00
43.3-2-13		Red Hill Knolls Road	R (D)	2	2.01
43.3-2-14		Kawlija Road	R (D)	4.5	3.88
43.3-2-15		Kawlija Road	R (D)	1	.89
43.3-2-16	100	Kawlija Road	R (D)	2.5	2.48
43.3-2-17		Kawlija Road	R (D)	1	.54
43.3-2-18	120	Kawlija Road	R (D)	4.1	4.14
43.3-2-19		Kawlija Road	R (D)	3.5	3.50
43.3-2-20		Kawlija Road	R (D)	3.7	3.70
43.3-2-21	54	Kawlija Road	R (D)	4.5	4.50
43.3-2-22.100	44	Kawlija Road	R (D)	5.4	5.40
43.3-2-22.200	53	Kawlija Road	R (D)	3	2.95
43.3-2-22.300		Red Hill Knolls Road	R (D)	1.3	1.29
43.3-2-23	42	Kawlija Road	R (D)	4.3	4.30
43.3-2-24	16	Kawlija Road	R (D)	2.7	2.43
43.3-2-25	437	Red Hill Knolls Road	R (D)	6.4	6.40
43.3-2-26	449	Red Hill Knolls Road	R (D)	6.1	6.10
43.3-2-28	438	Red Hill Knolls Road	R (D)	6.8	6.80
43.3-2-29	430	Red Hill Knolls Road	R (D)	4.6	4.52
43.3-2-30	412	Red Hill Knolls Road	R (D)	3.8	3.80
43.3-2-31	396	Red Hill Knolls Road	R (D)	10.5	10.56
43.3-2-32	378	Red Hill Knolls Road	R (D)	3.8	3.77
43.3-2-33	358	Red Hill Knolls Road	R (D)	3.2	3.18
43.3-2-34	356	Red Hill Knolls Road	R (D)	2.6	2.59
43.3-2-35.100	3015	Red Hill Road	R (D)	10.6	10.06
43.3-2-36.100		Red Hill Road	R (D)	50.2	53.00
43.3-2-36.200	3045	Red Hill Road	R (D)	2	2.00
43.3-2-37	3018	Red Hill Road	R (D)	4	4.00
43.3-3-1		Porcupine Road	R (D)	36	36.00
43.3-3-02		Porcupine Road	R (D)	34.9	30.00
43.3-3-03	29	Porcupine Road	R (D)	8.3	9.24
43.3-3-04	83	Porcupine Road	R (D)	3.1	3.10
43.3-3-05	101	Porcupine Road	R (D)	3.1	3.05
43.3-3-06.110	111	Porcupine Road	R (D)	4.2	3.90
43.3-3-06.120		Porcupine Road	R (D)	1.5	1.51
43.3-3-06.200		Porcupine Road	R (D)	1.5	1.50
43.3-3-07	121	Porcupine Road	R (D)	3.4	3.40
43.3-3-08	125	Porcupine Road	R (D)	3.4	3.40
43.3-3-09	129	Porcupine Road	R (D)	3.6	3.00
43.3-3-11		Porcupine Road	R (D)	9	9.80
43.3-3-10	137	Porcupine Road	R (D)	6.2	6.20
43.3-3-12	140	Porcupine Road	R (D)	10	10.00
43.3-3-13.100	132	Porcupine Road	R (D)	2.9	2.90
43.3-3-13.200	130	Porcupine Road	R (D)	2.9	2.90
43.3-3-14	122	Porcupine Road	R (D)	3.8	3.30
43.3-3-15	124	Porcupine Road	R (D)	3	3.00

Town of Denning – Zoning Law  
November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
43.3-3-16		Porcupine Road	R (D)	4.2	2.80
43.3-3-17	106	Porcupine Road	R (D)	6.3	6.30
43.3-3-18	84	Porcupine Road	R (D)	3.8	3.80
43.3-3-19	82	Porcupine Road	R (D)	4.4	4.40
43.3-3-20	74	Porcupine Road	R (D)	5.4	5.40
43.3-3-21	64	Porcupine Road	R (D)	13	13.00
43.3-3-22		Porcupine Road	R (D)	2	1.76
43.3-3-23	56	Porcupine Road	R (D)	3.3	3.70
43.3-3-24		Porcupine Road	R (D)	3.8	3.28
43.3-3-25	38	Porcupine Road	R (D)	5.6	5.05
43.3-3-26.100	30	Porcupine Road	R (D)	3.5	3.58
43.3-3-26.200		Porcupine Road	R (D)	3.5	3.54
43.3-3-27.110 (map)		Red Hill Knolls Road	R (D)	9.4	
43.3-3-27.100 (tax roll)		Red Hill Road	R (D)		9.40
43.3-3-28	528	Red Hill Knolls Road	R (D)	2.3	2.30
43.3-3-29		Red Hill Knolls Road	R (D)	2	2.03
43.3-3-30.100 (map)		Red Hill Knolls Road	R (D)	3.31	
43.3-3-30 (tax roll)	576	Red Hill Knolls Road	R (D)		3.13
43.3-3-31	584	Red Hill Knolls Road	R (D)	2	2.01
43.3-3-32	588	Red Hill Knolls Road	R (D)	2	2.08
43.3-3-33	594	Red Hill Knolls Road	R (D)	2	2.08
43.3-3-34	598	Red Hill Knolls Road	R (D)	2	2.07
43.3-3-35	612	Red Hill Knolls Road	R (D)	2.9	2.90
43.3-3-36	613	Red Hill Knolls Road	R (D)	7.7	7.20
43.3-3-37		Red Hill Knolls Road	R (D)	7.2	7.20
43.3-3-38	601	Red Hill Knolls Road	R (D)	1.8	1.88
43.3-3-39		Red Hill Knolls Road	R (D)	1.6	1.65
43.3-3-42		Red Hill Knolls Road	R (D)	3.3	3.40
43.3-3-43		Red Hill Knolls Road	R (D)	1.7	1.74
43.3-3-44	507	Red Hill Knolls Road	R (D)	2.6	2.69
43.3-3-45		Red Hill Knolls Road	R (D)	4	4.00
43.3-4-01	617	Red Hill Knolls Road	R (D)	1	1.00
43.3-4-02	3	Woodfield Road (Pvt)	R (D)	2	1.95
43.3-4-03		Woodfield Road (Pvt)	R (D)	1.2	1.23
43.3-4-04		Red Hill Knolls Road	R (D)	18.5	17.74
43.3-4-05.100		Woodfield Road (Pvt)	R (D)	1.5	1.50
43.3-4-05.200	24	Woodfield Road (Pvt)	R (D)	1.4	1.40
43.3-4-06	30	Woodfield Road (Pvt)	R (D)	2.8	2.85
43.3-4-07		Woodfield Road (Pvt)	R (D)	2.8	2.80
43.3-4-08		Woodfield Road (Pvt)	R (D)	3.8	3.80
43.3-4-10	61	Woodfield Road (Pvt)	R (D)	2.1	2.06
43.3-4-11	75	Woodfield Road (Pvt)	R (D)	2.2	2.19
43.3-4-12	87	Woodfield Road (Pvt)	R (D)	2.7	2.70
43.3-4-13.112		Red Hill Knolls Road	R (D)	1.4	1.40
43.3-4-13.120	4	Woodfield Road (Pvt)	R (D)	1.5	1.50
43.3-4-13.200	8	Woodfield Road (Pvt)	R (D)	1.5	1.50
43.3-4-14	745	Red Hill Knolls Road	R (D)	1.2	1.20
43.3-4-15	757	Red Hill Knolls Road	R (D)	3	3.00
43.3-4-16.110	738	Red Hill Knolls Road	R (D)	5.2	5.20
43.3-4-16.111		Red Hill Knolls Road	R (D)	3	2.98
43.3-4-16.200	756	Red Hill Knolls Road	R (D)	3.7	3.70
43.3-4-17.100	712	Red Hill Knolls Road	R (D)	1.5	1.50
43.3-4-17.200	708	Red Hill Knolls Road	R (D)	1.5	1.50
43.3-4-18	698	Red Hill Knolls Road	R (D)	3.7	3.70
43.3-4-19	690	Red Hill Knolls Road	R (D)	3.4	3.38
43.3-4-20	678	Red Hill Knolls Road	R (D)	3.5	3.52
43.3-4-21	670	Red Hill Knolls Road	R (D)	3.2	3.20
43.3-4-22	662	Red Hill Knolls Road	R (D)	1.1	1.11
43.3-4-23		Red Hill Knolls Road	R (D)	4.8	4.76
43.3-4-24	640	Red Hill Knolls Road	R (D)	3.1	3.00
43.3-4-25	620	Red Hill Knolls Road	R (D)	3	3.00
43.3-4-26	48	Woodfield Road (Pvt)	R (D)	18.8	18.80
43.3-5-01.111	729	Red Hill Knolls Road	R (D)	12.6	12.60
43.3-5-01.112		Red Hill Knolls Road	R (D)	4.2	4.21
43.3-5-01.113		Red Hill Knolls Road	R (D)	3.2	3.25
43.3-5-01.114		Red Hill Knolls Road	R (D)	3.6	3.65
43.3-5-01.115		Red Hill Knolls Road	R (D)	4.1	4.30
43.3-5-01.116		Red Hill Knolls Road	R (D)	4.2	4.26
43.3-5-01.117		Red Hill Knolls Road	R (D)	6.6	6.66
43.3-5-01.120	10	Woodfield Road (pvt)	R (D)	2	2.00



Town of Denning – Zoning Law  
November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
43.3-5-01.130		Red Hill Knolls Road	R (D)	2	2.00
43.3-5-01.200	673	Red Hill Knolls Road	R (D)	2.8	3.00
43.3-5-02		Red Hill Knolls Road	R (D)	5.2	5.22
43.3-5-03		Red Hill Knolls Road	R (D)	7.8	7.82
43.3-5-04		Red Hill Knolls Road	R (D)	7.3	7.34
43.3-5-05	703	Red Hill Knolls Road	R (D)	8.2	8.23
50.0-1-03.111	83	Taylor Road	R (D)	21.5	21.50
50.0-1-03.112	79	Taylor Road	R (D)	28.1	28.10
50.0-1-03.200		Taylor Road	R (D)	52.3	52.24
50.0-1-07		Taylor Road	R (D)	3.9	3.91
50.0-1-08	24	Taylor Road	R (D)	19.6	19.55
50.0-1-09	50	Taylor Road	R (D)	19.6	19.55
50.0-1-10		Taylor Road	R (D)	28.5	28.50
50.0-1-11	61	Voss Road	R (D)	28.4	28.40
50.1-2-01.200	10	Taylor Road	R (D)	27.9	27.90
50.1-2-01.300		Wildcat Road	R (D)	11.7	11.70
50.1-2-02	55	Wildcat Road	R (D)	1	1.00
50.1-2-08		Voss Road	R (D)	6.8	5.97
50.1-2-09		Voss Road	R (D)	6.2	6.22
50.1-2-12		Voss Road	R (D)	1.1	1.00
50.1-2-13	108	Voss Road	R (D)	5.5	5.50
50.1-2-14		Voss Road	R (D)	8.9	8.91
50.1-2-15	119	Voss Road	R (D)	1.9	1.90
50.1-2-16.100	131	Voss Road	R (D)	6.2	6.20
50.1-2-16.200	135	Voss Road	R (D)	3	3.00
50.1-2-17	128	Voss Road	R (D)	2.7	2.73
50.1-2-18		Voss Road	R (D)	3.1	3.12
50.1-2-19	132	Voss Road	R (D)	3	3.06
50.1-2-20	116	Voss Road	R (D)	9.4	9.38
50.1-2-21.212	174	Wildcat Road	R (D)	32	32.00
50.1-2-22.110	30	Eagle View Road (Pvt)	R (D)	31	31.00
50.1-2-23		Eagle View Road (Pvt)	R (D)	2.1	2.10
50.1-2-24		Eagle View Road (Pvt)	R (D)	4.8	4.80
50.1-2-25		Eagle View Road (Pvt)	R (D)	5.4	5.04
50.1-2-26		Eagle View Road (Pvt)	R (D)	3.1	3.13
50.1-2-27		Eagle View Road (Pvt)	R (D)	2.5	2.45
50.1-2-28	51	Eagle View Road (Pvt)	R (D)	2.8	2.78
50.1-2-29		Eagle View Road (Pvt)	R (D)	2.7	3.74
50.1-2-30	7	Eagle View Road (Pvt)	R (D)	2.3	2.28
50.1-2-31		Eagle View Road (Pvt)	R (D)	2.4	2.57
50.1-2-32	6	Eagle View Road (Pvt)	R (D)	2.8	2.80
50.1-2-33	14	Eagle View Road (Pvt)	R (D)	2	2.00
50.1-2-34	18	Eagle View Road (Pvt)	R (D)	1.5	1.49
50.1-2-36		Wildcat Road	R (D)	28.2	22.00
50.1-2-39	55	Voss Road	R (D)	4.8	4.80
50.1-2-40	117	Wildcat Road	R (D)	20.2	20.23
50.1-2-41.100	35	Voss Road	R (D)	15.3	15.30
50.1-2-41.200	34	Voss Road	R (D)	1	1.00
50.1-3-16		Red Hill Road	R (D)	8.3	10.00
50.1-3-17	5654	Red Hill Road	R (D)	15.2	15.20
50.1-3-18	5646	Red Hill Road	R (D)	3.1	3.10
50.1-3-20.100	5618	Red Hill Road	R (D)	19.7	19.70
50.1-3-22	5604	Red Hill Road	R (D)	2	2.00
50.1-3-23	5582	Red Hill Road	R (D)	6	6.99
50.1-3-24	5570	Red Hill Road	R (D)	6.9	7.16
50.1-3-25	5566	Red Hill Road	R (D)	5	5.00
50.1-3-26	5552	Red Hill Road	R (D)	10.5	8.47
50.1-3-27	19	Schultz Road	R (D)	1.9	1.86
50.1-3-28	26	Schultz Road	R (D)	2.5	2.53
50.1-3-29		Barnes Road	R (D)	2.5	2.50
50.1-3-30	43	Apple Creek Road (Pvt)	R (D)	4.4	4.35
50.1-3-31	36	Apple Creek Road (Pvt)	R (D)	5.2	5.20
50.1-3-32		Apple Creek Road (Pvt)	R (D)	6.2	6.20
50.1-3-33	8	Barnes Road	R (D)	5.3	5.28
50.1-3-34	34	Apple Creek Road (Pvt)	R (D)	7.5	7.52
50.1-3-35		Apple Creek Road (Pvt)	R (D)	4.3	4.34
50.1-3-36		Apple Creek Road (Pvt)	R (D)	5.3	5.34
50.1-3-37	7	Apple Creek Road (Pvt)	R (D)	3.5	3.45
50.1-3-38		Apple Creek Road (Pvt)	R (D)	1.5	1.51
50.1-3-39		Red Hill Road	R (D)	3.7	3.73

# Town of Denning – Zoning Law

November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
50.1-3-40	22	Apple Creek Road (Pvt)	R (D)	3.4	3.43
50.1-3-41	5589	Red Hill Road	R (D)	3.5	3.50
50.1-3-42	5597	Red Hill Road	R (D)	7.7	7.70
50.1-3-43		Red Hill Road	R (D)	4.2	4.20
50.1-3-44		Red Hill Road	R (D)	5.0	4.81
50.1-3-45		Red Hill Road	R (D)	4.6	4.60
50.1-3-46		Red Hill Road	R (D)	4.2	4.20
50.1-3-47	5655	Red Hill Road	R (D)	21.2	21.20
50.2-1-01	60	Schultz Road	R (D)	92.4	100.00
50.2-1-02		Schultz Road	R (D)	1.5	1.50
50.2-1-03		Schultz Road	R (D)	1.4	1.50
50.2-1-04		Schultz Road	R (D)	.5	.20
50.2-1-05	39	Schultz Road	R (D)	.5	.35
50.2-1-06	63	Schultz Road	R (D)	1	1.00
50.2-1-07	48	Schultz Road	R (D)	1	1.16
50.2-1-08 (map)		Schultz Road	R (D)	.5	
50.2-1-09		Schultz Road	R (D)	.5	.18
50.2-1-10		Schultz Road	R (D)	.5	.20
50.2-1-11		Schultz Road	R (D)	.5	.22
50.2-1-12		Schultz Road	R (D)	.5	.24
50.2-1-13.100		Red Hill Road	R (D)	12	12.00
50.2-1-13.200		Red Hill Road	R (D)	10	10.00
50.2-1-13.300		Red Hill Road	R (D)	10.3	10.30
50.2-1-13.400	5470	Red Hill Road	R (D)	10	10.00
50.2-1-13.500	5448	Red Hill Road	R (D)	10.4	10.40
50.2-1-14	5444	Red Hill Road	R (D)	15.5	13.50
50.2-1-16	5443	Red Hill Road	R (D)	9.3	9.34
50.2-1-17	5455	Red Hill Road	R (D)	3.3	3.16
50.2-1-18	5463	Red Hill Road	R (D)	5.1	5.08
50.2-1-19.100		Red Hill Road	R (D)	7.4	7.40
50.2-1-19.210		Red Hill Road	R (D)	3	3.01
50.2-1-19.220		Red Hill Road	R (D)	4.3	4.32
50.2-1-20		Barnes Road	R (D)	48	48.00
50.2-1-21	51	Barnes Road	R (D)	21	10.00
50.2-1-22	70	Barnes Road	R (D)	19	19.00
50.2-1-23.110	75	Barnes Road	R (D)	4.5	3.61
50.2-1-23.121	59	Barnes Road	R (D)	5.6	5.69
50.2-1-23.122	5405	Red Hill Road	R (D)	6.6	6.76
50.2-1-23.123	5391	Red Hill Road	R (D)	6.5	6.60
50.2-1-23.124	5375	Red Hill Road	R (D)	8	8.14
50.2-1-23.125	71	Barnes Road	R (D)	6.5	6.50
50.2-1-23.126	67	Barnes Road	R (D)	5.6	5.60
50.2-1-24		Red Hill Road	R (D)	1	.60
50.2-1-26	5278	Red Hill Road	R (D)	11.2	11.85
50.2-1-27	5372	Red Hill Road	R (D)	7.5	7.50
50.2-1-28		Red Hill Road	R (D)	6.7	6.77
50.2-1-29 (map)		Red Hill Road	R (D)	7.2	
50.2-1-29.100 (tax roll)		Red Hill Road	R (D)		7.23
50.2-1-30.200	5321	Red Hill Road	R (D)	8.2	8.16
50.2-1-30.300		Red Hill Road	R (D)	111	111.00
50.2-2-02	125	Dinch Road	R (D)	8.4	8.37
50.2-2-03	105	Dinch Road	R (D)	69.8	69.80
50.2-2-04	80	Coons Road	R (D)	28.4	28.44
50.2-2-07	4028	Red Hill Road	R (D)	10	10.00
50.2-2-08.100	4050	Red Hill Road	R (D)	8	8.00
50.2-2-08.200		Red Hill Road	R (D)	1	1.00
50.2-2-08.300		Red Hill Road	R (D)	1	1.00
50.2-2-09	4062	Red Hill Road	R (D)	20.4	24.10
50.2-2-12	4047	Red Hill Road	R (D)	7	7.07
50.2-2-13		Red Hill Road	R (D)	1.3	1.32
50.2-2-14		Berry Lane (Pvt)	R (D)	6.5	10.00
50.2-2-15	26	Berry Lane (Pvt)	R (D)	2.4	2.37
50.2-2-16	22	Berry Lane (Pvt)	R (D)	.5	.38
50.2-2-17	18	Berry Lane (Pvt)	R (D)	3	3.00
50.2-2-18.100		Red Hill Knolls Road	R (D)	3.9	3.90
50.2-2-18.211	12	Berry Lane (Pvt)	R (D)	7.2	7.20
50.2-2-19	15	Berry Lane (Pvt)	R (D)	1.7	1.50
50.2-2-20	11	Berry Lane (Pvt)	R (D)	2.3	2.34
50.2-2-21	883	Red Hill Knolls Road	R (D)	2.7	2.68
50.2-2-22	875	Red Hill Knolls Road	R (D)	2.4	2.00



# Town of Denning – Zoning Law

November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
50.2-3-09.100	5224	Red Hill Road	R (D)	9	9.00
50.2-3-12	5277	Red Hill Road	R (D)	8	8.03
50.2-3-14	5317	Red Hill Road	R (D)	7.1	10.00
50.2-3-18.100	5200	Red Hill Road	R (D)	18	18.00
50.2-3-21	5164	Red Hill Road	R (D)	8.6	8.56
50.2-3-25	5068	Red Hill Road	R (D)	42.6	42.60
50.2-3-26	5054	Red Hill Road	R (D)	9.3	9.34
50.2-3-27	5045	Red Hill Road	R (D)	11	11.35
50.2-3-28		Red Hill Road	R (D)	8.8	9.15
50.2-3-29		Red Hill Road	R (D)	11.7	11.89
51.0-1-24	21	Berry Lane (Pvt)	R (D)	9.3	9.28
51.0-1-25	823	Red Hill Knolls Road	R (D)	45.3	46.00
51.0-4-05.100	60	Dinch Road (Coons Road)	R (D)	5.6	5.61
51.0-4-07	4080	Red Hill Road	R (D)	16.2	16.20
<b>Rural area in Denning - Totals</b>			<b>389</b>	<b>5,975.66</b>	<b>6,124.94</b>
51.0-2-13.130	321	Greenville Road	R (S)	3.5	3.50
51.0-2-13.140 (map)		Brooks Hill Road	R (S)	1	
51.0-2-14		Brooks Hill Road	R (S)	32.1	32.10
51.0-2-15	166	Brooks Hill Road	R (S)	120.1	114.20
51.0-2-16.121		Brooks Hill Road	R (S)	38.8	38.90
51.0-2-16.122	100	Brooks Hill Road	R (S)	8.4	8.40
51.0-2-16.200	121	Brooks Hill Road	R (S)	11.7	11.22
51.0-2-17.100	85	Brooks Hill Road	R (S)	5	24.43
51.0-2-18	152	Whitehouse Road	R (S)	43.6	43.70
51.0-2-22	179	Peekamoose Road	R (S)	65.3	53.00
51.0-2-32	3	Balace Road	R (S)	60.4	50.00
51.0-2-33.210	24	Van Aken Road	R (S)	15	13.55
51.0-2-33.220		Tait Road	R (S)	5	13.55
51.0-2-33.300		Tait Road	R (S)	27.9	27.90
51.0-2-34		Van Aken Road	R (S)	1	1.10
51.0-2-35.110	114-120	Van Aken Road	R (S)	105.4	105.40
51.0-2-35.200	99	Van Aken Road	R (S)	1.5	1.55
51.0-2-35.310	98	Van Aken Road	R (S)	32.5	32.92
51.3-1-04	188	Peekamoose Road	R (S)	7.7	7.70
51.3-1-05	186	Peekamoose Road	R (S)	2.2	2.30
51.3-1-06	180	Peekamoose Road	R (S)	2.9	2.10
51.3-1-07		Peekamoose Road	R (S)	2.2	3.70
51.3-1-08	176	Peekamoose Road	R (S)	3.4	3.44
51.3-1-09	172	Peekamoose Road	R (S)	7.0	7.00
51.3-1-11	153	Whitehouse Road	R (S)	7.9	8.91
51.3-1-14	100	Whitehouse Road	R (S)	14	14.00
51.3-1-17	80	Whitehouse Road	R (S)	29.6	23.13
51.3-1-18	71	Whitehouse Road	R (S)	1.9	1.87
51.3-1-19		Whitehouse Road	R (S)	10.9	10.90
51.3-1-32	4	Balace Road	R (S)	7.8	7.80
51.3-1-36	62	Balace Road	R (S)	12.4	11.65
51.3-1-37.100	72	Balace Road	R (S)	5	5.00
51.3-1-37.200		Balace Road	R (S)	35.1	35.00
51.3-1-38	91	Balace Road	R (S)	1	.65
51.3-1-39	100	Balace Road	R (S)	2.7	2.07
51.3-1-40	157	Peekamoose Road	R (S)	42.4	42.40
51.3-1-41	169	Peekamoose Road	R (S)	4.4	4.40
51.3-1-42	171-175	Peekamoose Road	R (S)	4.3	4.30
51.3-1-44	21	Balace Road	R (S)	110.5	108.81
58.0-1-17	1131	Dymond Road	R (S)	50	50.00
58.0-1-24.100 (divided again)	394	Yeagerville Road	R (S)	33.9	34.44
58.0-1-26	370	Yeagerville Road	R (S)	.5	.50
58.0-1-27.121	349	Yeagerville Road	R (S)	4.2	4.20
58.0-1-27.200	331	Yeagerville Road	R (S)	50	49.90
58.1-1-02		Van Aken Road	R (S)	13.7	15.30
58.1-1-03		Van Aken Road	R (S)	17.6	4.70
58.1-2-15.100	86	Brooks Hill Road	R (S)	9.5	9.54
58.1-2-15.200	127	Greenville Road	R (S)	9.5	9.54
58.1-2-16	173	Greenville Road	R (S)	29.0	29.00
58.2-1-01	221	Greenville Road	R (S)	5	4.80
58.2-1-02.200		Raymond George Road	R (S)	2.5	2.54
58.2-1-04		Greenville Road	R (S)	9.0	12.30

Town of Denning – Zoning Law  
November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
58.2-1-05		Greenville Road	R (S)	6.6	6.60
58.2-1-06	307	Greenville Road	R (S)	19.9	14.17
58.2-1-07		Greenville Road	R (S)	1.4	1.40
58.2-1-08	296	Greenville Road	R (S)	2.2	2.21
58.2-1-10	260	Greenville Road	R (S)	5	5.00
58.2-1-11	228	Greenville Road	R (S)	5.3	5.30
58.2-2-01		Greenville Road	R (S)	2.2	2.20
58.2-2-02	351	Greenville Road	R (S)	5.6	5.60
58.2-2-04	417	Greenville Road	R (S)	2.8	3.34
58.2-2-05.111	427	Greenville Road	R (S)	17.5	17.50
58.2-2-05.200	439	Greenville Road	R (S)	20	20.00
58.2-2-08	467	Greenville Road	R (S)	52.5	57.20
58.2-2-09	493	Greenville Road	R (S)	4	4.00
58.2-2-10	497	Greenville Road	R (S)	1.9	1.94
58.2-2-12	442-450	Greenville Road	R (S)	2	2.00
58.2-2-13	438	Greenville Road	R (S)	2	2.00
58.2-2-14	434	Greenville Road	R (S)	7	5.67
58.2-2-18	412-416	Greenville Road	R (S)	7.6	7.68
58.2-2-19	400	Greenville Road	R (S)	1.5	1.50
58.2-2-20	388	Greenville Road	R (S)	1	1.00
58.2-2-21	382	Greenville Road	R (S)	2.3	2.30
58.2-2-22		Greenville Road	R (S)	18	18.00
58.2-3-01		Dymond Road	R (S)	74.1	52.12
58.2-3-02	1298	Dymond Road	R (S)	1	1.00
58.2-3-03	1272	Dymond Road	R (S)	.5	.48
58.2-3-04 (map)		Dymond Road	R (S)	.5	
58.2-3-05		Dymond Road	R (S)	.5	.41
58.2-3-06	1262	Dymond Road	R (S)	.5	.70
58.2-3-07	1240	Dymond Road	R (S)	5.6	5.68
58.2-3-08		Dymond Road	R (S)	1	1.00
58.2-3-09	1208	Dymond Road	R (S)	2.6	2.95
58.2-3-10	1200	Dymond Road	R (S)	2	2.75
58.2-3-11	1170	Dymond Road	R (S)	2	1.70
58.2-3-12	1194	Dymond Road	R (S)	2	2.00
58.2-3-13		Dymond Road	R (S)	4	3.92
58.2-3-14	1161	Dymond Road	R (S)	1.3	1.34
58.2-3-15	1177	Dymond Road	R (S)	1	1.00
58.2-3-16	1195	Dymond Road	R (S)	1.3	1.31
58.2-3-17	1201	Dymond Road	R (S)	1	.75
58.2-3-18		Dymond Road	R (S)	30.3	30.30
58.2-3-19.100	1211	Dymond Road	R (S)	19.7	23.75
58.2-3-19.200	1224	Dymond Road	R (S)	3.5	3.50
58.2-3-20 (map)	1230	Dymond Road	R (S)	26.7	
58.2-3-20 (tax roll)	230	Greenville Road	R (S)		20.13
58.2-3-21	1257	Dymond Road	R (S)	.5	.33
58.2-3-22	1259	Dymond Road	R (S)	.5	.50
58.2-3-23	1275	Dymond Road	R (S)	.5	.50
58.2-3-24		Dymond Road	R (S)	.5	.11
58.2-3-25	1285	Dymond Road	R (S)	.5	.48
58.2-3-26		Dymond Road	R (S)	27.6	19.55
58.2-4-01.100	50	Mountain Lane	R (S)	3	3.00
58.2-4-01.200	46	Mountain Lane	R (S)	22	22.50
58.2-4-02	40	Mountain Lane	R (S)	10.6	10.60
58.2-4-03		Mountain Lane	R (S)	8.9	8.90
58.2-4-04	30	Mountain Lane	R (S)	9.5	9.53
58.2-4-05	28	Mountain Lane	R (S)	4.2	4.27
58.2-4-06		Mountain Lane	R (S)	11.2	11.20
58.2-4-07	498	Yeagerville Road	R (S)	.5	.50
58.2-4-08	485	Yeagerville Road	R (S)	50	50.00
58.2-4-09	470	Yeagerville Road	R (S)	23.6	23.68
58.2-4-10	458	Yeagerville Road	R (S)	19	19.09
58.2-4-11		Yeagerville Road	R (S)	2.2	2.22
58.2-4-12	459	Yeagerville Road	R (S)	1.6	1.63
58.2-4-13	457	Yeagerville Road	R (S)	1.1	1.40
58.2-4-14	455	Yeagerville Road	R (S)	1.9	1.93
58.2-4-15		Mountain Lane	R (S)	5	5.04
58.2-4-16	39	Mountain Lane	R (S)	15	15.00
58.2-4-17		Mountain Lane	R (S)	1.7	1.70
58.2-4-18	52	Mountain Lane	R (S)	3.7	4.10
58.2-4-19.110		Yeagerville Road	R (S)	8.2	9.10

# Town of Denning – Zoning Law

November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
58.2-4-19.120		Yeagerville Road	R (S)	9.1	8.19
58.2-4-19.200		Yeagerville Road	R (S)	22.9	22.90
58.2-4-20	435	Yeagerville Road	R (S)	21.2	21.35
58.2-4-21	432	Yeagerville Road	R (S)	13.8	13.83
58.2-4-22	422	Yeagerville Road	R (S)	2	2.00
58.2-4-23	425	Yeagerville Road	R (S)	44.2	42.30
58.2-5-01		Pidgeon Brook Road	R (S)	7.1	7.10
58.2-5-02	27	Pidgeon Brook Road	R (S)	6.5	6.50
58.2-5-03		Pidgeon Brook Road	R (S)	5	5.01
58.2-5-04.100	45	Pidgeon Brook Road	R (S)	5	5.00
58.2-5-04.200	34	Pidgeon Brook Road	R (S)	3.8	3.80
58.2-5-05		Pidgeon Brook Road	R (S)	5	5.00
58.2-5-06	83	Pidgeon Brook Road	R (S)	5	5.00
58.2-5-07	118	Pidgeon Brook Road	R (S)	10.1	10.01
58.2-5-08		Pidgeon Brook Road	R (S)	11.7	11.70
58.2-5-09		Pidgeon Brook Road	R (S)	20.1	20.10
58.2-5-10		Pidgeon Brook Road	R (S)	11.8	11.81
Rural area in <b>Sundown - Totals</b>			138	1930.60	1881.17
<b>Total Rural area in Town of Denning</b>			527	7906.26	8006.11

PROVINCIAL DISTRICT – (as of latest Tax Maps of 2012 and Assessment Roll of 2012)

**“P” - Provincial District:** (No specific list) defined by parcel boundaries and include all parcels not listed in the Hamlet or Rural Districts. The Overlay Districts as defined in [Article IV] may overlay these parcels.

FLOOD PLAIN OVERLAY DISTRICT – (No list, the district boundaries are not defined by parcel boundaries.)

**“OF” - Flood Plain Overlay District:** defined by the latest local town law (currently: Local Law #1 of 2012 - Flood Damage Prevention Law) adopting the "Flood Hazard Boundary Map (FHBM)" the official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A. The FHBM will be kept on file at the Town of Denning, Town Clerks Office for reference and made available for review during normal business hours as needed.

NYC WATERSHED HAMLET OVERLAY DISTRICT

**“OW” - NYC Watershed Hamlet Overlay District:**

- 1 - The list of parcels is based on compilation of maps provided to NYC DEP by each town in 1997
- 2 - Tax Map Numbers, Assessed Acres and Assessed Address as per NYS ORPS parcel data, 2011
- 3 - GIS (map) Acres as per parcel 2011 polygon data provided by the respective County Real Property Tax Service Agency, 2011; for partial tax lots, as per editing by NYC DEP.

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
42.0-2-27 (partial tax lot)	2261	Denning Road	OW (D)	11.23	110.41
42.0-2-28.200 (partial tax lot)	2205	Denning Road	OW (D)	41.79	84.30
42.0-2-30 (partial tax lot)		Denning Road	OW (D)	1.37	92.08
42.0-2-31.100		Denning Road	OW (D)	14.91	14.90
42.0-2-33	2304	Denning Road	OW (D)	0.37	0.38
42.0-2-34	2297	Denning Road	OW (D)	1.61	1.54
42.0-2-35		Denning Road	OW (D)	2.73	3.15
42.0-2-36	2328	Denning Road	OW (D)	4.74	4.69
42.0-2-37		Dinch Road	OW (D)	38.89	38.59
42.0-2-38	2659	Denning Road	OW (D)	0.87	1.00
50.1-1-01		Denning Road	OW (D)	0.54	0.50
50.1-1-02		Denning Road	OW (D)	1.40	1.40
50.1-1-04	1409	Denning Road	OW (D)	0.94	1.01
50.1-1-05		Denning Road	OW (D)	8.36	8.39
50.1-1-06		Denning Road	OW (D)	4.68	4.69
50.1-1-08.100	1481	Denning Road	OW (D)	1.26	1.29
50.1-1-08.200		Denning Road	OW (D)	3.48	3.50

# Town of Denning – Zoning Law

November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
50.1-1-09	1511	Denning Road	OW (D)	0.41	0.81
50.1-1-10	1525	Denning Road	OW (D)	1.59	1.70
50.1-1-11.100	1549	Denning Road	OW (D)	0.95	1.00
50.1-1-12	1561	Denning Road	OW (D)	0.51	0.40
50.1-1-13	1567	Denning Road	OW (D)	0.76	0.40
50.1-1-14.100	1836	Denning Road	OW (D)	1.11	1.20
50.1-1-14.200	15	Sawmill Road	OW (D)	1.47	1.39
50.1-1-15	23	Sawmill Road	OW (D)	0.89	0.92
50.1-1-16	27	Sawmill Road	OW (D)	1.17	1.17
50.1-1-17	29	Sawmill Road	OW (D)	1.14	1.20
50.1-1-18		Sawmill Road	OW (D)	0.87	0.85
50.1-1-19	37	Sawmill Road	OW (D)	1.06	1.07
50.1-1-20	43	Sawmill Road	OW (D)	0.54	0.56
50.1-1-21		Sawmill Road	OW (D)	2.28	2.19
50.1-1-22.100	32	Sawmill Road	OW (D)	11.79	12.69
50.1-1-22.200		Sawmill Road	OW (D)	1.04	1.00
50.1-1-23	30	Sawmill Road	OW (D)	3.78	3.29
50.1-1-24	20	Sawmill Road	OW (D)	3.58	3.29
50.1-1-25	10	Sawmill Road	OW (D)	0.89	1.13
50.1-1-26	1558	Denning Road	OW (D)	1.27	1.14
50.1-1-27	1546	Denning Road	OW (D)	1.83	1.79
50.1-1-28	1540	Denning Road	OW (D)	3.56	3.52
50.1-1-29	1512	Denning Road	OW (D)	0.35	0.00
50.1-1-30	1500	Denning Road	OW (D)	0.33	0.00
50.1-1-33	1474	Denning Road	OW (D)	16.69	11.35
50.1-1-34	1462-1472	Denning Road	OW (D)	0.66	0.75
50.1-1-35	1456	Denning Road	OW (D)	0.90	1.00
50.1-1-36	1444	Denning Road	OW (D)	1.93	2.20
50.1-1-37		Denning Road	OW (D)	0.71	0.71
50.1-1-38		Denning Road	OW (D)	0.60	0.69
50.1-1-39	1430	Denning Road	OW (D)	1.42	1.50
50.1-1-40	1414	Denning Road	OW (D)	2.71	2.59
50.1-1-41	1406	Denning Road	OW (D)	1.59	1.00
50.1-1-42		Denning Road	OW (D)	13.97	13.19
50.1-1-43	1463	Denning Road	OW (D)	0.61	0.69
50.1-1-44	1471	Denning Road	OW (D)	5.13	5.19
50.1-1-45.110	1545	Denning Road	OW (D)	0.98	1.00
50.1-1-45.120		Denning Road	OW (D)	1.02	1.00
50.1-1-46.100		Denning Road	OW (D)	1.87	1.87
50.1-1-47	1478	Denning Road	OW (D)	17.88	17.29
50.1-1-48		Denning Road	OW (D)	0.30	0.00
50.1-2-01.100	15	Wildcat Road	OW (D)	2.70	2.70
50.1-2-22.110	30	Eagle View Road (pvt)	OW (D)	32.23	31.00
50.1-2-23		Wildcat Road	OW (D)	1.80	2.09
50.1-2-24		Wildcat Road	OW (D)	5.03	4.80
50.1-2-25		Wildcat Road	OW (D)	4.69	5.03
50.1-2-26		Wildcat Road	OW (D)	2.87	3.13
50.1-2-27		Wildcat Road	OW (D)	2.54	2.45
50.1-2-28	51	Eagle View Road (pvt)	OW (D)	2.62	2.77
50.1-2-29		Eagle View Road (pvt)	OW (D)	3.76	3.74
50.1-2-30	7	Eagle View Road (pvt)	OW (D)	2.61	2.27
50.1-2-31		Eagle View Road (pvt)	OW (D)	2.25	2.56
50.1-2-32	6	Eagle View Road (pvt)	OW (D)	3.36	2.79
50.1-2-33	14	Eagle View Road (pvt)	OW (D)	2.23	2.00
50.1-2-34	18	Eagle View Road (pvt)	OW (D)	1.53	1.49
50.1-2-36		Wildcat Road	OW (D)	18.81	22.00
50.1-2-37.100	20	Wildcat Road	OW (D)	1.41	1.89
50.1-2-37.200	16	Wildcat Road	OW (D)	7.12	7.00
50.1-2-38	38	Wildcat Road	OW (D)	1.00	1.00
50.1-3-01	1868	Denning Road	OW (D)	2.68	3.00
50.1-3-02.112		Denning Road	OW (D)	1.04	1.12
50.1-3-02.113	1880	Denning Road	OW (D)	1.02	1.00
50.1-3-02.114		Denning Road	OW (D)	5.43	5.30
50.1-3-02.120	1895	Denning Road	OW (D)	2.03	2.13
50.1-3-02.200		Denning Road	OW (D)	3.52	3.34
50.1-3-04	1971	Denning Road	OW (D)	15.15	15.10
50.1-3-05	1900	Denning Road	OW (D)	1.64	1.70
50.1-3-06		Denning Road	OW (D)	4.71	4.80
50.1-3-07	1964	Denning Road	OW (D)	0.30	0.28
50.1-3-08		Denning Road	OW (D)	0.55	0.75

# Town of Denning – Zoning Law

November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
50.1-3-10	2071	Denning Road	OW (D)	0.56	1.79
50.1-3-14.100		Denning Road	OW (D)	0.39	0.40
50.1-3-14.200	2046	Denning Road	OW (D)	0.38	0.40
50.1-3-15	2050	Denning Road	OW (D)	1.10	1.00
50.1-3-16		Red Hill Road	OW (D)	8.68	10.00
50.1-3-17	5654	Red Hill Road	OW (D)	14.35	15.19
50.1-3-18	5646	Red Hill Road	OW (D)	3.24	3.09
50.1-3-20.100	5618	Red Hill Road	OW (D)	20.20	19.70
50.1-3-22	5604	Red Hill Road	OW (D)	1.87	2.00
50.1-3-23	5582	Red Hill Road	OW (D)	6.70	6.98
50.1-3-24	5570	Red Hill Road	OW (D)	7.01	7.15
50.1-3-25	5566	Red Hill Road	OW (D)	5.29	5.00
50.1-3-26	5552	Red Hill Road	OW (D)	9.93	8.47
50.1-3-27	19	Schultz Road	OW (D)	1.77	1.86
50.1-3-28	26	Schultz Road	OW (D)	2.11	2.52
50.1-3-29		Barnes Road	OW (D)	2.38	2.50
50.1-3-30	43	Apple Creek Road (pvt)	OW (D)	4.45	4.34
50.1-3-31	36	Apple Creek Road (pvt)	OW (D)	4.86	5.19
50.1-3-32		Apple Creek Road (pvt)	OW (D)	6.23	6.19
50.1-3-33	8	Barnes Road	OW (D)	5.57	5.28
50.1-3-34	34	Apple Creek Road (pvt)	OW (D)	7.27	7.51
50.1-3-35		Red Hill Road	OW (D)	4.41	4.34
50.1-3-36		Red Hill Road	OW (D)	5.41	5.34
50.1-3-37	7	Apple Creek Road (pvt)	OW (D)	3.20	3.45
50.1-3-38		Red Hill Road	OW (D)	1.55	1.50
50.1-3-39		Red Hill Road	OW (D)	3.43	3.73
50.1-3-40	22	Apple Creek Road (pvt)	OW (D)	3.22	3.43
50.1-3-41	5589	Red Hill Road	OW (D)	2.75	3.50
50.1-3-42	5597	Red Hill Road	OW (D)	8.85	7.69
50.1-3-43		Red Hill Road	OW (D)	3.66	4.19
50.1-3-44		Red Hill Road	OW (D)	5.14	4.80
50.1-3-45		Red Hill Road	OW (D)	4.57	4.59
50.1-3-46		Red Hill Road	OW (D)	4.15	4.19
50.1-3-47	5655	Red Hill Road	OW (D)	21.20	21.20
50.1-3-48.100	2004	Denning Road	OW (D)	0.40	0.75
50.1-3-49.100	2011	Denning Road	OW (D)	1.61	1.50
NYC Watershed Hamlet in the Denning Area - Totals			123	575.83	806.54
51.0-2-33.100	20	Van Aken Road	OW (S)	74.26	79.00
51.3-1-02	192	Peekamoose Road	OW (S)	1.96	2.09
51.3-1-03	194	Peekamoose Road	OW (S)	1.79	2.09
51.3-1-04	188	Peekamoose Road	OW (S)	5.86	7.69
51.3-1-05	186	Peekamoose Road	OW (S)	2.19	2.29
51.3-1-06	180	Peekamoose Road	OW (S)	3.27	2.09
51.3-1-07		Peekamoose Road	OW (S)	2.14	3.70
51.3-1-08	176	Peekamoose Road	OW (S)	3.82	3.44
51.3-1-09	172	Peekamoose Road	OW (S)	6.85	7.00
51.3-1-10.100	149	Peekamoose Road	OW (S)	13.44	12.10
51.3-1-10.200	153	Peekamoose Road	OW (S)	2.41	2.50
51.3-1-12	142	Peekamoose Road	OW (S)	12.62	13.30
51.3-1-13	111	Peekamoose Road	OW (S)	12.72	12.39
51.3-1-15.100	98	Peekamoose Road	OW (S)	2.42	2.47
51.3-1-15.200	107	Peekamoose Road	OW (S)	4.50	4.73
51.3-1-16.110		Peekamoose Road	OW (S)	6.27	6.53
51.3-1-16.120	87	Peekamoose Road	OW (S)	0.90	1.03
51.3-1-16.200		Peekamoose Road	OW (S)	3.62	3.50
51.3-1-17 (partial tax lot)	80	Whitehouse Road	OW (S)	14.30	23.12
51.3-1-18	71	Whitehouse Road	OW (S)	1.61	1.87
51.3-1-19		Whitehouse Road	OW (S)	11.99	10.89
51.3-1-20		Peekamoose Road	OW (S)	16.00	15.48
51.3-1-21		Peekamoose Road	OW (S)	0.79	1.00
51.3-1-22	47	Peekamoose Road	OW (S)	2.63	3.00
51.3-1-23		Peekamoose Road	OW (S)	5.69	5.90
51.3-1-24	53	Peekamoose Road	OW (S)	5.12	5.38
51.3-1-25.110	59	Peekamoose Road	OW (S)	1.75	1.50
51.3-1-25.120	57	Peekamoose Road	OW (S)	1.58	2.00
51.3-1-25.200		Peekamoose Road	OW (S)	2.16	2.28
51.3-1-26	65	Peekamoose Road	OW (S)	4.38	3.00
51.3-1-27		Peekamoose Road	OW (S)	2.41	2.44
51.3-1-28		Peekamoose Road	OW (S)	4.75	5.00

Town of Denning – Zoning Law  
November 8, 2018

Section-Block-Lot (SBL)	Street #	Street Name (location)	District	Acres (map)	Acres (tax)
51.3-1-29	71	Peekamoose Road	OW (S)	1.99	2.89
51.3-1-30	85	Peekamoose Road	OW (S)	0.73	0.72
51.3-1-31		Peekamoose Road	OW (S)	2.95	3.21
51.3-1-32	4	Balace Road	OW (S)	7.09	7.80
51.3-1-33	131	Peekamoose Road	OW (S)	3.81	3.79
51.3-1-34	139	Peekamoose Road	OW (S)	1.19	1.20
51.3-1-35	143	Peekamoose Road	OW (S)	2.78	3.00
51.3-1-36	62	Balace Road	OW (S)	12.10	11.64
51.3-1-40 (partial tax lot)	157	Peekamoose Road	OW (S)	15.70	42.40
51.3-1-41	169	Peekamoose Road	OW (S)	5.06	4.40
51.3-1-42	171-175	Peekamoose Road	OW (S)	4.32	4.30
58.0-1-02	58	Greenville Road	OW (S)	13.20	10.89
58.0-1-04.100	68	Greenville Road	OW (S)	19.02	9.30
58.0-1-04.300	64	Greenville Road	OW (S)	0.58	0.58
58.1-1-03		Van Aken Road	OW (S)	17.54	4.69
58.1-1-04	607	Sundown Road	OW (S)	6.62	6.80
58.1-1-05	615	Sundown Road	OW (S)	10.85	10.39
58.1-1-06.100		Sundown Road	OW (S)	8.15	8.10
58.1-1-06.200	662	Sundown Road	OW (S)	1.52	1.70
58.1-1-07		Van Aken Road	OW (S)	3.88	3.90
58.1-1-08		Van Aken Road	OW (S)	6.42	6.50
58.1-1-09.100	58-62	Van Aken Road	OW (S)	9.64	9.00
58.1-1-09.200	68	Van Aken Road	OW (S)	9.64	9.60
58.1-1-11		Van Aken Road	OW (S)	4.69	4.90
58.1-1-12	715	Sundown Road	OW (S)	2.52	2.40
58.1-1-13	711	Sundown Road	OW (S)	1.56	1.60
58.1-1-14	714	Sundown Road	OW (S)	2.37	2.79
58.1-1-15.100	684	Sundown Road	OW (S)	3.40	3.01
58.1-1-16.100	678	Sundown Road	OW (S)	1.13	1.20
58.1-1-18.100	7	Clair Road	OW (S)	3.34	3.34
58.1-1-20	654	Sundown Road	OW (S)	2.33	2.20
58.1-1-24	628	Sundown Road	OW (S)	5.62	5.69
58.1-1-25	648	Sundown Road	OW (S)	5.30	4.80
58.1-2-02		Sundown Road	OW (S)	7.27	4.09
58.1-2-05.110	16	Greenville Road	OW (S)	53.26	53.59
58.1-2-05.120	37	Huttar Road (pvt)	OW (S)	4.55	5.46
58.1-2-05.200	736	Sundown Road	OW (S)	2.43	2.25
58.1-2-06	741-745	Sundown Road	OW (S)	2.47	2.50
58.1-2-07	11	Sheeley Road	OW (S)	3.34	3.29
58.1-2-08	7	Sheeley Road	OW (S)	1.61	1.60
58.1-2-09	46	Greenville Road	OW (S)	0.77	0.80
58.1-2-10	50	Greenville Road	OW (S)	1.10	0.87
58.1-2-11		Greenville Road	OW (S)	0.56	0.55
58.1-2-12	76	Greenville Road	OW (S)	6.00	5.80
58.1-2-13	124	Greenville Road	OW (S)	3.02	2.79
58.1-2-14	72	Brooks Hill Road	OW (S)	2.24	2.58
58.1-2-17	632	Sundown Road	OW (S)	5.53	4.00
58.1-2-18		Sheeley Road	OW (S)	0.87	1.95
58.1-2-19	54	Greenville Road	OW (S)	2.47	2.40
58.18-3-01	749	Sundown Road	OW (S)	0.62	0.62
58.18-3-02	4	Peekamoose Road	OW (S)	0.38	0.00
58.18-3-03	4	Greenville Road	OW (S)	0.27	0.00
NYC Watershed Hamlet in the Sundown Area - Totals			84	532.00	544.67
Total NYC Watershed Hamlet area in Town of Denning			207	1107.83	1351.21