ZONING ORDINANCE

Town of Brunswick, N.Y.

1958

(Including Amendments Through 1964)

AN ORDINANCE ESTABLISHING A COMPREHENSIVE ZONING PLAN FOR THE TOWN OF BRUNSWICK BY DIVIDING THE TOWN INTO VARIOUS DISTRICTS AND PRESCRIBING CERTAIN REGULATIONS FOR EACH OF SAID DISTRICTS:

The Town Board of the Town of Brunswick in the County of Rensselaer, State of New York does hereby ordain and enact as follows:

ARTICLE I - DEFINITIONS

Section 1: Definitions

For the purpose of this ordinance certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

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

APARTMENT HOUSE: A building arranged, intended or designed to be occupied by three or more families living independently of each other.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

AREA, NET SITE: The total area within the property lines excluding external streets.

AUTO COURT: A building or group of buildings, whether detached or in connected units, used as separate sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and similar appelations.

AUTO-WRECKING YARD: The use of any area or position of any lot or plot outside a building for the temporary storage of automobiles awaiting dismantling or the dismantled parts of automobiles, or for the dismantling, cutting, demolition and burning of automobiles.

BASEMENT: A story partly underground but having less than half of its clear height below the average level of the finished grade. A basement shall be counted as a story and for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

BOARDING HOUSE: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a bording house.

BUILDING: Any structure other than a boundary wall or fence.

BUILDING, ACCESSORY: A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

BUILDING, FRONT LINE OF: The base line of a vertical plane, beyond which no portion of a building shall extend.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which said building is situated.

CAMP: Any one or more of the following, other than a hospital, place of detention or school offering general instruction.

Type 1. Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accomodations actually are occupied seasonally or otherwise; or

Type 2. Any building or group of buildings, other than buildings constituting a camp, type 1, used for temporary or seasonal living purposes other than normal residential occupancy of a dwelling of a type permitted in the district in which situated or normal occupancy of a hotel, rooming house, tourist home or automobile court; or

Type 3. Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and shall apply to any of the foregoing establishments whether or not conducted for profit and whether occupied by adults or by children, either as individuals, families or groups.

CAMPING-GROUND: A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

CELLAR: A story partly underground and having more than one-half of its clear height below the average level of the finished grade. A cellar shall not be considered in determining the permissible number of stories. A cellar shall be counted as a story and for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

COVERAGE: That percentage of the plot or lot area covered by the building area.

CURB LEVEL: The officially established grade of the curb in front of the mid-point of the lot.

DOG KENNEL: The keeping of more than three (3) dogs that are more than six (6) months old, for commercial gain.

DUMP: Any land used for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts, thereof or waste material of any kind.

DWELLING: A building designed or used as the living quarters for one or more families.

DWELLING, ONE-FAMILY: A detached building containing one dwelling unit only.

DWELLING, TWO-FAMILY: A detached building containing two dwelling units only.

DWELLING, MULTIPLE: A detached building containing three or more dwelling units only.

DWELLING UNIT: A dwelling or portion thereof providing housekeeping facilities for one family.

FAMILY: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

FARM: Any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products, It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

FILLING OR GASOLINE STATION: Any area of land, including any structure or structures thereon that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this ordinance there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

FLOOR AREA OF A BUILDING: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FUNERAL ESTABLISHMENT: Every place or premises devoted to or used in the care and preparation for burial of the body of a deceased person or maintained or held out to the public by advertising or otherwise as the office or place for the practice and/or the transaction of business by a funeral director or undertaker.

GARAGE, PRIVATE: A building having a capacity of not more than three (3) automobiles or not more than one automobile per family housed in the building to which such garage is accessory, whichever is greater. Space therein may be used for not more than one commercial vehicle, and space may be rented for not more than two (2) non-commercial vehicles of others than occupants of the building to which such garage is accessory.

GARAGE, PRIVATE, ATTACHED: A private garage attached to a dwelling either directly or by a roofed passageway.

GARAGE, PUBLIC: Any garage not a private garage, and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

GRADE, FINISHED: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

HOG OR PIG FARM: A farm on which hogs or pigs are raised for commercial gain.

HOME OCCUPATION: An occupation or a profession which:

a. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit, and

b. Is carried on by a member of the family residing in the dwelling unit, and

c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and

d. Which conforms to the following additional conditions:

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

2. Not more than one person outside the family shall be employed in the Home Occupation.

3. There shall be no exterior display, no exterior sign (except as permitted under Column 22), no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.

4. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

In particular, a Home Occupation includes--but is not limited to--the following:

Professional office of a physician, dentist, lawyer, engineer, architect or accountant, within a dwelling occupied by the same

Teaching, with musical instruction limited to a single pupil at a time

However, a Home Occupation shall not be interpreted to include the following:

Commercial stables and kennels

Funeral Establishments

Restaurants

HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOTEL: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

HOUSE TRAILER - See Trailer

JUNK YARD: Any area of land including buildings thereon used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LINE, STREET: The dividing line between the street or highway and the lot or abutting land.

LOT: A parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

LOT, CORNER: A parcel of land at the junction of and fronting on two or more intersecting streets.

LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: An interior lot having frontage on two (2) parallel or approximately parallel streets.

LOT, WIDTH OF: The mean width measured at right angles to its depth.

LOT LINES: Any line dividing one lot from another.

MOTOR VEHICLE REPAIR SHOP: A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

NONCONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

NURSING OR CONVALESCENT HOME: Any building where persons are housed or lodged and furnished with meals and nursing care for hire.

OPEN SPACE: An unoccupied space open to the sky on the same lot with the building.

PARKING SPACE: An off-street space available for the parking of one vehicle and having an area of not less than--two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PARKING UNIT: An area set aside for the parking of one vehicle not to exceed 18,000 lbs. gross weight.

PLAT: A map, plan or layout of the town, section or subdivision thereof, indicating the location and boundaries of individual properties.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RIDING ACADEMY: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

SANITARIUM, SANATORIUM: A hospital, whether or not such facility is operated for profit.

SIGN: Any structure or part thereof or device attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard," but does not include the flag, pennant or insignia of any nation, state, city or other political unit.

SIGN, ADVERTISING: A "sign" which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

SIGN, BUSINESS: A "sign" which directs attention to a business or profession conducted on the premises. A "For Sale" "sign" or a "To Let" "sign" relating to the property on which it is displayed shall be deemed a "business sign".

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE PUBLIC: A building in which any horses are kept for remuneration, hire or sale.

STORY: That portion of a building included between the finished floor of one floor and the finished floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STORY, HEIGHT OF: The vertical distance from finished floor to the finished floor next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STREET, GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STRUCTURE: Structure means a combination of materials to form a construction that is safe and stable and includes among other things stadiums, platforms, trailer, radio towers, sheds, storage bins, fences and signs.

THEATER, MOVING PICTURE: A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

TOP SOIL: The surface layer of the soil containing more or less organic matter to a depth usually plowed in cultivation.

TOURIST CABINS: A group of buildings, including either separate cabins or a row of cabins, which

a. Contain sleeping accommodations for transient occupancy, and

b. Have individual entrances.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAILER: Any portable or mobile vehicle used or designed to be used for living purposes with or without its wheels, rollers or skids in place.

TRAILER CAMP: A tract of land

a. Where two (2) or more trailers are parked, or

b. Which is used or held out for the purpose of supplying to the public a space for one (1) or more trailers.

USE: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, ACCESSORY: See Accessory Use.

UNDERTAKER-FUNERAL DIRECTOR-MORTICIAN: A person to whom a valid license as such has been duly issued under the public health law of the State of New York.

YARD: An unoccupied space open to the sky, on the same lot with a building or structure.

YARD, FRONT: That portion of a yeard situated between the street line and the front line of a building.

YARD,REAR: That portion of a yard situated between the rear lot line and the rear line of a building.

YARD, SIDE: That portion of a lot situated between the side lot line and the nearest side line of a building and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE II - ESTABLISHMENT OF DISTRICTS

Section 2: List of Districts

For the purpose of promoting the public health, safety, morals and general welfare of the community, the Town of Brunswick is hereby divided into the following types of districts:

1. R-40 Districts: Residential Districts.
2. R-25 Districts: Residential Districts.
3. R-15 Districts: Residential Districts.
4. R-9 Districts: Residential Districts.
5. A-40 Districts: Agricultural Districts.
6. B-6 Commercial Districts
7. B-15 Commercial Districts
8. Planned Development Districts
9. Industrial Districts
10. Recreational Districts

Section 3: Zoning Map

Said districts are bounded and defined as indicated on a map titled "Zoning Map of the Town of Brunswick" adopted by the Town Board of the Town of Brunswick on the day of , 1957, and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

Section 4: Interpretation of District Boundaries

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

1. Distances shown on the zoning map are perpendicular or radial distances from street lines measured back to the zone boundary line, which lines, in all cases where distances are given, are parallel to the street line.

2. The lot or premises in question shall be deemed to be in the more restrictive district or in the district in which higher standards are imposed.

ARTICLE III - REGULATIONS

Section 5: Application of Regulations

Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereinafter be erected, moved or altered

a. To exceed the height;
b. To accommodate or house a greater number of families;
c. To occupy a greater percentage of lot area or
d. To have narrower or smaller rear yards, front yards or side yards than is specified herein for the district in which such building is located.

3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

Section 6: Schedule of Regulations

To facilitate public understanding of this ordinance and for the better administration thereof the regulations limiting the use of buildings and land and the bulk and arrangement of buildings, are set forth, in the annexed schedule, for each of the districts established by Section 2 of this ordinance. Such schedule is hereby adopted and declared to be a part of this ordinance hereinafter referred to as the schedule, and may be amended in the same manner as any other part of this ordinance.

Wherever in such schedule there appears the words "same as in (Symbol of District) above" such words shall be construed to include the specific limitations set forth in the same column for the district thus referred to. Otherwise all limitations as to use, percentage of area, permissible height, minimum floor area, required yards and minimum sizes thereof and other requirements shall be those set forth in such schedule which for each district named shall be read across the schedule from left to right.

Any use which, in the opinion of the Board of Appeals, is similar to a listed use, may also be permitted in the respective districts.

Section 7: Standards for Special Use Permits

The types of uses for which special permits are required shall be deemed to be permitted in their respective districts, subject, as to each specific use, to the satisfaction of the requirements and the standards set forth in this section. Each specific use for which a special permit is sought shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use.

A. Public hearing preceded by due notice as specified in Section 12.

B. Appropriate conditions and safeguards to be fixed by the Board of Appeals as deemed necessary in each case.

C. For each special use permit for each special use the Board of Appeals shall determine in its judgment that:

1. It is reasonably necessary for the public health or general interest or welfare.

2. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.

3. The offstreet parking spaces required either in Column 21 of the Zoning Schedule, or under additional standards listed for specific uses, or where not so specified, are adequate to handle expected public attendance.

4. Neighborhood character and surrounding property values are reasonably safeguarded.

5. Use therefore will not cause undue traffic congestion or create a traffic hazard.

6. Fulfillment of any other conditions or standards specified in this ordinance and especially those listed for specific uses in Sub-section D of this section.

7. All governmental authorities, having jurisdiction, have given necessary approval.

D. Additional standards deemed necessary before a special use permit may be issued for certain specific uses:

AUTO COURTS: A minimum distance of 15 feet from any lot line to any building, minimum distance of 10 feet between buildings, minimum lot area of 2,000 square feet per unit, offstreet parking requirements as per column 21 of the zoning schedule.

AUTO- WRECKING OR JUNK YARD: All dismantling, burning, cutting of vehicles shall take place in an area at least 500 feet from any property line, highway, right-of-way, or street line. This area is to be screened from view from any street, highway or property line by screen planting or an approved fence so as to be completely hidden from any highway, street or property line. Area to be used as a wrecking yard shall not exceed 2,000 square feet. Any storage of parts or vehicles outside of this wrecking yard shall take place in an area at least 200 feet from any property line, highway, right-of-way or street line. This area is to be screened from view from any street, highway or property line by screen planting or an approved fence, highway or property line by screen planting or an approved fence so as to be completely hidden from any highway, street or property line. Area to be used as a storage yard shall not exceed 160,000 square feet.

DRIVE-IN THEATRE: Minimum lot area of 480,000 square feet, preferably 600 feet by 800 feet; 100 feet extension on one side and 50 feet extension on second side for each 100 car capacity above 500 cars; 100 foot front yard for service facilities; one ticket booth for each 300 cars or fraction thereof of the total capacity; screens are prohibited from facing major highways; waiting or storage space, off the highway or streets, permissible in front yard, equal to 25% of the total capacity.

FILLING STATION: Lot width, minimum of 100 feet except on a corner lot, then the minimum may be reduced to 85 feet; two pump islands with a maximum of three pumps per island set back at least 25 feet from street line or higheay right-of-way; building containing a maximum of three bays and set back at least 50 feet from the street line or highway right-of-way; a minimum of 200 feet visibility of the pumps on the same side of the street and 240 feet visibility on the opposite side of the street; a masonry wall or a fence and screen planting where abutting a residence district; no repair work to be performed out of doors.

HOG FARM: Must comply with all State and local laws, regulations and such other standards and regulations as the Town Board shall from time to time prescribe.

HOSPITAL: Minimum lot area 5 acres, minimum distance from any lot line to any building 100 feet; offstreet parking space of one unit for each of the following: 3 patient beds (excluding bassinets), staff or visiting doctor, intern, nurse, 3 employees, 3 student nurses, service vehicle. Clinics and out-patient departments -- 3 parking spaces for each examination room. Adequate unloading space must be provided.

MEMBERSHIP OR PRIVATE CLUB, COMMUNITY BUILDING: Minimum lot area, five acres; minimum distance from any lot line to a principal building, 100 feet. No offstreet parking in required front yard. Offstreet parking as per column 21 of the zoning schedule.

MULTIPLE DWELLING: Lot area shall contain 9000 square feet per dwelling unit; each side yard shall be 30 feet or the height of the building whichever is greater; approval of water supply and sewage disposal by the Rensselaer County Department of Health shall be mandatory.

NATURAL PRODUCTION USES: The excavation and sale of sand, gravel, clay, shale, top soil, or other natural mineral deposits, subject to the following conditions where they apply.

1. The final slope of material in any excavation or pit shall not exceed the normal limiting angle of repose of such material.

2. Both the base and top of such slope shall not be nearer than forty feet to any street or property line.

3. A substantial fence with suitable gates completely enclosing the portion of the property in which the excavation is located shall be provided and shall be forty or more feet from the edge of such excavation.

4. Any area of land, having an area of more than one acre from which top soil has been removed or covered over by fill, such area shall be seeded to provide an effective cover crop within the first growing season following the start of said operation.

RIDING ACADEMY: Maximum height 35 feet. Minimum distance from street line to any building 125 feet. Minimum distance from any side or rear line to any building 100 feet. Minimum distance to any dwelling 100 feet.

TRAILER CAMP: Minimum distance of 15 feet from any lot line to any trailer, minimum distance of 10 feet between trailers, minimum area 2000 square feet per unit, offstreet parking as per column 21 of Zoning Schedule; must meet with any requirements of the Rensselaer County Department of Health and of the Town Board.

Section 8: Supplementary Regulations

A. Height

The height limitations of this ordinance shall not apply to:

1. Churches, schools, hospitals, water towers and other public and semi-public buildings provided that for each foot by which the height permitted in the district is exceeded, the side, front, and rear yards required in the district shall be each increased an additional foot.

2. Church spires, belfries, cupolas and domes, not for human occupancy, monuments, observation towers, transmission towers, chimneys, smokestacks, derricks, flag poles, radio towers, masts and aerials, ventilators, skylights, water tanks and necessary appurtenances usually carried above roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

B. Area

No lot shall be reduced in area so that any required area or open space will be less than prescribed in the regulations for the district in which said lot is located. Whenever such reductions in lot area occur, any building located on said lot shall not thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto. These provisions shall not apply when a portion of a lot is taken for a public purpose.

C. Existing Lots

Other provisions of this ordinance notwithstanding, nothing shall prohibit the use of a lot of less than the required area and width for a single family dwelling in any district, except a lot in an industrial district, provided that all the other provisions of this ordinance are compiled with, when such lot, at the time of the passage of this ordinance, was owned, or under contract of sale by persons other than those owning or leasing any adjoining lot.

D. Lots on Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

E. Dumps

Dumps are prohibited in all districts in the town except in specified areas or area designated as a town dump by the Town Board, or except for the purpose of filling to established grades, for which a permit must be obtained from the Town Board.

Section 9: Nonconforming Uses

The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued, although such use does not conform with the provisions of this ordinance, subject to the limitations set forth below:

1. Unsafe structures

Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

2. Extension

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such nonconforming use.

3. Alterations

Alterations to any building or part thereof which is used to house a nonconforming use shall be made only on a permit issued by the Board of Appeals subject to the conditions and safeguards set forth in Section 7 of this ordinance. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 25 percent of the assessed value of the building unless said building is changed to a conforming use.

4. Construction approved prior to ordinance.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from date of this ordinance.

5. Restoration

No building damaged by fire or other causes to the extent of more than 50 percent of its assessed value adjusted by the town equalization rate shall be repaired or rebuilt except in conformity with the regulations of this ordinance. Substantial restoration shall be made within the six months but this time limit may be extended by the Board of Appeals in cases of practical difficulty or hardship. Nothing in this section shall prohibit the reconstruction, repair or rebuilding of a single family dwelling.

6. Abandonment

Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this ordinance.

7. Changes

Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or a more restricted classification, and when changed to a more restricted classification, such use thereafter shall not be changed to a less restricted classification.

8. Displacement

No nonconforming use shall be extended to displace a conforming use.

9. Cessation

Not withstanding any other provisions of this ordinance, any automobile wrecking yard or other junk yard in existance in any Residential or Agricultural District at the date of enactment of this ordinance shall at the expiration of three years from such date become a prohibited and unlawful use and shall be discontinued, dismantled and all wrecks and materials removed from the premises.

10. Creation of nonconforming uses due to changes in district boundaries

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

Section 10: Planned Development Districts

In Planned Development Districts, land and buildings may be used for any lawful purpose as authorized by the Town Board, in accordance with the following procedure:

1. Planned Development Districts shall comprise at least ten (10) acres.

2. Application for establishment of a Planned Development District shall be made to the Town Board. The Town Board shall refer the application to the Board of Appeals.

3. The Board of Appeals may require the applicant to furnish such preliminary plans, drawings and specifications as may be required for an understanding of the proposed development. In reaching its decision on the proposed development, the Board of Appeals shall consider, among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located and the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property.

4. The Board of Appeals shall approve, approve with modification, or disapprove such application and shall report its decision to the Town Board.

5. The Town Board shall hold a public hearing on the proposal, with public notice as provided by law in the case of an amendment to the Zoning Ordinance.

ARTICLE V - ADMINISTRATION

Section 11: Enforcement

A. Zoning Administration Officer

The Superintendent of Buildings of the Town of Brunswick shall be charged with the general and executive administration of this ordinance. The Town Board shall fix the salary or remuneration of such officer and shall provide for the payment thereof.

B. Zoning Permits

1. No work shall be started for new structures or for alterations or additions to existing structures until a permit therefor has been issued by the Zoning Administrative Officer. Except upon a written order of the Board of Appeals, no such zoning permit, nor a certificate of occupancy, shall be issued for any building where said construction, alteration or addition or use thereof would not conform with the provisions of this ordinance.

2. There shall be submitted with all applications for zoning permits two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon, the actual size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this ordinance.

3. One copy of such layout or plot plan shall be returned when approved by the Zoning Administrative Officer together with such zoning permit to the applicant upon payment of a fee as set by the Town Board.

C. Certificate of Occupancy

1. After the effective date of this ordinance no land or building shall be changed in use and no building thereafter erected, altered, moved or extended shall be used until a certificate of occupancy shall have been issued by the Zoning Administrative Officer stating that the building or proposed use thereof is valid under the provisions of this ordinance.

2. All non-conforming uses shall be required to register with the Administrative Officer, a layout or plot plan of such use within the first six months following the date when said use shall become non-conforming under the provisions of this ordinance.

3. All certificates of occupancy shall be applied for coincedent with the application for a zoning permit. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this ordinance.

4. The Zoning Administrative Officer shall maintain a record of all certificates of occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

5. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued for a period not to exceed six months. Temporary certificates of occupancy may be renewed for additional six months period; such renewals shall not exceed a total of three in number. Such temporary certificates of occupancy shall only be issued in cases of emergency or hardship and only for the following purposes: temporary use of a building or a trailer as a dwelling while a permanent dwelling is under construction or alteration or the use of an uncompleted dwelling under construction. A building shall be considered under construction and uncompleted until there is a complete exterior of a story other than a basement.

Section 12: Board of Appeals

A. Creation, Appointment and Organization.

A Board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Town Board, who shall also designate the Chairman. The terms of office of said Board of Appeals shall be five (5) years, excepting that the five members first appointed shall serve respectively for the terms of one year, two years, three years, four years, and five years. The Board of Appeals shall appoint a secretary, and shall prescribe rules for the conduct of its affairs.

B. Powers and Duties.

The Board of Appeals shall have all the powers and duties prescribed by law and by this Zoning Ordinance, which are more particularly specified as follows:

1. Interpretation.

Upon appeal from a decision by the Zoning Administrative Officer, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

2. Special Use Permits.

To issue special use permits for any of the uses for which this Zoning Ordinance requires the obtaining of such permits from the Board of Appeals, subject to the limitations prescribed by this ordinance and especially Section 7.

No such permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any conditions that the Board of Appeals considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.

3. Variances.

To vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

No variance in the strict application of any provision of this ordinance shall be granted by the Board of Appeals unless it finds:

A. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are such that the strict applications of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.

B. That for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board of Appeals is the minimum variance that will accomplish this purpose.

C. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

C. Procedure.

The Board of Appeals shall act in strict accordance with the procedures specified by law and by this ordinance. All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board.

Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed, the use for which the special use permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The Board of Appeals shall fix a reasonable time for the public hearing required for every appeal or application and shall give public notice thereof. By the publication in the official paper of a notice of such public hearing at least ten (10) days prior to the date thereof; and shall, at least ten (10) days before such public hearing, mail notices thereof to the parties involved.

In the event the Town Board appoints a Planning Board then at least ten (10) days before the date of the public hearing required by law on an application or appeal to the Board of Appeals, the Secretary of the said Board shall transmit to the Planning Board of the Town of Brunswick a copy of said application or appeal, together with a copy of the notice of the aforesaid public hearing and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application or appeal; and the Planning Board shall submit a report of such advisory opinion prior to the date of said public hearing.

Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk, by case number under one or another of the following headings: Special use permits; Interpretations; Variances; together with all documents pertaining thereto. The Board of Appeals shall notify the Town Board and the Planning Board of the Town of Brunswick of each special permit use and each variance granted under the provisions of this ordinance.

Section 13: Violations

Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction be punished by a fine not exceeding fifty dollars ($50.00) in amount or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each week's continued violation shall constitute a separated additional violation.

ARTICLE VI - AMENDMENTS

Section 14: Procedure for Amendments

All amendments to this ordinance shall be in accordance with the provisions of the Town Law applicable thereto. Any proposed amendment shall be submitted to the Planning Board (or to the Board of Appeals if no Planning Board) for report and recommendation prior to any action thereon by the Town Board. If the Planning Board (or Board of Appeals) recommends against the enactment of any proposed amendment, it shall become effective only by a four-fifths vote of the Town Board.

ARTICLE VII - MISCELLANEOUS

Section 15: Interpretations

In their interpretations and application, the provisions of this ordinance shall be held to be the minimum requirements, adopted for promotion of the public health, morals, safety or the general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or deed restrictions, the most restrictive, or that imposing the higher standards, shall govern.

Section 16: Validity

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so declared to be invalid or unconstitutional.

Section 17: Short Title

This ordinance shall be known, and may be cited as "The Town of Brunswick, New York, Zoning Ordinance."

Section 18: Effective Date

This ordinance shall take effect at noon, _____

"AN ORDINANCE FOR THE REGULATION OF DUMPS AND DUMPING IN THE TOWN OF BRUNSWICK, PURSUANT TO SUBDIVISION 6 OF SECTION 130 OF THE TOWN LAW."

Section 1.–LEGISLATURE INTENT:

By the adoption of this ordinance the Town Board of the Town of Brunswick declares its intent to be to regulate in a manner consistent with the interest of the citizens of the Town of Brunswick the dumping of garbage, rubbish, refuse and similar waste material on lands within the Town, and to provide for the disposal thereof on the established Town Sanitary Land Fill Refuse Disposal Area.

Garbage is a deleterious substance. Unattended, private and public garbage dumps and disposal areas emit noxious odors and fumes, attract rodents and vermin and become breeding places therefor. The process of burning garbage causes smoke and oxidized garbage to be given off into the air which the community breathes. All of these conditions can adversely affect the development of the Town unless they are properly and carefully regulated. Therefore, recognizing the above and the need of the Town of Brunswick for an adequate and well regulated procedure for the disposal of garbage, rubbish and refuse, and in the exercise of its police power in these regards, the Town Board of the Town of Brunswick does hereby enact this ordinance.

Section 2.–APPLICATION:

This ordinance shall apply to dumping upon all lands, public or private within the Town of Brunswick and also it shall apply to all persons and such term "persons" shall include all individuals, firms, partnerships, corporations, municipalities or municipal corporations and associations of persons.

Section 3.–DUMPING PROHIBITED:

No person as above defined shall use any land within the Town of Brunswick as a dump, dumping ground or Sanitary Land Fill Area, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on said lands any waste materials or waste substance such as bottles, cans, garbage, refuse, trash, rubbish, litter or any nauseous, noxious or offensive matter, nor dispose or attempt to dispose of any such materials, substance or matter by burying or incinerating or disposing or attempting to dispose of such matter in any manner upon any such lands except upon the established public Sanitary Land Fill Refuse Disposal Area owned and operated by the Town of Brunswick as provided for herein.

Section 4.–TOWN SANITARY LAND FILL REFUSE DISPOSAL AREA: RESTRICTIONS ON USE:

(a) No person shall deposit or cause to be deposited on the premises established as the public Sanitary Land Fill Refuse Disposal Area, any material except at the place or places thereon and in the manner directed by the person in charge of the premises under the authority of the Town Board, or by signs erected upon the premises by the authority of the Town Board.

(b) No person shall deposit or cause to be deposited on the public Sanitary Land Fill Refuse Disposal Area of the Town of Brunswick any material which originated or was collected from outside of the Town of Brunswick.

(c) No person, not a resident of or conducting an established business in the Town of Brunswick may deposit or cause to be deposited any material on the Town of Brunswick Sanitary Land Fill Refuse Disposal Area.

(d) No person shall deposit or cause to be deposited on the public Sanitary Land Fill Refuse Disposal Area of the Town of Brunswick any material except on such days and at such time or times as said area shall be open pursuant to Resolution of the Town Board.

(e) No person except an officer or employee of the Town shall be upon the Town of Brunswick Sanitary Land Fill Refuse Disposal Area at any time except for the dumping of refuse at a permitted time.

Section 5.–COLLECTORS: LICENSING AND REGULATION THEREOF:

(a) Persons engaged in the business of collecting garbage and refuse in the Town of Brunswick shall not after the effective date of this ordinance use the facilities of the Town of Brunswick Sanitary Land Fill Refuse Disposal Area without a license therefor. Applicants for such a license shall be required to submit written application therefor, under oath, containing such information as the Town Board may require and such application shall be upon a form prescribed by the Town Board of the Town of Brunswick. Such license shall be issued by the Town Clerk of the Town of Brunswick, upon receipt of the license fee therefor and shall become effective from the date thereof and continue in force for the term specified therein and shall not be transferable. Such a license shall not be issued for a longer term than until the 1st day of January next succeeding the date on which it is issued.

(b) Any license issued hereunder may be revoked by the Town Board upon violation by the holder of said license of any of the provisions of this ordinance or any regulation adopted by the Town Board of the Town of Brunswick relating to the collecting and dumping of garbage after a hearing held by the Town Board at which the holder of said license shall have an opportunity to be heard. Nothing herein contained shall permit any collector to deposit material collected outside of the Town of Brunswick on the Town of Brunswick Sanitary Land Fill Refuse Disposal Area.

(c) Any holder of a license under this section shall be subject to all of the provisions of this ordinance and the granting of a license shall not be construed to grant any special rights or privileges.

(d) Every holder of a license under this ordinance and any other person using or attempting to use the Town of Brunswick Sanitary Land Fill Disposal Area shall be required to cover all garbage, trash, rubbish and refuse while it is being transported in the Town of Brunswick to properly contain such material within the vehicle transporting the same and guard against the emission of offensive odors and it shall be unlawful and a violation of this ordinance to permit or allow any such garbage, trash, rubbish and refuse to fall or be discharged from said vehicle to and remain upon a public street or highway or lands adjoining any such public street or highway. A tarpaulin covering the load, or covered containers, or a van body or covered garbage vehicle shall be deemed to comply with the provisions of this section.

(e) The provisions of this Section where applicable shall apply to all persons transporting refuse to the public Sanitary Land Fill Refuse Disposal Area.

Section 6.–REPEAL OF PRIOR ORDINANCES:

Any and all ordinance or ordinances heretofore adopted by the Town Board of the Town of Brunswick regulating and/or prohibiting the maintenance of public and private dumps and dumping within the Town of Brunswick is repeated and shall be void and of no effect after the effective date of this ordinance.

Section 7.–VIOLATION OF ORDINANCES: PENALTIES:

(a) Any person who commits or permits any act or acts in violation of any of the provisions of this ordinance shall be deemed to have committed a misdemeanor and shall be liable for any such violation or the penalty therefor. Every day such violation shall continue or shall be permitted to exist shall constitute a separate additional violation of this ordinance.

(b) Any person, as herein defined, violating any of the provisions of this ordinance, upon conviction therefor shall be punished by a fine not exceeding $50.00 in amount or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. In addition thereto, the violation of this ordinance or of any of the provisions thereof shall subject the person, as herein defined, violating the same to a civil penalty in the sum of Fifty ($50.00) Dollars; said penalty may be recovered by the Town of Brunswick in a civil action instituted therefor.

(c) In addition to the above described penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town of Brunswick in a court of competent jurisdiction to compel compliance with, or

to restrain by injunction, the violation of this ordinance.

Section 8.–REGULATIONS:

The Town Board of the Town of Brunswick shall, by regulation duly adopted by Resolution, provide for the times during which and the manner in which dumping at the Sanitary Land Fill Refuse Disposal Area shall be conducted, the license fees to be paid by garbage collectors and the preparation of forms of applications for garbage collectors and may, by Resolution thereafter amend, repeal, or modify such regulations. A wilful violation of any such regulation, so adopted, shall be deemed to constitute a violation of this ordinance and shall subject the violator thereof to such fines, penalties or punishments as provided for herein.

Section 9.–SAVING CLAUSE:

If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 10.–EFFECTIVE DATE:

This ordinance shall take effect ten days after publication and posting or immediately upon personal service as provided for by law.

STATE OF NEW YORK
COUNTY OF RENSSELAER SS.:
TOWN OF BRUNSWICK

I, LEROY C. WILDMAN, Town Clerk of the Town of Brunswick, do certify that the above is a copy of an Ordinance duly enacted by the Town Board of the Town of Brunswick, Rensselaer County, New York, a copy of which was duly published in the Times Record newspaper once on September 13, 1963 and a printed copy of which was posted on the Sign Board maintained by the undersigned Town Clerk on September 13, 1963, which Ordinance became effective 10 days thereafter on September 23, 1963.

(Seal) (sd) LEROY C. WILDMAN

Town Clerk
of the Town of Brunswick

AMENDMENTS OF "THE TOWN OF BRUNSWICK, NEW YORK, ZONING ORDINANCE."

The "Town of Brunswick, New York, Zoning Ordinance" is hereby amended to read as follows:

First Amendment

ARTICLE II — ESTABLISHMENT OF DISTRICTS, Section 3: Zoning Map is hereby amended to read as follows:

> "Said districts are bounded and defined as indicated on a map titled 'Zoning Map of the Town of Brunswick' adopted by the Town Board of the Town of Brunswick on the 6th day of February, 1958 and certified by the Town Clerk which accompanies and which, with all explanatory matter thereon, as herein and hereafter amended, is hereby made a part of this ordinance."

Second Amendment

To the "ZONING SCHEDULE TOWN OF BRUNSWICK 1958," incorporated into and made part of the said zoning ordinance there shall be added the following:

> Multiple dwellings shall be a permitted use in all districts as a special use permitted by the Board of Appeals subject to standards prescribed therefor in "The Town of Brunswick, New York, Zoning Ordinance." One family dwellings shall be permitted as a principal permitted use in all districts. Two family dwellings shall be a permitted use in all districts as a special use permitted by the Board of Appeals, subject to standards prescribed therefor in "The Town of Brunswick, New York, Zoning Ordinance."

Third Amendment

The "Zoning Map of the Town of Brunswick" is hereby amended as follows:

> The B-15 Zone existing on both sides of Route 7 is extended from Lombards in a westerly direction to the boundary line between the City of Troy and the Town of Brunswick, and to the rear line of respective properties bordering Route 7 or 250 feet from the right of way line of Route 7 whichever is less.

Fourth Amendment

ARTICLE V — ADMINISTRATION, Section 11: C. CERTIFICATE OF OCCUPANCY, Subdivision 2 is herewith amended to read as follows:

> "2. All non-conforming uses shall be required to register with the Administrative Officer, a layout or plot plan of such use within the first six months following the date when said use shall become non-conforming under the provisions of this ordinance. In addition thereto there shall be filed with the administrative officer, upon a form obtainable from him, such information in regard to the nature, extent, and particulars of such non-conforming use as may be required, under regulations duly adopted by resolution of the Town Board of the Town of Brunswick. Failure to comply with these provisions within 6 months after the adoption of this amendment to this zoning ordinance, shall, in addition to such other punishments and penalties as are provided, automatically extinguish and bring to an end such non-conforming use. The administrative officer, upon such extinguishment, by reason of such failure to comply, shall prepare a certificate of such extinguishment and personally serve a copy thereon upon the owner of record of such real property and file an affidavit of such service together with such original certificate in the Office of the Town Clerk. Thereafter such non-conforming use shall come to an end."

Fifth Amendment

To Section 8, Supplementary Regulations there shall be added new subdivisions, as follows:

> "F. Driveways shall hereafter be so laid out and constructed by turnaround or otherwise so as to enable any automobile with a 128 inch wheel base to enter or leave the highway adjoining said driveway without backing out of or into said driveway."
>
> "G. On any lot, other than corner lots, fences, walls, hedges or other plantings or structures shall be so located and maintained so as not to impair or obstruct visibility of persons entering or leaving any premises by any driveway."

Sixth Amendment

ARTICLE I — DEFINITIONS is hereby amended by adding the following:

SWIMMING POOL—Any outdoor structure or excavation, designed, manufactured or constructed for the purpose of containing water for swimming, excluding working farm ponds.

Seventh Amendment

ARTICLE I — DEFINITIONS is herewith amended by substituting for "STRUCTURE" the following definition:

STRUCTURE: Structure means a combination of materials to form a construction that is safe and stable and includes among other things stadiums, platforms, trailer, radio towers, sheds, storage bins, fences, signs, and swimming pools.

Eighth Amendment

The ZONING SCHEDULE TOWN OF BRUNSWICK 1958, Column 14, PERMITTED ACCESSORY USES, is hereby amended as follows:

R-40
8—Swimming pools, which shall be encircled with a suitable fence not less than four feet in height which shall fully encircle any such pool. Existing pools shall be so encircled not later than January 1, 1966.

Ninth Amendment

ARTICLE V — ADMINISTRATION, Section 11 shall be amended by adding the following:

D. TEMPORARY EVENTS AND PERMITS.

"No tent or other structure shall be erected, constructed, or maintained which is intended for a single event or a temporary use and is intended to be removed thereafter to which it is intended to invite the public in general or some portion thereof and which is intended to bring together a number of people unless a certificate of occupancy shall be granted hereunder. Such certificate shall be temporary and granted only for the event or temporary use sought and shall not be granted until suitable and proper accommodations for sanitary and water facilities are provided."

E. The Town Building Superintendent may issue building or zoning permits in relation to subdivisions or developments laid out and map thereof filed in the Rensselaer County Clerk's Office and approved by the Rensselaer County Health Department prior to March 1, 1958, the development of which is more than 60 percent completed where the proposed construction is in accordance with the general plans of development of the subdivision and without the obtaining a variance therefor.

Tenth Amendment

Section 9: Nonconforming Uses is hereby amended to read as follows:

5. Restoration

"No building damaged by fire or other causes to the extent of more than 50 percent of its assessed value adjusted by the Town Equalization Rate shall be repaired or rebuilt except in conformity with the regulations of this ordinance. Substantial restoration shall be made within six months but this time limit may be extended by the Board of Appeals in cases of practical difficulty or hardship. Nothing in this section shall prohibit the reconstruction, repair or rebuilding of a single family dwelling, or the reconstruction, repair or rebuilding, within a period of one year, of any private garage erected prior to the enactment of this ordinance."

Eleventh Amendment

ARTICLE V — ADMINISTRATION, Section 12: B. Powers and Duties, 3. Variances is amended by adding the following thereto:

The Board of Appeals may, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, vary or modify the application of any of the regulations or provisions of this ordinance relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

ELEVENTH AMENDMENT (continued)

As to any subdivision which has been approved by the Rensselaer County Department of Health and map thereof filed prior to March 1, 1958 in the Rensselaer County Clerk's Office and which does not meet the 60 percent requirement of the Ninth Amendment above, the subdivider thereof may apply to the Superintendent of Buildings for a zoning permit as to all remaining unsold lots in said subdivision and upon denial thereof the Board of Appeals may upon a single appeal from the denial of such application grant a variance as to all said unsold lots as if a separate application and appeal had been made for each such lot.

Twelfth Amendment

ARTICLE III — REGULATIONS — Section 5: Application of Regulations is hereby amended by adding the folowing:

4. Presently existing structures set back from any front, rear, or side yard lot line less than the minimum distance required may be added to along the same building line provdied that such addition shall not vary any other set back requirements or any other provision of "The Town of Brunswick, New York, Zoning Ordinance."

Thirteenth Amendment

ARTICLE VII — MISCELLANEOUS — Section 16: Validity is hereby amended to read as follows:

Section 16: Validity.

If any section, clause, sentence, paragraph, phrase, subdivision, provision or part of this ordinance, as amended, shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as amended, as a whole or any part or provision thereof except the part thereof so adjudged to be invalid or held unconstitutional.

The foregoing amendments shall take effect 10 days after publiction and posting or immediately upon personal service as provided by law.

STATE OF NEW YORK
COUNTY OF RENSSELAER
TOWN OF BRUNSWICK

I, MARGUERITE I. WILCOX, Town Clerk of the Town of Brunswick do hereby certify that the above is an ordinance duly enacted and adopted by the Town Board of the Town of Brunswick, Rensselaer County, New York on September 3, 1964.

MARGUERITE I. WILCOX
Town Clerk of the Town of Brunswick

SEAL