

**TOWN OF QUEENSBURY TOWN BOARD APPLICATION
TRANSIENT MERCHANT/ TRANSIENT MERCHANT MARKET**

Submit 15 copies to the Town Clerk along with \$100 application fee plus applicable Town Clerk fees

DATE: _____

APPLICANT'S NAME: _____

ADDRESS: _____

1. Federal ID#: _____

2. NY State Sales Tax No.: _____

3. Location of Market: _____

4. Dates & Hours of Operation: _____

5. Description of Goods, Wares, Commodities or Services to be offered for sale or to be used for the purpose of bidding for services:

6. Other Information to Be Provided:

- A. If application is filed by an agent, the name of the firm or person represented and written authorization by the firm authorizing the representation.
- B. Authorization of an agent to receive Service of Summons.
- C. A plan or map showing the location of the proposed market in proximity to property boundaries and any other temporary or permanent structure on the lot, the plan or map shall also show the location of the vendors within the market the provisions for dedicated parking vehicular access to and from the site, the zoning district in which the market is to be located, provisions for water supply and sewage disposal.

Signature of Applicant: _____ Date: _____

Signature of Agent: _____ Date: _____

Site Plan Review Application

Review Process:

- o Initial meeting with Zoning Administrator
- o Pre-submission meeting with staff is required to determine general completeness
To be held no later than 1 week prior to deadline submittal - Call (518) 761-8220 for an appointment
- o Application submittal: One (1) original and 14 copies of the application package with application fee
- o Determination of application completeness and placement on an agenda.
- o Submittal to Warren County Planning Department, if applicable.
- o Planning Board meetings are generally the third & fourth Tuesday of each month. You will be advised in writing as to which meeting to attend.
- o Following the meeting you will be provided with a copy of the resolution stating the Board's decision on your application. If your application was approved, the next likely step is a Building Permit. If your application was denied your project cannot proceed as submitted.

Documentation Requirements:

1 original & 14 copies of the completed application package with one (1) copy of deed

Fee:

\$100: 0 to 10,000 sf

\$250: 10,001 to 30,000 sf

\$500: 30,001 to 100,000 sf

\$1000: 100,000+ sf

Zoning Staff & Contact Information:

Craig Brown, Zoning Administrator craigb@queensbury.net

Laura Moore, Land Use Planner lmoore@queensbury.net

Pam Whiting, Office Specialist 518-761-8220 pamw@queensbury.net

Visit our website at www.queensbury.net for further information and forms

General Information

Tax Parcel ID: _____

Zoning District: _____

Current Use: _____

Proposed Use: _____

Location of project: _____

Applicant Name		Address:	
Home Phone		Cell:	
Work Phone		Fax	
E-Mail:			
Agent's Name:		Address:	
Home Phone		Cell:	
Work Phone		Fax	
E-mail			
Owner's Name:		Address	
Home Phone		Cell	
Work Phone		Fax	
E-mail			

Site Development Data

Area / Type	Existing sq. ft.	Proposed Addition sq. ft.	Total sq. ft.
A. Building footprint			
B. Detached Garage			
C. Accessory Structure(s)			
D. Paved, gravel or other hard surfaced area			
E. Porches / Decks			
F. Other			
G. Total Non-Permeable [Add A-F]			
H. Parcel Area [43,560 sq. ft. / acre]			
I. Percentage of Impermeable Area of Site [I=G/H]			

Setback Requirements

Area	Required	Existing	Proposed
Front [1]			
Front [2]			
Shoreline			
Side Yard [1]			
Side Yard [2]			
Rear Yard [1]			
Rear Yard [2]			
Travel Corridor			
Height [max]			
Permeability			
No. of parking spaces			

Additional Project Information

1. Will the proposal require a Septic Variance from the Town Board of Health? _____
2. If the parcel has previous approvals, list application number(s): _____
3. Does this project require coverage under the NYS DEC Stormwater Pollution Prevention Program?

4. Estimated project duration: Start Date _____ End Date _____
5. Estimated total cost of project: _____
6. Total area of land disturbance for project: _____

Floor Area Ratio Worksheet

FLOOR AREA RATIO (FAR) -- The relationship of building size to lot size, derived by dividing the total building floor area by the lot size in square feet, yielding a percentage.

Zoning District	Symbol	Floor Area Ratio [FAR]
Waterfront Residential	WR	0.22
Commercial Moderate	CM	0.3
Commercial Intensive	CI	0.3

- A. The combined area of all square footage, as measure from exterior walls of all structures on the property, including all floors of the structures, garages, basements and attics with more than five (5) feet of ceiling height and covered porches. Building square footage does not include: Open deck, docks and that portion of covered docks extending over water and one storage shed of one hundred twenty (120) square feet or less. Any additional sheds will be included. (See "FLOOR AREA RATIO").
- B. Commercial or industrial: the total area in square feet as measured from the exterior of the outside walls of a building or structure, and when applicable, the sum total of all floor areas of the principal and accessory buildings or structures on the project site.

Parcel Area	_____ sq. ft.
Existing Floor Area	_____ sq. ft. [see above definition]
Proposed Additional Floor Area	_____ sq. ft.
Proposed Total Floor Area	_____ sq. ft.
Total Allowable Floor Area	_____ (Area x _____) [see above table]

§ 179-9-080 Requirements for Site Plan Approval. *The Planning Board shall not approve a Site Plan unless it first determines that such site plan meets the following Standards. Please prepare responses to each of the following topics.*

STANDARDS
A. The proposed project furthers or is consistent with the policies of the Town's Comprehensive Plan.
B. The proposed project complies with all other requirements of this Chapter, including the site plan review standards as set forth in Paragraph F of this section, the dimensional, bulk, and density regulations of the zoning district in which it is proposed to be located (Article 3 and Table 1), the applicable requirements of all other Articles that apply.
C. The site plan encourages pedestrian activity internally and, if practicable, to and from the site with pedestrian paths or sidewalks connected to adjacent areas.
D. The site plan must conform to Chapter 136 Sewage and Sewage Disposal, Chapter 147 Stormwater Management Local Law, and other applicable local laws.
E. the proposed use shall be in harmony with the general purpose or intent of this Chapter, specifically taking into account the location, character and size of the proposed use and the description and purpose of the district in which such use is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed use and the nature and rate of any increase in the burden on supporting public services and facilities which will follow the approval of the proposed use.
F. The establishment, maintenance and operation of the proposed use will not create public hazards from traffic, traffic congestion or the parking of vehicles and/or equipment or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or to the general welfare of the town. Traffic access and circulation, road intersections, road and driveway widths, and traffic controls will be adequate.
G. Off-street parking and loading facilities will be appropriately located and arranged and sufficient to meet traffic anticipated to be generated by the new use. The establishment of vehicle links between parking areas of adjacent properties are provided where feasible. This furthers the Town's goal of reducing curb cuts and reducing congestion. A twenty-foot wide connection is required. If adjacent properties are either undeveloped or previously developed without having made provision for future linkage, then a future connection must be identified and provided for in the site plan under review for such future linkage when the time arises. The Planning Board may require proof that the applicant has made contact with adjacent property owners for purposes of coordinating linkages with adjacent properties.
H. The project shall not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the town or the Adirondack Park or upon the adequate provision of supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making the determination hereunder, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth herein under § 179-9-080 of this chapter, and in so doing, the Planning Board shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in § 179-9-080 of this Article.
I. The provision for and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience shall be safe and adequate for pedestrian movement. Pedestrian connections between adjacent sites shall be provided to encourage pedestrian use.
J. Stormwater drainage facilities will prevent an increase of post development drainage flows as compared to pre-development drainage flows. Drainage of the site shall recharge ground water to the extent practical. Surface waters flowing off-site shall not degrade any streams or adversely affect drainage on adjacent properties or public roads. Facilities shall be in conformance with the drainage standards of Chapter 147 of the Town Code and the Town of Queensbury Subdivision Regulations where applicable.
K. The water supply and sewage disposal facilities will be adequate and will meet all applicable and current requirements set forth by Department of Health regulations and Chapter 136 of the Town Code.
L. The adequacy, type and arrangement of trees, shrubs and other suitable plantings, landscaping and screening shall effectively provide a visual and/or noise buffer between the applicants and adjoining lands, including the maximum retention of existing vegetation and maintenance, including replacement of dead or deceased plants.
M. Fire lanes, emergency zones, and fire hydrants will be adequate and meet the needs and requirements of emergency service providers.
N. The design of structures, roadways and landscaping in areas susceptible to ponding, flooding and/or erosion will minimize or avoid such impacts to the maximum extent practicable.
O. The site plan conforms to the design standards, landscaping standards and performance standards of this chapter.

§ 179-9-050 Application for Site Plan Review

Application for site plan approval shall be made to the Planning Board using forms supplied by the Board. Application materials and the site plan shall include sufficient information for the Board to make its findings under § 179-9-070 and 179-9-080 below. In determining the content of the site plan and supporting documentation, the Planning Board may waive certain requirements if the Planning Board deems such requirements or information unnecessary for the type of project proposed. Any such waiver shall be made in writing, and shall contain statements of the reasons why the waived information requirements are not necessary for an informed review under the circumstances. The Planning Board may grant such waivers on its own initiative or at the written request of an applicant. Such request shall set forth the specific requirements that are requested to be waived and the reasons for the requested waiver. Absent any waiver or waivers, an application for Site Plan Review shall include the following:

	REQUIREMENTS	Shown on Sheet #
A	A vicinity map drawn at the scale that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. The map shall also show all properties, identify owners, subdivisions, streets, and easements within 500 feet of the property. Such a sketch may be superimposed on a United States Geological Survey map of the area.	
B	The site plan shall be drawn at a scale of forty feet to the inch (1" = 40 feet) or such other scale as the Planning Board may deem appropriate, on standard 24" x 36" sheets, with continuation on 8½" x 11" sheets as necessary for written information. The information listed below shall be shown on the site plan and continuation sheets.	
C	Name of the project, boundaries, date, north arrow, and scale of the plan.	
D	Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner	
E	The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.	
F	The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.	
G	The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown in compliance with §179-6-020.	
H	The location, height, size, materials, and design of all proposed signs.	
I	The location of all present and proposed utility systems including: <ol style="list-style-type: none"> 1. Sewage or septic system; 2. Water supply system; 3. Telephone, cable, and electrical systems; and 4. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales. 	
J	Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, and flooding of other properties, as applicable. A Stormwater Pollution Prevention Plan (SWPPP) for all land development activities (excluding agricultural activities) on the site that results in land disturbance of 1-acre or more. A SWPPP shall comply with the requirements of the DEC SPDES MS-4 General Permit and Chapter 147 of the Town of Queensbury Code. It shall be at the discretion of the Planning Board as to whether a SWPPP or an erosion and control plan shall be required for a site plan review project land disturbance of less than 1-acre.	
K	Existing and proposed topography at two-foot contour intervals, or such other contour interval as the Planning Board shall allow. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.	
L	A landscape plan showing all existing natural land features that may influence the design of the proposed use such as rock outcrops, stands of trees, single trees eight or more inches in diameter, forest cover, and water sources, and all proposed changes to these features including sizes and types of plants. Water sources include ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.	
M	Land Use District boundaries within 500 feet of the site's perimeter shall be drawn and identified on the site plan, as well as any Overlay Districts that apply to the property.	

N	<p>Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas, which shall include:</p> <ol style="list-style-type: none"> 1. The projected number of motor vehicle trips to enter or leave the site, estimated for weekly and annual peak hour traffic levels; 2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; 3. The impact of this traffic on levels of service on abutting public streets and at affected intersections. Existing and proposed weekly and annual peak hour traffic levels and road capacity levels shall also be given. 	
O	<p>For new construction or alterations to any structure, a table containing the following information shall be included:</p> <ol style="list-style-type: none"> 1. Estimated area of structure to be used for particular purposes such as retail operation, office, storage, etc.; 2. Estimated maximum number of employees; 3. Maximum seating capacity, where applicable; and 4. Number of parking spaces existing and required for the intended use. 	
P	<ol style="list-style-type: none"> 1. Floor Plans. 2. Elevations at a scale of one-quarter inch equals one foot (1/4" = 1 foot) for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used. 	
Q	Soil logs, water supply well and percolation test results, and storm runoff calculations, as needed to determine and mitigate project impacts.	
R	Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.	
S	Plans for snow removal, including location(s) of on-site snow storage.	
T	An Environmental Assessment Form ("EAF"), as required by the SEQRA regulations, with Part 1 completed by the Applicant shall be submitted as part of the application. If the proposed project requires a special use permit and an EAF has been submitted in conjunction with a special use permit application, a duplicate EAF is not required for the site plan application..	
U	If an application is for a parcel or parcels on which more than one use is proposed, the applicant may submit a single application for all such uses provided the proposed uses are accurately delineated on a site plan drawn pursuant to the requirements set forth above. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.	
V	A brief narrative statement on how the project proposed for review furthers or is consistent with the vision, goals and policies in the Town's Comprehensive Plan.	

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?			
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
b. Is the proposed action located in an archeological sensitive area?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

Signature Page

This page includes the 1.) Authorization to Act as Agent Form; 2.) Engineering Fee Disclosure; 3.) Authorization for Site Visits; 4.) Other Permit Responsibilities; 5.) Official Meeting Disclosure and 6.) Agreement to provide documentation required.

OWNER'S AGENT FORM:

Complete the following if the **OWNER** of the property is not the same as the applicant

Owner: _____

Designates: _____

As agent regarding: _____ Variance _____ Site Plan _____ Subdivision

For Tax Map No.: _____ Section _____ Block _____ Lot

Deed Reference: _____ Book _____ Page _____ Date

OWNER SIGNATURE: _____ **DATE:** _____

APPLICANT'S AGENT FORM:

Complete the following if the **APPLICANT** is unable to attend the meeting or wishes to be represented by another party:

Owner: _____

Designates: _____

As agent regarding: _____ Variance _____ Site Plan _____ Subdivision

For Tax Map No.: _____ Section _____ Block _____ Lot

Deed Reference: _____ Book _____ Page _____ Date

OWNER SIGNATURE: _____ **DATE:** _____

2.) ENGINEERING FEE DISCLOSURE: Applications may be referred to the Town consulting engineer for review of septic design, storm drainage, etc. as determined by the Zoning or Planning Department. Fees for engineering review services will be charged directly to the applicant. Fees for engineering review will not exceed \$ 1,000 without notification to the applicant.

3.) AUTHORIZATION FOR SITE VISITS: By signing this page and submitting the application materials attached herein, the Owner, Applicant, and his/her/their agent(s) hereby authorize the Zoning Board or Planning Board and Town Staff to enter the subject properties for the purpose of reviewing the application submitted.

4.) OTHER PERMIT RESPONSIBILITIES: Other permits may be required for construction or alteration activity subsequent to approval by the Zoning Board or Planning Board. It is the applicant's responsibility to obtain any additional permits.

5.) OFFICIAL MEETING MINUTES DISCLOSURE: It is the practice of the Community Development Department to have a designated stenographer tape record the proceedings of meetings resulting from application, and minutes transcribed from those tapes constitutes the official record of all proceedings.

6.) AGREEMENT TO PROVIDE DOCUMENTATION REQUIRED: I, the undersigned, have thoroughly read and understand the instructions for submission and agree to the submission requirements, I acknowledge no construction activities shall be commenced prior to issuance of a valid permit. I certify that the application, plans and supporting materials are a true and complete statement/description of the existing conditions and the work proposed, and that all work will be performed in accordance with the approved plans and in conformance with local zoning regulations. I acknowledge that prior to occupying the facilities proposed, I or my agents, will obtain a certificate of occupancy as necessary. I also understand that I/we may be required to provide an as-built survey by a licensed land surveyor of all newly constructed facilities prior to issuance of a certificate of occupancy

I have read and agree to the above.

Signature [Applicant]

Print Name [Applicant]

Date signed

Signature [Agent]

Print Name [Agent]

Date signed

Town of Queensbury, NY
Thursday, June 13, 2013

Chapter 160. TRANSIENT MERCHANTS, TRANSIENT MERCHANT MARKETS, PEDDLERS/SOLICITORS

[HISTORY: Adopted by the Town Board of the Town of Queensbury 2-27-1995 by L.L. No. 6-1995. *Editor's Note: This local law also repealed former Ch. 160, Transient Merchants, Peddlers and Solicitors, adopted 5-21-1990 as L.L. No. 5-1990, as amended. This local law also provided as follows: "This chapter shall apply to all transient merchants, solicitors, peddlers and transient merchant and/or solicitor markets located, operating, doing business, transacting business or otherwise performing the activities subscribed to such enterprises, individuals or activities in this chapter within the Town of Queensbury as of the effective date of this chapter, except that this chapter shall not apply to any transient merchant, solicitor, peddler or transient merchant and/or solicitor market who or which has a current and valid license, permit or approval to operate, issued prior to the effective date of this chapter by the Town Board or the Town Clerk of the Town of Queensbury in accordance with the provisions of previous Chapter 160 herein repealed. Licenses, permits or approvals previously issued shall be authorized pursuant to and subject to the provisions of the aforementioned repealed Chapter 160. Any new licenses or renewals of previously issued license, permits or approvals therefor shall be applied for and issued in accordance with this chapter. Transient merchants, solicitors, peddlers and transient merchant and/or solicitor markets for which licenses, permits or approvals are required or issued in accordance with this chapter shall be subject to and regulated in accordance with the provisions of this chapter. The exemption from the provision of this chapter of transient merchants and solicitors who have a current and valid license, permit or approval to operate shall not apply to those operating in a transient merchant and/or solicitor market, except as specifically provided for herein. The provisions of this chapter shall apply and supersede all previously local laws or regulations."* **Amendments noted where applicable.]**

GENERAL REFERENCES

Drug paraphernalia — See Ch. 77.

Display of obscene materials — See Ch. 118.

Temporary blocking of streets — See Ch. 150.

Sunday activities — See Ch. 152.

§ 160-1. Title.

[Amended 4-17-1995 by L.L. No. 7-1995] This chapter shall be titled "A Local Law Regulating Transient Merchants, Transient Merchant Markets, Peddlers and Solicitors."

§ 160-2. Statutory authority.

The authority for this chapter is Municipal Home Rule Law § 10, Subdivision 1(ii)a(11) and (12), and Town Law Article 16 entitled "Zoning and Planning."

§ 160-3. Purpose.

The purpose of this chapter is to register and regulate solicitors/peddlers, transient merchant and transient merchant markets located, operating, doing business, transacting business or otherwise performing the activities subscribed to such enterprises, individuals or activities in this chapter within the Town of Queensbury. In those instances where the aforesaid transient merchants and/or markets for transient merchants, solicitors and peddlers are in a fixed place for a period of time, the purpose of this chapter is also to require conformity with the Town's Comprehensive Land Use Plan and zoning laws so that the community's land use and planning goals are not unduly interfered with or defeated by unregulated enterprises.

§ 160-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL SHOW

An exhibition or competition which highlights one breed or species of domesticated animal.[Added 7-21-2008 by L.L. No. 6-2008]

APPLICANT

An individual, partnership, corporation, association, tenant and/or property owner requesting a peddlers/solicitors license or transient merchant/transient merchant market license.

CONFERENCE

A meeting of individuals or representatives of various bodies or of members of a profession, for the purpose of discussing and/or acting on topics of interest common to them.[Added 7-21-2008 by L.L. No. 6-2008]

CONSUMER SHOW

An exhibition which highlights available new or upcoming products.[Added 7-21-2008 by L.L. No. 6-2008]

CONVENTION

An assembly or meeting of members, representatives or delegates of a political party, fraternal society, profession or industry.[Added 7-21-2008 by L.L. No. 6-2008]

EXPO

An exhibition or display, open to the public, of a collection of related items or services.
[Added 7-21-2008 by L.L. No. 6-2008]

SOLICITOR/PEDDLER

A person, corporation, partnership, association or any other organization undertaking a commercial activity through the act of selling, offering for sale or soliciting orders for future sales of merchandise, works of art, meats, seafood, vegetables, fruit, other food products or goods of any kind, magazines, books, photos or educational books, by going

from house to house and not by remaining stationary in any private or public place, motor vehicle or nonmotorized vehicle, for the purpose of making or soliciting sales or demonstrating or making estimates of services to the general public.

TRADE SHOW

An exhibition of businesses or companies which highlights a specific industry or product.

[Added 7-21-2008 by L.L. No. 6-2008]

TRANSIENT MERCHANT

A retail or wholesale business conducted in a building, temporary structure or tent; from a truck, van or trailer; on a parking lot or vacant parcel of land; on a part of a public right-of-way; or in any other place for a temporary period of time. The type of merchandise being offered for sale will have no bearing on the designation. This definition shall not apply to a temporary structure or tent used consistently with a Permit issued under Chapter 161, Special Sales Events. **[Amended 5-16-2005 by L.L. No. 2-2005]**

TRANSIENT MERCHANT MARKET

A transient merchant market being any gathering or group of three or more transient merchants, peddlers/solicitors upon any lands, structures or facilities within the Town of Queensbury.

§ 160-5. General requirements.

[Amended 6-5-1995 by L.L. No. 8-1995 *Editor's Note: This local law also provided for the renumbering of former Subsections A through D as Subsections B through E, respectively.* **]** All activities which meet the definitions of solicitor/peddler and transient merchant/transient merchant market shall comply with the following requirements:

- A. Determination. It shall be the responsibility of the Zoning Administrator to determine if and what type of license is required under this chapter.
- B. License. All activities as defined in § 160-4 Definitions, except those listed in § 160-5, shall be subject to issuance of a license by the Town Clerk. The conditions for obtaining a license are set forth in § 160-7, Peddlers/solicitors license requirements, and § 160-8, Transient merchant/transient merchant market license requirements.
- C. Location. All activities as defined in § 160-8, Transient merchant/transient merchant market license requirements shall comply with the Town of Queensbury zoning requirements for use, area and parking. *Editor's Note: See Ch. 179, Zoning.*
- D. Time. All activities as defined in § 160-4, Definitions, shall be limited in duration by the requirements set forth in § 160-7, Peddlers/solicitors license requirements, and § 160-8, Transient merchant/transient merchant market license requirements.
- E. Fee. All activities as defined in § 160-4, Definitions, shall be subject to payment of a license fee as set forth in § 160-7, Peddlers/solicitors license requirements, and § 160-8, Transient merchant/transient license requirements merchant market.

§ 160-5.1. General prohibitions.

[Amended 7-10-1995 by L.L. No. 10-1995]

- A. No person, corporation, partnership or sole proprietorship shall operate, cause to be operated or participate in a transient merchant market and/or conduct business as a transient merchant, peddler and/or solicitor unless and until a license has been received from the Town of Queensbury in accordance with the provisions of this chapter.
- B. No owner of real property located in the Town of Queensbury shall knowingly allow said real property to be used by or in furtherance of the business of a transient merchant or a transient merchant market, unless the transient merchant and/or transient merchant market shall have first been licensed as required by this chapter. Real property shall be deemed "used" as provided herein when the real property is the place where goods and/or services are offered for immediate sale and/or where orders are taken for subsequent delivery of goods or furnishing of services by transient merchants and/or transient merchant markets. "Knowingly" shall be defined and application of such term shall be as the term is set forth in the Penal Law of the State of New York.

§ 160-6. General exemptions.

[Amended 6-5-1995 by L.L. No. 8-1995; 7-10-1995 by L.L. No. 10-1995] The provisions of this chapter which require registration and/or licenses shall not apply to the following types of sales, except that any activities or locations used in furtherance of sales identified hereunder must still comply with all other laws, ordinances, rules and regulations of the State of New York, County of Warren and/or Town of Queensbury, including the Town of Queensbury Zoning Laws: *Editor's Note: See Ch. 179, Zoning.*

- A. Any sales conducted pursuant to statute or by order of any court.
- B. The peddling of meats, fish, fowl, fruit, vegetables, flowers, shrubs and trees by a gardener or farmer or his employees where the products so sold or offered for sale are the produce of this vendor's farm, garden or orchard.
- C. Sales by dealers in milk, baked goods, heating fuel, dry cleaning/laundry and daily newspapers.
- D. Sales by any person soliciting at the express invitation of the person solicited or soliciting to established customers.
- E. Sales by any school group; veterans, fraternal or charitable organization; volunteer firemen's association; religious, civic or service group; or other nonprofit organization or association that maintains a chapter or place for the regular conduct of business or meetings within the County of Warren.
- F. Any veteran who has procured a license from the State of New York pursuant to § 32 of the General Business Law.
- G. Garage sales.

- H. Any sales conducted by the owner of an established business from the site of said business. This is not intended to provide exemption to requirements as set forth in Chapter 179, Zoning.

§ 160-6.1. Special exemption for designated convention, sports or exhibits centers.

[Added 7-21-2008 by L.L. No. 6-2008]

- A. Designation as convention, sports or exhibits center. The Town Board shall maintain a list of recognized convention, sports or exhibits centers (convention, sports or exhibits centers as defined in Chapter 179, Zoning).

- (1) Any facility desiring recognition as a convention, sports or exhibits centers shall file an application to the Town Board.

- (a) The application shall contain the following information and material:

[1] The name of the applicant;

[2] The applicant's federal employee identification number;

[3] The applicant's New York sales tax number;

[4] The location of the facility;

[5] A description and map of the facility and the amenities offered, including, but not limited to, dimensional size, number of available restrooms, available parking, maximum occupancy capacity and accessibility for persons with disabilities. Cross-reference shall be made to any existing, approved site plan;

[6] If off-site facilities are used for ancillary services such as parking, a map of such facilities shall also be provided.

- (b) A fee of \$200 shall be paid to the Town Clerk at the time the application is filed.

- (2) Procedure for seeking approval.

- (a) Public hearing. The Town Board will schedule a public hearing to consider applications for recognition.

- (b) Factors for consideration in review of the application shall include the magnitude of planned events, anticipated attendance, special services which may be required, the maximum capacity of the forum, parking, sanitary facilities, access for persons with disabilities, security, and other relevant factors.

- (c) The Town Board may, upon a finding that the facility is appropriate for the types of events planned and will not cause an undue hardship to adjoining property owners and/or the public, and/or have undue traffic impacts, approve the application or

approve it with conditions. Such conditions may include but are not limited to size of events, parking, hours of operation, parking constraints, maintenance of insurance and/or a bond, or facility improvements necessary to accommodate proposed events.

(3) Revocation of approval. The Town Board may revoke recognition if:

- (a) It is determined that a material misrepresentation was made in the application or supporting materials seeking designation as a convention, sports or exhibits center.
- (b) The applicant, its agents, employees or contractors fail to comply with federal, state and/or local laws in relation to the facility or any events held thereat.

B. Owner responsibilities.

- (1) The owner of the convention, sports or exhibits center is responsible for any and all federal, state and town permits and/or licenses necessary for an event.
- (2) The owner shall provide the Town Board with notice 30 days before each and every scheduled event.

§ 160-7. Peddlers/solicitors license requirements.

A. Application. All peddlers/solicitors, except those exempted from this chapter (see § 160-6), shall be required to obtain a license from the Town Clerk.

- (1) The application as provided by the Town Clerk shall contain the following information and material:
 - (a) The name of the applicant.
 - (b) The applicant's federal employee identification number or social security number.
 - (c) The applicant's New York State sales tax number.
 - (d) The applicant's permanent home residence and business address, if any.
 - (e) If the application is filed by an agent, the name of the firm/association or person represented and written authorization by the firm authorizing the representation.
 - (f) The number of weeks and the beginning and ending date for which the license is requested.
 - (g) A description of the goods, wares, commodities or services to be offered for sale or to be used for the purpose of bidding for services. Included shall be the brand name, manufacturer (including address) and distributor of goods (including

address) and commodities and the name, publisher and distributor of all books, magazines or periodicals to be offered for sale.

- (h) Authorization of an agent to receive service of summons, including name and address.
 - (2) The application must be appended to a document of authorization from the firm which the applicant purports to represent.
 - (3) Before a license can be issued, the applicant must provide a bond, letter of credit or cash required by this chapter. (See § 160-7C.)
 - (4) At the time of application, the applicant shall pay the fee set forth in § 160-7B.
- B. License fee; duration. All licenses for peddlers/solicitors shall be subject to the following time constraints and fee schedule:
- (1) A fee of \$15 per week shall be paid to the Town Clerk prior to issuance of the license.
 - (2) Each applicant for a peddlers/solicitors license shall be limited to one license per year.
 - (3) The maximum licensing period for a peddlers/solicitors license shall be 32 weeks per calendar year per application. (A calendar year will run from January 1 to December 31.) **[Amended 7-21-2008 by L.L. No. 6-2008]**
- C. Bond or certified funds. Before any license authorized herein shall be issued, the applicant shall file with the Town Clerk proof of a bond executed by a surety company or insurance company licensed to do business in the State of New York or an irrevocable one-year letter of credit issued by a licensed banking institution in the sum of \$5,000 for the purposes of saving harmless the citizens of the Town of Queensbury from any and all damages which may be incurred by said citizens as a result of false or fraudulent unlawful sales practices by any person licensed hereunder. In lieu of the foregoing bond or irrevocable letter of credit, cash or certified funds in the amount hereinbefore set forth shall be deposited with the Town Clerk. Such funds shall be held for a period of one year from the expiration of the license. Interest earned shall be the property of the applicant. The funds shall be used to satisfy any judgment obtained in judicial proceedings for damages incurred by citizens of the Town of Queensbury as a result of false, fraudulent or unlawful sales practices by any person licensed hereunder.

§ 160-8. Transient merchant/transient merchant market license requirements.

- A. Application. All transient merchants/transient merchant markets, except those exempt from this chapter (see § 160-6), shall be required to obtain a license from the Town Board.
- (1) Application. Written application for a license to operate a transient merchant/transient merchant market shall be provided by the Town Clerk and submitted to the Town

Board at least 60 days prior to the commencement of operation by filing the application as provided by the Town Clerk during regular business hours. The application shall contain the following information:

- (a) The name of the applicant.
- (b) The applicant's federal employee identification number.
- (c) The applicant's New York State sales tax number.
- (d) The location of the proposed market.
- (e) The residence address and/or business address of the applicant, if any; if the application is filed by an agent, the name of the firm or person represented and written authorization by the firm authorizing the representation.
- (f) The number of transient merchants or solicitors that will have business in or be part of the proposed market.
- (g) A plan or map to scale showing the location of the proposed market in proximity to property boundaries and any other temporary or permanent structure on the lot. The plan or map shall also show the location of the vendors within the market, the provision for dedicated parking, vehicular access to and from the site, the zoning district in which the market is to be located, provision for water supply and sewage disposal.
- (h) The days and hours during which the market will be open or operated, up to a maximum of 6 days in any year that the license for such market is in effect.
[Amended 5-4-2009 by L.L. No. 4-2009]
- (i) A general description of the goods, wares, commodities or services to be offered for sale or to be used for the purpose of bidding for services.
- (j) Authorization of an agent to receive service of summons.
- (k) Such other information as the Town Board shall require to enable the Town Board to make its review in accordance with the general requirements hereinafter set forth.
- (l) Fifteen copies of a completed application shall be submitted: one copy for the Town Clerk and one copy for the Zoning Administrator for a determination of the completeness of the application and compliance with the requirements of this chapter and the Town of Queensbury Zoning Ordinance, seven copies to the Planning Board, five copies to the Town Board and one copy to the Town Attorney.

(2) Site plan review. All applications for operation as a transient merchant/transient merchant market shall be subject to site plan review by the Town of Queensbury Planning Board, as follows:

- (a) The Town Clerk, upon receipt of an application deemed complete by the Zoning Administrator, will forward the same to the Town Board.
- (b) The Town Board at its discretion may forward the application to the Town Planning Board for site plan review comments.
- (c) The Queensbury Planning Board shall review and recommend the approval, approval with modifications or denial of the site plan, which has been prepared to the specifications set forth in this chapter and in accordance with the regulations set forth in Chapter 179, Article V, §§ 179-34 through 179-39, of the Code of the Town of Queensbury. In addition to the filing fee provided for herein, the applicant shall also be required to pay any fees or costs incurred by the Planning Board for legal, engineering and/or other technical review, provided that the fees or costs reflect the actual cost to the Planning Board therefor. This fee shall not exceed \$1,000 without the consent of the applicant.
- (d) After receipt of a recommendation from the Queensbury Planning Board, the Town Board will make the final determination of approval, approval with modifications or denial.
- (e) Before a license is issued, the applicant must provide a bond, letter of credit or cash required by this chapter (See § 160-7C).
- (f) The applicant shall pay the fee set forth in § 160-8B at the time of issuance of license.

B. License fee; duration. All licenses for operation of transient merchant/transient merchant market shall be subject to the following time constraints and fee schedule:

- (1) A fee of \$500 per day shall be paid to the Town Clerk after approval of the application by the Town Board and prior to issuance of license.
- (2) Each applicant for a transient merchant/transient merchant market license shall be limited to one license per year. The maximum licensing period for a transient merchant license or transient merchant market license shall be 14 days per calendar year per applicant. (A calendar year will run from January 1 to December 31.)

C. Bond or certified funds. Before any license authorized herein shall be issued, the applicant shall file with the Town Clerk proof of an bond executed by a surety company or insurance company licensed to do business in the State of New York or an irrevocable one-year letter of credit issued by a licensed banking institution in the sum of \$10,000 for the purposes of saving harmless the citizens of the Town of Queensbury from any and all damages which may be incurred by said citizens as a result of false or fraudulent unlawful sales practices by any person licensed hereunder. In lieu of the foregoing bond or

irrevocable letter of credit, cash or certified funds in the amount hereinbefore set forth shall be deposited with the Town Clerk. Such funds shall be held for a period of one year from deposit. Interest earned shall be the property of the applicant. The funds shall be used to satisfy any judgment obtained in judicial proceedings for damages incurred by a citizens of the Town of Queensbury as a result of false, fraudulent or unlawful sales practices by any person licensed hereunder.

§ 160-9. Issuance or denial of license.

- A. Upon receipt of an application, the Town Clerk shall refer the application, in accordance with this chapter, to the Planning Board for site plan review.
- B. The Town Clerk shall refuse to register the application and issue a license if it is determined, pursuant to the procedures required herein:
 - (1) That the application is incomplete and does not contain all information required.
 - (2) That site plan approval was not issued by the Planning Board.
 - (3) That the applicant failed to provide a bond or certified funds and an authorization of agent or service as required hereby.
- C. Absent a cause to refuse registration in accordance with this section, the Town Clerk shall grant a registration and issue to the applicant a license. Such license shall authorize the holder to conduct business within the Town in accordance with the terms and provisions hereof or any site plan approvals, for a period of the license. The Town Clerk shall maintain an accurate record of every application received and acted upon, together with all other information and data pertaining to the application and all licenses issued and applications refused.

§ 160-10. Appeal.

Any applicant refused registration and/or a license shall appeal to the Town Board of the Town of Queensbury prior to commencing any proceedings at law to review the determination of the Town Clerk. The appeal to the Town Board shall be made by way of written letter submitted to the Town Clerk of the Town of Queensbury, within 30 days of the time the registration and/or license is denied. The letter appealing the Town Clerk's decision shall set forth each and every reason why the applicant feels that the denial of the registration or license was improper. Upon receipt of such an appeal, the Town Board of the Town of Queensbury shall, within 20 days, mail written notice to the appellant, which date and time shall be not later than 30 days from the date the registration or license was denied. Upon hearing the appellant's arguments, as well as reviewing the applications and the law, the Town Board of the Town of Queensbury shall make a decision as to whether to uphold the Town Clerk's findings or deny the same, within 15 days thereafter. In the event that the Town Board fails or refuses to take action on the appeal, such nonaction will not be considered as approving the permit, but shall allow the applicant to, at that time, proceed with any other type of judicial review that he may be entitled to under law. Such judicial review, however,

shall be made within 30 days of the item the Town Board refuses or fails to take action on or 30 days from the last date by which the Town Board was to have taken some action as required by this chapter.

§ 160-11. Revisions to applications.

The Town Board may, from time to time and by resolution, specify the form of the applications and licenses required herein but may not change the content or matters to be included therein without revision of this chapter.

§ 160-12. Severability.

If for any reason any section or part or parts of any section of this chapter shall be declared unconstitutional or beyond the power the Town to enact, such facts shall not affect or impair in any way any other provisions of this chapter, but such other provisions shall be in full force and effect.

§ 160-13. Revocation of license.

[Added 4-17-1995 by L.L. No. 7-1995]

A. Causes. Licenses issued under the provision of this chapter may be revoked by the Town of Queensbury Town Board, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or transient merchant.
- (3) Any violation of this chapter.
- (4) Conviction of any crime or misdemeanor.
- (5) Conducting the business of solicitor or transient merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (6) Complaint received by the Town in violation of a no-soliciting sign on a private residence or business.

B. Hearing. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the licensee at his last known address at least five days prior to the date set for hearing.

§ 160-14. Enforcement; penalties for offenses.

[Added 4-17-1995 by L.L. No. 7-1995; amended 6-5-1995 by L.L. No. 8-1995]

- A. Each violation of this chapter or of any regulation, order or rule promulgated thereunder shall be punishable by a fine not exceeding \$950 for each offense. Each day a violation continues shall be a separate offense. In addition to such fine(s), any transient merchant who shall operate without the required license shall be required to pay the license fees such transient merchant would have been required to pay if such transient merchant had properly obtained such license. The payment of such license fee(s) shall not be a fine but restitution to the Town of revenues that should have been paid. **[Amended 5-17-2004 by L.L. No. 3-2004; 5-16-2005 by L.L. No. 2-2005]**
- B. In case any transient merchant shall erect, construct or maintain a transient merchant business or use any building, structure or land or sites in violation of this chapter or other permit or approval issued or made hereunder, the Code Compliance Officer or other proper local authorities of the Town may, in addition to seeking other remedies, penalties and/or fines, institute any appropriate actions or proceedings to:
- (1) Prevent such unlawful erection, construction, maintenance, use of any building, structure, land or site;
 - (2) Restrain, correct or abate such violation;
 - (3) Prevent the occupancy of said building, structure, land or site; and/or
 - (4) Prevent any illegal act, conduct, business or use in or about such premises.

§ 160-15. Enforcement.

[Added 7-10-1995 by L.L. No. 10-1995] In addition to the Town of Queensbury officers and/or employees authorized, expressly or by implication, to administer and enforce this chapter, the Code Compliance Officer for the Town of Queensbury is expressly delegated the duty and responsibility to administer and enforce the provisions of this chapter and, in furtherance thereof, to issue appearance tickets as defined, authorized and set forth in Article 150 of the Criminal Procedure Law of the State of New York.