

**ARTICLE VIII  
SHORELINE OVERLAY DISTRICT**

**A. Purpose and Objectives**

1. It is hereby found and declared that:
  - a. The conservation, protection and perpetuation of the visual and environmental quality of the Town of Northumberland's Hudson River shoreline are required in the interests of the prosperity, civic pride and general health, safety and welfare of the public;
  - b. The conservation and protection of the Hudson River shoreline will strengthen and preserve Northumberland's visual and environmental attributes;
  - c. The conservation and protection of the Hudson River shoreline will enhance the aesthetic and economic vitality of Northumberland;
2. It is the purpose of the Shoreline Overlay District to:
  - a. Ensure sensitive siting and design of new uses;
  - b. Preserve access to the Hudson River;
  - c. Preserve vegetative cover and natural beauty

**B. General Information**

1. Application of Regulations: The regulations contained in this Section apply within the Shoreline Overlay District which is defined as all that area within a five hundred (500) foot setback (measured perpendicular to and horizontally) from the mean high water mark of the shoreline.
2. Relation to Other Districts: The Shoreline Overlay District is an overlay district mapped over other districts. It modifies, and where there is inconsistency, supersedes the regulations of such other districts. Except as so modified or superseded, the regulations of the underlying districts remain in effect.

**C. Projects within District**

1. Application of District Regulations: Within the Shoreline Overlay District, no person shall undertake any Land Use Activity as hereafter defined in Section C (2), below, except pursuant to review and approval by the Planning Board

pursuant to the requirements this Article and Article X, Special Permit Uses, and of Article XI, Site Plan Review.

2. Definition of Land Use Activity:

- a. Land Use Activity means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, removal of vegetation, changes or expansions of roads, fences, driveways and mining for the purpose of extracting soils or mineral deposits, and demolitions.
- b. General Exceptions. All new land use activities within the Town designated in paragraph 2.a. above, shall require review and approval pursuant to the provisions hereof before being undertaken, except the following:
  - (1) Ordinary repair or maintenance or interior alterations to existing structures, provided there is no change of use;
  - (2) Exterior alterations or additions to structures that are in existence on the date this ordinance is enacted which would not increase the square footage of the existing structure by more than twenty-five (25) percent or five hundred (500) square feet, whichever is the smaller, provided there is no change of use;
  - (3) Non-structural agricultural or gardening uses not involving a clear cut;
  - (4) Structures under one hundred (100) square feet in size;
  - (5) Agricultural operations;
  - (6) Cutting of brush; or removal of dead, diseased or dying trees;
  - (7) Municipal activities are not subject to the review procedures of this Article but should undergo joint review with the Planning Board.

3. Required Findings: The Planning Board shall approve Land Use Activity within the Shoreline Overlay District only where it finds (a) the project meets all guidelines set forth in Article X.D. as they pertain to the Shoreline Overlay District or, a variance has been issued as set forth in Article XIV; (b) within the Shoreline Overlay District, the project is located and designed so that its visual impact is minimized; and (c) the project will be located, designed,

constructed and operated such that it will have no adverse impact on the environment, public health, or safety. In making findings (b) and (c), the Planning Board shall adhere to the guidelines and regulations set forth in Articles X, XI, and XII when applicable, except no public hearing will be required.

4. Application: Application for review and approval under this Section shall be filed according to the requirements as set forth in Article XI (D).
5. Procedure: The procedure for review and approval under this Section shall be as set forth in Article IX (D).

**D. Land Use and Development Guidelines**

1. General: Before any Land Use Activity has begun in the Shoreline Overlay District, the Zoning Administrator shall determine what permits are necessary for the activity. Furthermore, no land use activity or development will be allowed until it has been determined by the Planning Board that the development or activity will not significantly result in: unsafe or unhealthful conditions; erosion or sedimentation; water pollution; degradation of fish and wildlife habitat; conflicts of use; and will conserve and restore vegetation, scenic vistas to and from the water, points of public access to the water; and the natural beauty of the area.
2. Specific: In addition to the standards and guidelines set forth in Articles IX, X and XI, if applicable, the following standards and guidelines shall apply throughout the Shoreline Overlay District.
  - a. Lot Layout and Design
    - (1) The layout of lots and roads should relate to the form of the land rather than ignore it;
    - (2) The natural character of the site should be maintained.
    - (3) Clustering of development is recommended. Clustered development should not, by its massing, cause adverse environmental impact or be visually intrusive when viewed from the Hudson River.
    - (4) It is recommended that shoreline set backs be a sufficient distance from the shoreline to allow for a footpath above mean high water.
  - b. Drainage. Drainage is a specific concern as the Town has no public stormwater collection system. Proposed projects, therefore, shall ensure that all drainage is either carried off-site via natural drainage channels or absorbed on-site, and that post-development runoff shall not exceed pre-

development runoff. Adjacent properties are then protected from unnatural runoff and possible flooding.

- c. Protection of Existing Landscape Character. Existing trees and vegetation shall be preserved to the maximum extent possible. Indigenous species of plants only shall be used in any landscape plans. The use of ground cover on disturbed land is required.
- d. Building Siting and Design. It should be a principle of building siting and design that it is sensitive to the character of the natural and visual environments. The structures should not dominate the natural and visual landscape.
  - (1) Where new construction is adjacent to other buildings, it should establish a relatedness to them in terms of the primary visual aspects of bulk, height, massing and scale.
  - (2.) Where practical, buildings should be sited to minimize their prominence. They should not be placed at the top of the slope or crest of the hill, where they will be seen silhouetted against the skyline and will be visible at a distance. Rather, buildings should be placed down the slope where they will have the hillside for a background. Buildings should avoid being placed in the middle of open fields, where possible. Rather, buildings should be located in or adjacent to existing vegetation.
- e. Lighting. Lighting devices shall be oriented so as to minimize disturbances on surrounding properties and on the river;
- f. Screening. All structures, including accessory structures except docks and boathouses, shall be landscaped in such a way so that the visual impact of the structures from the water and land is minimized;
- g. Tree Cutting and Land Clearing. The purpose of the tree cutting and land clearing regulations is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the waterfront lands. These provisions shall not apply to the removal of dead, diseased or dying trees or to other vegetation that in the opinion of the Planning Board, present safety or health hazards.
  - (1) Riverfront Cutting
    - (a) Within thirty-five (35) feet extending inland from all points along the mean high water mark no vegetation may be removed. This area shall be maintained as an undisturbed natural buffer strip.

(b.) Undisturbed natural buffer strip.

The general exception to this standard shall be an allowance for river access. The creation of a contiguous clear-cut opening in the buffer strip shall not exceed twenty (20) percent of the shoreline frontage, not to exceed thirty-five (35) feet, on any individual lot. The clear-cut shall be at angle to lessen its visual impact from the river and to minimize erosion and sedimentation. The pathway created should be constructed or surfaced to be effective in controlling erosion.

(2) Cutting Plan

As an alternative to the above Section, a special cutting plan allowing greater cutting may be permitted by the Planning Board. An application shall include a sketch of the lot and provide information on the topography of the land, existing vegetation, proposed cutting plan and proposed re-vegetation plan. The Planning Board may request the Saratoga County Soil and Water Conservation District review the plan and make recommendations. The Planning Board may grant such a permit only if it finds that such special cutting plans:

- (a) Will not cause undue erosion or destruction of scenic beauty;
- (b) Will provide that natural shrubbery is preserved as far as practicable and, where removed, is replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty;
- (c) Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas.

(3) Re-vegetation

Where a waterfront lot owner violates the shoreline cutting restrictions, the Planning Board shall require total re-vegetation so as to create a buffer strip area which is in compliance with this Section. A vegetative recommendation can be made by the Saratoga County Soil & Water Conservation District, if requested by the Planning Board. This provision shall be in addition to any and all penalties contained in this Ordinance.

(4) Cutting More Than Thirty-Five (35) Feet Inland

Beyond thirty-five (35) feet from the mean high water mark, the cutting of trees and shrubbery shall be allowed when in compliance with other provisions set forth in this Ordinance.