

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

**ARTICLE XIX - CHAPTER 190-19**

**Manufactured Homes**

**A. Applicability.**

- (1) This Article shall apply to all Manufactured Homes (MH's) which are occupied as dwelling units or are proposed to be occupied as dwelling units within the Town of Colonie's geographic limits outside the Village of Colonie and the Village of Menands (hereinafter referred to as "town") on or after the effective date of this Article.
- (2) This Article shall not apply to MH's being used only for office purposes or which are being displayed for sale as part of a manufactured home sales business.

**B. Requirements.**

Requirements applicable to manufactured homes and manufactured home parks.

- (1) Permits required. No new MHP may be developed or sited within the town without obtaining necessary permits.
- (2) Location in Manufactured Home Park required. No MH shall be located within the town on or after the effective date of this Article unless either the MH unit is located within an MHP and that MHP is operating consistent with the provisions of this Article or the MH unit is located pursuant to this Article.
- (3) Standards for Manufactured Home Park development. No new MHP may be developed within the town unless it shall conform to the following standards:
  - (a) Permitted uses. The uses within any MHP are to be determined by the provisions of this section, as well as the conditions of the approval of any specific MHP project. The only permitted uses within an MHP shall be:
    - [1] The siting of MH units;
    - [2] An MHP office;
    - [3] A storage area for oversized recreational vehicles or commercial vehicles of MHP residents only;
    - [4] Uses accessory to an MH unit; and
    - [5] An MHP maintenance facility.
  - (b) General requirements.
    - [1] The MHP shall conform in all respects to applicable provisions of this Chapter.

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- [2] The MHP shall conform to the Town Official Highway Map and to any comprehensive planning document or map as may be prepared at the direction of the Town Board.
- [3] All MH lots shall be laid out to provide sufficient buildable area.
- [4] In accordance with the State of New York Town Law, each MH lot shall have direct frontage of at least 15 feet on a public highway and provision for direct vehicular access to said highway.
- [5] As far as is practical, natural features of the property to be developed shall be preserved and enhanced.
- [6] Adequate buffering shall be established to mitigate the impacts of visual and noise pollution to the satisfaction of the Planning Board.
- [7] All lots shall be graded to provide positive drainage of surface water from all points on the lot to a stormwater disposal system or drainage channel. The elevation at any opening into a habitable building shall be raised at least 18 inches from the elevation of the point of inlet to the storm system, and a minimum slope of 1% shall be maintained between the opening and the point of inlet.
- [8] The applicant shall comply with all applicable federal, state and local laws, rules and regulations, including but not limited to the State Environmental Quality Review Act (SEQR), Freshwater Wetlands Permit Regulations, the Grading, Watercourse Area Management, and Floodplains Management provisions contained herein, and all other provisions of this Article.
- [9] All restrictive covenants proposed by the applicant shall be submitted to the Planning Board for the Board's information.
- [10] All streets and drainage systems shall be designed and constructed in accordance with the Town of Colonie Highway Law and Highway and Drainage Standards.
- [11] All water and sanitary sewer lines shall be designed and installed in accordance with the Latham Water District Standard Specifications for Water Distribution Systems and the rules and regulations of the Pure Waters Department, respectively.
- [12] All streets shall be deeded in fee to the Town of Colonie.
- [13] All streets shall be laid out to provide a convenient system of traffic flow, without causing undue hardship to adjoining properties. The street layout shall provide for the

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extension of existing major streets and future access to adjoining undeveloped lands.

[14] Lots adjacent to a major street shall be laid out to avoid adverse effects due to traffic on the street. Protective measures may include the provision of marginal access streets, driveway backroads or creation of deep lots with buffer strips.

[15] Streets and lots should be laid out with consideration to existing topography to minimize clearing and grading and to obtain building sites at or above street grade where possible.

[16] Blocks shall be laid out to avoid long or short street runs which might hamper convenient traffic flow or emergency access.

[17] The applicant shall submit a drainage report and stormwater management plan in accordance with the Town Highway and Drainage Standards.

- (c) Minimum area. The minimum area requirements for consideration for an MHP shall be five contiguous acres of land.
- (d) Ownership. The tract of land under application for consideration for an MHP shall, upon approval for development as an MHP, be owned or leased by a single person or entity or group. An application must be filed by the owner or jointly by the owners, or their agent(s), of all property included in the project.
- (e) Minimum number of units constituting an MHP. No MHP shall be approved for less than 10 MH units.
- (f) Minimum MHP lot requirements. Each lot within an MHP shall contain:
  - [1] At least 10,000 square feet in area; and
  - [2] Be a minimum of 75 feet wide at the building setback line.
- (g) Buffer areas. Each MHP shall contain an area around its perimeter at least 25 feet in width, which shall not be built upon or used for parking and which shall not be included within any area designated as an MH lot.
- (h) Utilities.
  - [1] No MHP may be developed unless it is connected to public sewers and public water.
  - [2] All utilities must be placed underground, including telecommunications.
  - [3] Any device, such as communication dishes shall be landscaped in such a manner as to screen such devices.
  - [4] No antennas may exceed 40 in height measured from the ground after the device has been mounted.

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- [5] Every MH lot shall have its utility connections designed to have the shutoff connections near the street curb and not under or at the MH unit or at the rear of the lot.
- (i) Refuse disposal and laundry. Centralized refuse collection and laundry facility areas shall not be permitted within MHP's.
  - (j) Height limitations. No MH unit in an MHP shall exceed 20 feet in height.
  - (k) Stacking. No MH shall be placed or constructed above another MH unit.
  - (l) Parking.
    - [1] Each MHP with an office must provide at least five parking spaces for said office;
    - [2] Three parking spaces must be provided for each MH lot within the MHP; and
    - [3] A parking space equals an area nine feet by 18 feet.
  - (m) Miscellaneous amenities. Playgrounds. Each MHP shall provide such recreational space for its inhabitants as may be required by the Planning Board.
  - (n) Signs. No signs shall be permitted except those provided for in the Sign regulations of this Chapter.
  - (o) Snow removal. Each MHP must contain an area or areas set aside for the disposal of snow during snow removal operations.
  - (p) Architectural review control. Review and control of the architecture is hereby reserved to the Planning Board for each MH unit and all MHP's.
  - (q) Manufactured home lot. Each MH unit located within an MHP shall be placed on its own MH lot, which lot shall comply with the following:
    - [1] Each MH lot must be surveyed and have a metes and bounds description developed for identification of the lot.
    - [2] Each MH lot shall, at a minimum:
      - [a] Contain 10,000 square feet;
      - [b] Be 75 feet wide at the building setback point;
      - [c] Contain three off-street paved or gravel public parking spaces; and
      - [d] Contain a driveway from a street, which driveway shall not exceed 20 feet in width.
    - [3] All structures placed on said MH lot, accessory and primary, must have a minimum:
      - [a] Front yard setback of 30 feet;
      - [b] Rear yard setback of 20 feet; and
      - [c] Side yard setback of 10 feet.
    - [4] No MH lot shall be developed in such a manner as to:

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- [a] Have any paved surface within 10 feet of the front yard with the exception of the driveway.
  - [b] Have any pavement within 10 feet of the side yard lot lines.
  - [c] Contain less than 60% green space.
  - [d] Have hard surface areas, including pavement, patios and all structure foundations, in excess of 40% of its total lot area.
  - [e] Contain any accessory structure not built on a concrete pad and which is less than 50 square feet in size.
  - [f] Contain any structure for which a permit has not been obtained from the Town of Colonie Building Department.
- [5] No MH unit shall be placed or maintained in any new MHP developed under the provisions of this Article unless said unit:
- [a] Does not exceed 20 feet in height measured from grade level.
  - [b] If reasonably possible, has the drawbar and running lights removed.
  - [c] Is installed upon a foundation provided to support the MH unit, which foundation shall be constructed to a depth of a minimum of 42 inches below grade.
  - [d] Is skirted with material and in a manner approved by the Planning Board.
  - [e] Is anchored as required by the New York State Uniform Fire Prevention and Building Code.
  - [f] Is connected to public sewers and water.
  - [g] Has the location and quality of its utility connections and their shutoffs approved.
  - [h] Contains, at a minimum, a kitchen and a bathroom as defined by the New York State Uniform Fire Prevention and Building Code.
  - [i] Displays the manufacturer's certification label as required by Federal regulation.
  - [j] Complies with the provisions of 10A NYCRR 17 and the New York State Uniform Fire Prevention and Building Code.
  - [k] Contains a minimum of 500 square feet of living area.
  - [l] Has any fuel-oil tanks buried and any propane tanks landscaped, screened or placed in a wooden shed.

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[m] Has received a Town of Colonie Building Department permit for any proposed additions to said MH unit and said additions are constructed consistent with the provisions of said permit. No living area additions or structural modifications which are likely to preclude the MH unit from maintaining its mobile nature or which may affect the structural integrity of the MH unit shall be permitted.

**C. Manufactured Home Park Review**

- (1) Procedural requirements for obtaining approval to establish Manufactured Home Park.
  - (a) Must comply with the requirements of this section. Any person or entity wishing to establish an MHP in the town on or after the effective date of this Article must comply with the requirements of this section.
  - (b) Stages of the approval process. The basic stages of the approval process are as follows:
    - [1] Obtaining an approved Zoning Verification from the Town Building Department.
    - [2] Submittal to Planning and Economic Development Department of the Planning and Economic Development Department by the interested party(s) of the required MHP application forms and fees.
    - [3] Obtaining from the Planning Board concept site design approval, in accordance with the Major Site Plan Review procedure as set forth in this Chapter.
    - [4] Obtaining from the Planning Board final site design approval, in accordance with the Major Site Plan Review procedure as set forth in this Chapter.
    - [5] Obtaining from PEDD an MHP development permit.
    - [6] Obtaining from PEDD an MHP completion certificate.
    - [7] Obtaining from the Building Department a building permit to erect an MH on an MHP lot.
    - [8] Obtaining from the Building Department a certificate of occupancy for each MH unit erected in the subject MHP.
  - (c) Submittal of an MHP application. The procedure and submittal requirements for a manufactured home park site approval shall be as set forth in the major site plan review provisions of this Chapter, with the following additional provisions.
    - [1] Concept plan submittal.
      - [a] The Planning Board may, at its discretion, require the

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- submission of such additional information or reports as it deems necessary to conduct its review.
- [b] The Planning Board may, at its discretion, require that provision be made for public amenities as a condition of its approval. Such amenities shall be installed prior to issuance of an MHP completion certificate.
  - [c] A minimum of two-inch to two-and-one-half-inch caliper shade trees shall be planted or preserved in the front yard of each lot and three in each MHP cul-de-sac island, unless waived by the Planning Board.
  - [d] Every MH lot shall have a conduit for cable television lines installed across the entrance to any driveway or other pavement built on the lot, in the proposed location of the cable television line, at a minimum depth of 12 inches below finished grade. Said conduit shall be installed by the applicant for the building permit or his agent prior to paving of the driveway.
- [2] Final plan submittal.
- [a] Prior to granting conditional or final site design approval, the Planning Board may permit or require the MHP to be divided into two or more sections. Conditional or final site design approval of the sections shall be granted concurrently with conditional or final site design approval of the MHP. In the event that any proposal is sectioned, then a complete final plan must be proposed for each section.
  - [b] The applicant shall have the plans approved by the Albany County Department of Health and shall return the plans to the PEDD with the County Health Department's stamp of approval.
  - [c] The plans shall be stamped and signed by an authorized agent of the Planning Board, the date of signing noted and copies filed with appropriate Town departments.
  - [d] Additional final site plan submission requirements.
    - {1} Affidavit by applicant stating that it has searched or caused to be searched all available public records and the names of all property owners shown on the map are correct as of the date of the map.
    - {2} Affidavit by surveyor stating that he or she has searched all available public records and the limits and owners of all properties shown on the map

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- are correct as of the date of the map.
- {3} A copy of any MHP rules and regulations proposed by the applicant.
- {4} Preliminary deeds to all proposed streets and easements.
- [e] Additional final site plan content:
  - {1} Lot areas in square feet.
  - {2} Typical lot layout, including required setback dimensions, parking layout, utility connections, accessory structure location, fuel storage tanks and waste receptacles.
  - {3} Building setback line.
  - {4} Exact layout and dimensions of proposed streets.
  - {5} Standard notes enumerated in the Town Highway Law.
  - {6} A six-by-six-inch block for Albany County Health Department approval stamp.
  - {7} All applicable requirements of the Town Highway Law.
  - {8} Phasing boundaries and details, if applicable.
- (2) Obtaining an MHP development permit.
  - (a) An applicant who has obtained a final site plan approval for an MHP from the Planning Board may proceed with obtaining from the PEDD an MHP development permit which authorizes the applicant to commence actual physical development of its subject MHP in accordance with the final site plan approval for said MHP issued by the Planning Board.
  - (b) Limitations of MHP development permits. Any MHP development permits issued shall be issued with the following limitations:
    - [1] No construction permitted of any foundation or MH unit supports.
    - [2] A building permit must be obtained. A building permit must be obtained from the Town's Building Department for construction of any structure, and the structure must be part of the approved final site design plan.
    - [3] All development prerequisites must be fulfilled. All development prerequisites, such as escrow deposits and escrow agreements must be satisfactorily fulfilled prior to any construction.
    - [4] Applicant responsible for keeping existing public highways and adjacent lands free of debris. During development, the

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applicant shall be responsible for keeping existing public highways and adjacent lands free of debris, soil and other matter that may accumulate due to construction related to the MHP.

- [5] Applicant bears responsibility for ensuring that all improvements are completed in accordance with approved plans. The applicant shall bear the sole responsibility for ensuring that all improvements are completed in accordance with approved plans, specifications and standards and upon completion of said improvements, shall file a certificate of completion with the PEDD.
  - [6] Town's Construction Inspector acting as Planning Board's agent. The Planning Board may request that the Town's Construction Inspector act as its agent for the purpose of assuring satisfactory completion of required improvements in addition to those included in the inspector's responsibilities pursuant to the Town Highway Law. The costs of required inspections shall be borne by the applicant and shall be paid as described in the Highway Law.
  - [7] Filing a record map with the PEDD. The applicant shall, upon completion of construction, file a record map with the PEDD showing as built locations within six inches of all paving, drainage facilities, sanitary sewer lines, water distribution lines, gas, electric, telephone and cable services.
- (3) Obtaining an MHP completion certificate. At such time as the applicant has completed, in accordance with the applicable standards, all development and construction contained on the approved final site design plan for the subject MHP, except for construction of the individual MH unit foundations or supports, the applicant may proceed with obtaining an MHP development completion certificate from the PEDD. Said certificate authorizes the applicant to apply for building permits for construction of the individual MH unit foundation(s) and thereafter the installation of an individual MH unit(s).
- (4) Obtaining a building permit for erection of any MH on an MH lot. A building permit shall be required for the installation of each MH to be installed in the MHP, as well as every MH unit that may be relocated within said MHP. A building permit application reflecting compliance with the New York State Uniform Fire Prevention and

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Building Code and sections of this Article must be submitted to the Building Department on the forms provided by the town therefor.

- (5) Certificate of occupancy for any manufactured home.
  - (a) Upon obtaining from the Building Department notice that the MH unit foundation and installation have passed its inspection, the applicant may proceed with obtaining a certificate of occupancy from the Building Department, and only then may said MH unit be used as a dwelling unit.
  - (b) An individual certificate of occupancy must be obtained for each and every MH unit placed or relocated in the MHP.

**D. Manufactured home park compliance certificate.**

- (1) Every owner/operator of an addition or expansion to a valid nonconforming MHP or a new MHP approved pursuant to this Article shall make application to the Building Department biannually on or before the 30th day of January for a MHP compliance certificate, which certificate certifies that the subject addition, expansion or new MHP is in compliance with all the applicable provisions of this Article.
- (2) An inspection or inspections shall be made of each said addition, expansion or new MHP by representatives of the Building Department, Fire Prevention and Investigation Department and PEDD to ascertain said compliance.
- (3) An MHP compliance certificate must be obtained for each said addition, expansion or new MHP, and said certificate must be posted in the applicable MHP office for public inspection.
- (4) Within 90 days of receipt by them of a completed application, the Building Department shall either issue a certificate of compliance or notify the applicant in writing that its addition, expansion or new MHP is not in compliance with this Article and the basis for said determination.
- (5) Failure of any new MHP owner/operator to bring their new MHP, which has been approved pursuant to this Article, into compliance with this Article within 60 days of the Building Department's notice of failure to comply, may subject the MHP to revocation of any and all approvals issued pursuant to this Article, as well as closure of

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the MHP, together with the mandated removal of all structures and improvements and restoration of the MHP land to an aesthetically acceptable state at said owner/operator's expense.

- (6) Failure of any owner/operator of a valid nonconforming MHP to bring any addition or expansion to said MHP, approved pursuant to this Article, into compliance with this Article within 60 days of the Building Department's notice of failure to comply, may subject the addition or expansion to revocation of any and all approvals issued pursuant to this , as well as closure of the addition or expansion, together with the mandated removal of all structures and improvements and restoration of the lands upon which the addition or expansion was developed to an aesthetically acceptable state at said owner/operator's expense.

**E. Nonconforming Manufactured Home Unit and Manufactured Home Park**

- (1) Requirements for qualification. Manufactured Home Unit (MHU) shall qualify for status as a valid nonconforming use, provided that:
  - (a) The Manufactured Home Unit was in existence and legally located in the Town prior to October 14, 1984.
  - (b) The Manufactured Home Unit obtained a Town of Colonie building permit authorizing said MH unit to be erected at its current location.
- (2) Date of existence. A Manufactured Home Park (MHP) shall qualify for status as a valid nonconforming Manufactured Home Park provided that the Manufactured Home Park was in existence and legally located in the Town at the date of the adoption of this Article.
- (3) Compliance requirements. Any MH unit or MHP which qualifies for nonconforming status pursuant to the provisions of this Article shall comply with the following requirements:
  - (a) It shall comply with all applicable federal and state laws, rules and regulations; and
  - (b) It shall supply such information as the town may deem necessary to establish the nonconforming status of the MH unit or MHP.
  - (c) It shall comply with the following provisions as were originally enunciated in the House Trailer Ordinance of the Town of Colonie adopted June 11, 1957, and its amendments thereto, including:

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- [1] Water and fire hydrant connection if available. Proper water connections to existing public water systems of the town or of any district therein shall be provided if the same are available. If the same are not available, then adequate automatic or chemical hand fire extinguishers will be located throughout the MHP.
- [2] Water supply. A sufficient supply of pure drinking water shall be provided in convenient locations in the MHP.
- [3] Disposal of sewage and other water-carried wastes:
  - [a] All sewage and other water-carried wastes shall be disposed of into a municipal sewerage system whenever available. If such connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health.
  - [b] When a water-carriage system of sewage is used in an MHP each lot shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each MH and trapped below the frostline. It shall be the duty of the owner or operator of said MHP to provide a water- and odor-tight connection from the MH water drainage to the sewer connection, and it shall be the duty of said owner or operator to make such connections and keep all occupied MH's connected to said sewer while located in an MHP. Sewer connections in unoccupied MHP lots shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from an MH.
- (d) Electric service and connections. All electric installation shall be approved by an electrical inspection agency that has been approved by the Town, and have a certificate issued by the same.
- (e) Inspection. The police officers of the Town of Colonie, the Building Department and any other duly authorized agent or employee of said town shall have the right, at any reasonable time, to enter any MHP and shall have the right at all times to inspect all parts of said premises and to inspect any records required to be kept in any MHP.
- (f) Revocation of permit. If a police officer, Building Inspector or any authorized representative of the Town of Colonie finds that an MHP is not being maintained in a clean and sanitary

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condition or is not being conducted in accordance with the provisions of this Article, such facts shall thereupon be reported to the Town Board, and said Town Board may direct the Building Department to serve an order in writing upon the holder of the permit or the person in charge of said MHP, directing that the conditions therein specified be remedied within 10 days after date of service of such order. If such conditions are not corrected after the expiration of said ten-day period, the Town Board may cause a notice in writing to be served upon the holder of said permit or the person in charge of such MHP, requiring the holder of the permit to appear before the Town Board of the Town of Colonie at a time to be specified in such notice and show cause why such MHP permit should not be revoked. The Town Board may, after a hearing at which testimony of witnesses may be taken and the holder of the permit shall be heard, revoke such permit if said Town Board shall find that said MHP is not being maintained in a clean and sanitary condition or if they find that any provisions of this Article have been violated or for other sufficient cause. Upon the revocation of such permit, the premises shall forthwith cease to be used for the purposes of an MHP, and all MH's shall forthwith be removed therefrom.

- (g) Renewal of permit. Application for the renewal of any MHP permit issued pursuant to this Article must be filed with the Building Department on or before the first day of December next preceding the expiration of said permit. The application for renewal shall be in writing and signed by the applicant. The application shall state the name and the address of the applicant; the name and address of each partner, if the applicant be a partnership; the name and address of each officer and director, if the applicant be a corporation; a complete description of the premises upon which the MHP is located; the name and address of the owner or owners of such premises; the number of MH units to be provided in the proposed MHP. Such renewal application must be accompanied by a plan of the MHP if some change in the plan or layout of the MHP is contemplated by the applicant. Upon the approval of said application for a renewal of the permit by the Building Department, the Building Department shall issue a renewal permit which shall become effective upon the expiration of the prior permit and continue in force for the term specified therein but in no event longer than for a period of one year. Such renewal permit shall not be transferred or assigned. The

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applicant shall, at the time of issuance of such renewal permit, pay to the Building Department a fee computed at a rate determined by the Town Board per MH unit per annum, based upon the maximum number of proposed MH units as shown in the application.

- (4) MH units which qualify for nonconforming status and are located outside an MHP. All MH units which qualify for nonconforming status and are located outside an MHP authorized under this Article and occupied as a dwelling may remain in the position or place in which they are now parked; provided, however, that no such MHP shall be moved to a new location in the Town of Colonie, except in compliance with the provisions of this Article, and provided also that any owner or lessee of an MH presently parked outside a licensed MHP may replace the same with a new MH located upon the same plot of ground and in the same general location. The owner of an existing MH replacing the same with a new MH shall file a plot plan with the Town Building Department showing the dimensions of the new MH and its location upon the building lot. The replacement MH, however, must contain the same or a greater number of square feet of living floor space as the MH which is to be replaced and such replacement MH must be the property of the owner of the MH to be replaced. The replacement MH must be so situated upon the premises upon which it is located as to comply with all provisions of the Zoning Ordinance of the Town of Colonie relating and pertaining to front yards, rear yards and side yards.
- (5) MH units that fail to qualify for non-conforming status. Any MH unit that, for whatever reason, fails to qualify for nonconforming status shall:
  - (a) Be relocated into an MHP which complies with the provisions of this Article.
  - (b) Said MH unit shall immediately be removed from the town.
  - (c) An extension of the time within which any such MH unit must be relocated may be granted by the Town Building Department for a period not to exceed one year upon documentation by the applicant for the extension that compliance by other than relocation outside the town is not possible due to the fact that no MHP within the town which complies with the provisions of this Article has a vacancy reasonably suitable for the subject MH unit.
- (6) MHPs that fail to qualify for non-conforming status. All MHP's which fail to qualify for nonconforming status for whatever reason shall be closed, with all MH units therein removed and all improvements

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therein eliminated to the extent deemed appropriate by the town to protect the public's health, safety and welfare.

- (7) Addition or expansion to a valid nonconforming MHP. Any addition or expansion to a valid nonconforming MHP shall comply with the provisions of this Article.

**F. Appeals and Variances.**

- (1) Any person, persons, association or corporation aggrieved by any determination or interpretation of the Building Department or Planning and Economic Development Department alleged in error in the application of this Article, except relative to any requirements which may be imposed by the Planning Board pursuant to a Concept or Final Site Plan Approval, may take an appeal of said determination or interpretation to the Town Zoning Board of Appeals, provided that said appeal is made within 30 days of the determination or interpretation being appealed and said appeal is taken in compliance with such procedures as are established by the town therefor.
- (2) The Town Zoning Board of Appeals is hereby authorized to:
  - (a) Hear appeals on questions of alleged error by the Building Department or PEDD in any interpretation or determination involving the application of this Article.
  - (b) Interpret the provisions of this Article upon written application of an administrative official of the Town.

**G. Administration and enforcement.**

The provisions of this Article shall be primarily administered and enforced by the PEDD and the Building Department, which shall have the power to make necessary inspections.