

*Local Law Filing*

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Livingston  
Town  
Village

Proposed Local Law No. 1 of the year 2025

A local law to enact a local law to regulate self-storage facilities and temporary storage containers in the Town of Livingston.

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  
City of Livingston as follows:  
Town  
Village

**Section 1. TITLE.**

This local law shall be known as Local Law No. 1 of the Year 2025, a local law regulating self-storage facilities and temporary storage containers.

**Section 2. LEGISLATIVE INTENT**

The purpose of this local law is to provide for regulations pertaining to self-storage facilities and temporary storage containers.

**Section 3. AUTHORIZATION**

The Town Board of the Town of Livingston enacts this Local Law under the authority granted by:

1. Article IX of the New York State Constitution, §2(c) (6) and (10).
2. New York Municipal Home Rule Law §10.
3. New York Town Law, Article 16 (Zoning).

## **Section 4. ENACTMENT**

Be it enacted by the Town Board for the Town of Livingston that the Livingston Town Code be hereby amended as follows: The text of Section 1.3 entitled "Definitions" is hereby amended by adding the following:

**SELF-STORAGE FACILITY** – A self-storage facility refers to a building or group of buildings that offer fully enclosed, compartmentalized stalls or lockers for temporary storage on a weekly, monthly, or similar periodic basis. This public facility caters to the storage needs of personal, household, or business property and is serviced by the owner of the stored property or an agent for periods lasting at least 30 days. It's important to note that "self-storage facility" encompasses all similar uses and terms but does not imply a warehouse. Shipping containers do not constitute commercial self-storage facilities.

**SHIPPING CONTAINER** - A pre-fabricated receptacle or enclosure designed to be used for storage or shipment. It includes sea containers, trans-modal containers, portable on demand storage units, and trailers from tractor-trailer units that remain in a stationary location. It does not include open topped containers of 40 cubic yards or less (commonly referred to as “dumpsters”) used for disposal or material such as garbage, debris or yard waste.

**TEMPORARY STORAGE CONTAINER** – Smaller temporary storage container, also known as “PODS”, “Lock Box”, are typically rented by the month, which are delivered to a residence and will spend time in a driveway, in storage or en-route to a new residence, on site for more than 45 days but less than 225 days.

**MONOLITHIC SLAB** – In the foundation repair industry, monolithic slabs are referred to as an all-in-one pour or single pour foundation. Monolithic slabs are “slab on grade” foundations that are poured in one (mono – single) application. In short – monolithic slab foundations are comprised of a single pour cement application, with thicker areas of concrete around the perimeter and areas supporting load-bearing walls.

**UNOBSTRUCTED TRAVEL AREA** – An unobstructed travel area is a continuous path of travel that is free of obstructions and allows people and/or vehicles to move freely; Obstructions can include narrow spaces, and additional clearance is required for passing and turning around them.

A new section 4.43 is added as follows:

### **REGULATIONS**

1. Storage facilities shall be only permitted in the C-1 (commercial district) zoning district.
2. Special Use application and Site plan review shall be required by the Planning Board. Detailed floor plans of all buildings shall be submitted with each site plan. Site plans and construction plans shall be engineered and surveyed by New York State licensed engineer and surveyor.
3. The rental of shipping containers and temporary storage containers for self-storage commercial use are not permitted.

4. All activities associated with the on-site retail sales of storage services, including the lease of fixed, individually secured and self-contained storage lockers or rooms, must occur within a permanent, approved and permitted structure on property owned, operated or otherwise legally controlled by the lessor of said retail storage services.
5. Self-storage rental units shall be used for incidental storage only. The following activities shall not be permitted to be conducted in, or from a self-storage rental unit: commercial retail or wholesale sales activities; storefronts, residence, workshop, studio, band rehearsal area, place of business, garage sales or flea markets, auctions, assembling, manufacturing, office activities; servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or similar equipment; the operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment; the establishment of transfer storage businesses; and any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations, but nothing contained herein shall prohibit enforcement of the provisions of the New York State Lien Law. There shall be no storage of toxic, flammable, hazardous, or infectious materials, or of perishable items or live animals; No pressurized containers of gases or liquids within structures; No activity otherwise prohibited by New York State Law. None of the aforementioned conditions shall restrict the facility owner from performing maintenance on this facility.
  - a. Exception. The Lessor of the self-storage rental units may auction the contents of a rental unit when the Lessee is in default of a signed agreement and sale of the contents of the unit is consistent with all applicable laws and regulations.
6. Such facilities must be constructed on an monolithic slab, and shall be approved by the town engineer. Such facilities are not intended for the transfer, shipping, or receiving of products in conjunction with a business operation.
7. Any storage unit with inside storage of vehicles, motorized boats, trailers, RV's, motorhomes, motorcycles, power equipment, ATV's, snow mobiles, lawn mowers or any piece of equipment that require fuel, shall be labeled and identified with a flammable contents placard on the outside of the unit, and clearly visible from the outside the storage structure.
  - a. Vehicles stored on site for the transport of goods or persons shall have the batteries disconnected while in storage.
8. Any vehicles stored outside shall not diminish the 100 feet unobstructed travel areas.
9. All rental contracts shall include clauses prohibiting:
  - a. The storage of flammable liquids and highly combustible, radioactive or explosive materials, hazardous chemicals or substances considered illegal under state or federal statutes.
  - b. Pets or any animals.
  - c. Live plants.
  - d. The use of property for uses other than self-storage.
10. The lessor shall provide the lessee with a copy of all prohibited contents and storage regulations.
11. One office for the operation of the self-storage facility shall be permitted and required outside of the fenced area, with limited retail sales of products and supplies which are incidental and related to

the principal use. The office shall be permitted as an accessory use. The office shall be required to have a minimum of 2 parking spaces available.

12. The owner shall inspect each and every storage unit for cause or at a period no less than once yearly. The owner shall maintain records of their inspections on site and make them available to the Code Enforcement Officer upon request. Owner shall make access available to the Code Enforcement Officer for inspections on demand.
13. Interior parking lanes shall be provided adjacent to the storage units. Such lanes shall be provided parallel to the storage units. Such lanes shall be a minimum of 24 feet in width. Leaving minimum of 8 feet on each side for parking (total of 40 foot minimum between building, unobstructed).
  - b. Vehicle access shall be designed so as to accommodate moving vehicles, automobiles, vans, light-duty trucks and other two-axle vehicles. Internal site circulation lanes shall be adequate and marked in dimensional cross-section, width and turning radii, where applicable, to provide for the maneuverability of fire apparatus. Forty (40) foot wide drive aisles shall be provided between storage buildings, storage areas or security fencing.
14. Interior maneuvering lanes shall be provided around all buildings. Drives shall be surfaced with asphalt or concrete capable of sustaining the weight of fire equipment. All interior travel lanes shall be posted to prohibit parking.
15. Applicant shall comply with all DEC storm water regulations.
16. Landscaping and security.
  - a. The landscape plan requirements shall be reviewed and/or revised by the Planning Board depending upon site specifics.
  - b. Screening, fencing, and all areas between shall be adequately and regularly maintained acceptable to the Town Code Enforcement Officer. Any fencing for security or aesthetic purposes shall be approved by the Planning Board as to material, height and color.
  - c. Plantings shall be provided in all yards facing public roadways, outside of fencing. These and other plantings shall both screen and visually interrupt the linear extent of the buildings so as to reduce the appearance of structures. When utilized, an effective living screen of evergreen-type shall be provided. The entire site shall be designed to minimize the potential for vandalism or criminal activity.
  - d. Site and security lighting shall be provided and shall be directed or shielded to prevent glare on adjacent properties or roadways and subject to Planning Board approval. Security lighting shall be installed and maintained on all four corners of each building. Adequate lighting shall be installed to illuminate all entrances to storage units. All lighting shall be dark sky compliant.
  - e. All screening needs to be far enough off the roads for unobstructed view of oncoming traffic.
  - f. Decorative buffers and screening shall be provided for aesthetic and security purposes along all site property lines and road frontages. Plantings that die, shall be replaced within 120 days or as weather permits.

17. All self-storage facilities must be enclosed by security fencing and equipped with gate access locks or similar security measures. Alternatively, access to individual units should be restricted solely from within the secure building. Fire Department shall be given codes or keys to gain access.
  - a. Security fencing shall not be electrically charged.
  - b. Fencing shall not be closer than 20 feet from the property boundary.
18. Electrical service to individual units must be for lighting and climate control only.
  - a. No electrical service outlets shall be installed or constructed inside the unit.
19. Hours of operation shall be limited to 1/2 hour prior to sunrise to 1/2 hour after sunset.
20. Signage shall be approved by the Planning Board.
  - a. Signage shall abide by existing NYS Department of Transportation rules.
  - b. No electronic or digital signs shall be permitted.
21. Fire extinguisher(s) shall be readily accessible, minimum every 50'. The type of fire extinguisher shall be minimum 5lb, ABC style.
22. Storage of firearms shall comply with existing New York State Law.
  - a. Storage of firearm ammunition is prohibited.
23. Leaving items from existing or prior lessees at the site for free is prohibited.

#### **INTERPRETATION; HIGHER STANDARDS TO PREVAIL**

1. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements. More stringent provisions may be required by the Planning Board, if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
2. The provisions of this chapter shall supersede any prior inconsistent provisions of any local law, ordinance or resolution of the Town of Livingston. If a higher standard is imposed by any applicable law, ordinance, resolution, rule or regulation adopted by a higher level of government, the more restrictive or higher standard shall supersede these provisions. The Town reserves the right to impose additional future provisions by ordinance or resolution, which provisions may be more restrictive or impose a higher standard, which provisions shall be kept on file in the office of the Town Code Enforcement Officer of the Town of Livingston.

#### **PENALTIES FOR OFFENSES**

1. Violation of the provisions of this chapter shall be punishable by a fine, minimum of \$500 and not exceeding \$1000 per violation or by a term of imprisonment not exceeding 15 days, or both, and with each week such violation continues constituting a separate offense. The Town of Livingston shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this chapter.

The table of Section 3.2 entitled "Schedule of Permitted Uses" is hereby amended by adding the following:

DISTRICT	CH-2	HDR-2	LDR- 2	CON- 7	C- 1	FAO	AD/LI- 1*	LC- 1**
Self-storage Facility	--	--	--	--	X	--	--	--

**Section 5. SEVERABILITY**

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said local law which shall remain in full force and effect.

**Section 6. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2025 of the Town of Livingston was duly passed by the Town Board on                     , 2025, in (Name of Legislative Body) accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.\*)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after \_\_\_\_\_ (Name of Legislative Body) \_\_\_\_\_ disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ (Elective Chief Executive Officer\*) in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after \_\_\_\_\_ (Name of Legislative Body) \_\_\_\_\_ disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was \_\_\_\_\_ (Elective Chief Executive Officer\*) submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and (approved)(not approved)(repassed after~~

~~\_\_\_\_ (Name of Legislative Body)~~

~~disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was subject~~

~~\_\_\_\_\_ (Elective Chief Executive Officer\*)~~

~~to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.~~

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\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~  
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of  
20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to  
referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having  
received the affirmative vote of a majority of the qualified electors of such city voting thereon at the  
(special)(general) election held on \_\_\_\_\_, \_\_\_\_\_, became operative.

6. ~~(County local law concerning adoption of Charter.)~~  
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of  
20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having  
been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to  
subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative  
vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the  
qualified electors of the towns of said county considered as a unit voting at said general election,  
became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate  
certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that  
the same is a correct transcript therefrom and of the whole of such original local law, and was finally  
adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Tammy Molinski, Town Clerk

(Seal)

Date: \_\_\_\_\_, 2025

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney  
or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper  
proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature \_\_\_\_\_  
Title: Counsel Robert J. Fitzsimmons, Esq.

County \_\_\_\_\_  
City of \_\_\_\_\_ Livingston \_\_\_\_\_  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: \_\_\_\_\_, 2025