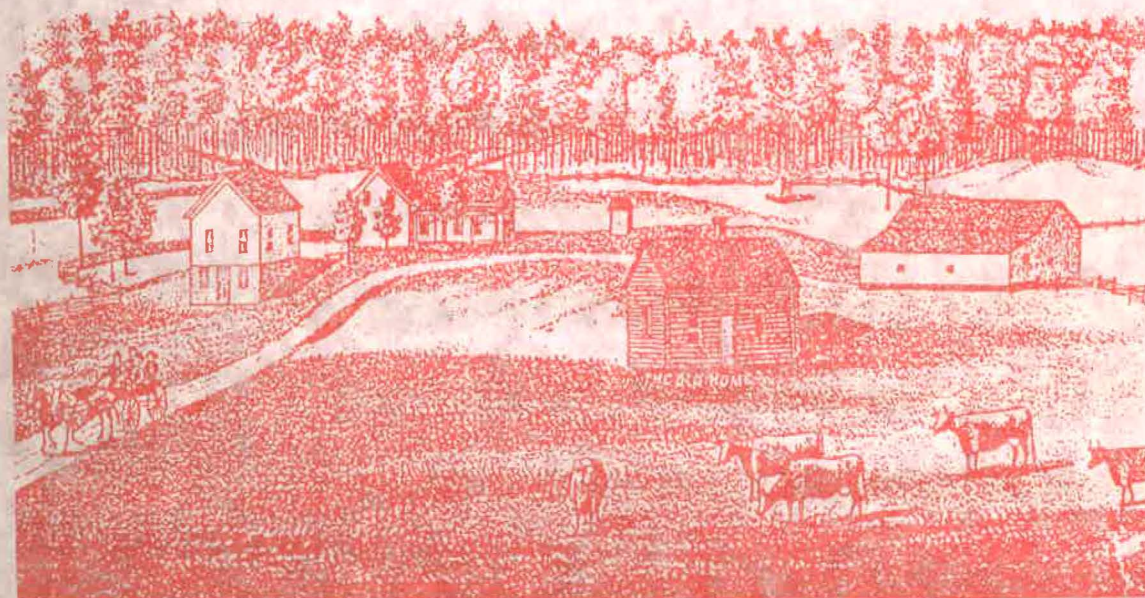


*TOWN OF PIERREPONT*  
*St. Lawrence County* *New York*



*ZONING REGULATIONS*  
*2000*



PIERREPONT TOWN BOARD

William Ford, Supervisor  
Dahl McCormick  
John McIntosh  
Daniel Snyder  
Neil Thomas

The Town Board meets the last Wednesday of each month at the Town Hall in Pierrepont at 7:30 P.M.

Town Clerk: Norma Casolara  
Highway Superintendent: Shawn Spellacy  
Code Enforcement Officer: Jerry Moore

TOWN PLANNING BOARD

Edward Siedlecki, Chair  
Delores Nelson, Vice-Chair  
Jean Tupper, Secretary  
Litfullah Atiyeh  
Rick Brewer  
Alice Hewey  
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ZONING BOARD OF APPEALS

Dale Vaughn, Adm. Chair  
Wm. Gary Atkinson  
Leslie Baker  
Richard Collier  
Donald Lynch  
Harley Newton  
Fred Selleck

The Town Planning Board meets monthly at the Town Hall in Pierrepont.

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These regulations were prepared under the direction of the Town Planning Board to replace the previous zoning regulations adopted in 1978 and revised in 1990.

Front Cover: Sketch of the Ezra Lobdell Homestead from the History of St. Lawrence County: 1749-1878 (Interlaken, N.Y.: Heart of the Lake Publishing, 1982) According to the deed, Ezra Lobdell purchased the forty or so acres that comprised his dairy farm and residence from the Pierrepont family in 1854 for about \$200. The Lobdell homestead is the present day site of the St. Joseph Zinc Mine on CR 40, the Old Military Turnpike.

TOWN OF PIERREPONT ZONING REGULATIONS

Revised - 2000

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GUIDE TO THE  
2000 PIERREPONT ZONING REGULATIONS

Introduction

Zoning regulations direct growth and protect against land use conflicts by dividing the Town into districts that separate out incompatible neighboring land uses, such as an auto repair/body shop next to single family homes, and groups together like uses. One goal of the proposed regulations is to revitalize interest in the historical hamlet locations of the Town for development (see Section 4 for goals and objectives). Other goals call for maintaining and enhancing the physical attractiveness and quiet, rural, open-country character of the Town. These regulations encourage growth to occur in a way which avoids the need for expensive community sewage or water systems and preserves the high quality of life that residents of Pierrepont have become accustomed to.

The Zoning regulations implement the community goals through the establishment of the following zoning districts (illustrated on the zoning map):

- \* HAMLET
- \* RURAL-RESIDENTIAL
- \* AGRICULTURAL-RESIDENTIAL
- \* OPEN COUNTRYSIDE
- \* RESOURCE PROTECTION
- \* PLANNED UNIT DEVELOPMENT (overlay district)

Overview of Zoning Regulations

For a quick understanding of what land uses are permitted for a particular parcel of land, first go to the Zoning Map on page iv. There, find out the name of the zoning district covering that part of Town, and go to the Zoning Schedule on the following pages and look up what "permitted uses" and "conditional uses" are allowed in that district. The zoning schedule also summarizes the minimum lot size requirements and references other special regulations that may apply.

All legally existing structures and use of land under the existing zoning regulations will continue to be "grandfathered" - that is, be legal and permissible - under any new zoning regulations. "Grandfathering" means that any use that was legal when it was established can, if not abandoned, be continued indefinitely, despite a change in the zoning regulations making such use illegal.

State and Local Permits

Two separate sets of regulations are involved with land development; both the State Fire Prevention and Building Code and the Town Zoning Regulations must be complied with before construction can begin. In Pierrepont the Zoning Enforcement Officer administers the State Code as well as the Zoning Regulations, and issues a combined Zoning/Building permit.

As is currently the case, most projects will require a Zoning/Building permit before beginning construction. The building permit portion of the combined permit signifies compliance with the New York State Fire Prevention and Building Code. This State code establishes minimum statewide construction and fire safety standards to protect public health and safety. The zoning component of the Zoning/Building permit is needed for significant construction, expansions and changes in land use to ensure the land is developed in accordance with the Zoning Regulations. Ask the Zoning Enforcement Officer if you are unsure whether you need a Zoning/Building permit for any new development project you are contemplating.

Zoning regulates land uses through four different types of permits:

1. a Zoning/Building permit for new uses and most construction projects;
2. a Special Use permit approved by the Planning Board for nuisance-prone "conditional uses" and to approve the design and layout for uses requiring "site plan review;"
3. a Sign permit issued by the Zoning Enforcement Officer for signs that exceed the exempted amount of signage (all lots are allowed one unilluminated sign up to six square feet in size without a permit); and,
4. a Variance issued by the Zoning Board of Appeals after a Zoning Permit has been denied by the Zoning Enforcement Officer for failing to meet the zoning regulations.

Special Regulations

Several nuisance-prone land uses, like salvage yards and mobile home parks, are considered "conditional uses." "Conditional uses" are permitted in the zoning district if the Planning Board finds that they meet the specific standards for each use listed in Section 13 to control potential adverse impacts.

To protect the public, adjacent landowners, and Town interests from a hazardous or poorly designed site plan layout, a site plan review by the Planning Board is required for commercial, industrial and multiple-family dwelling uses. The most common uses throughout the Town do not require a site plan review. For example, one- and two-family homes, a mobile home on an individual lot, a home occupation, forestry or agricultural uses are exempt from the requirement for site plan review.

Certain uses have more detailed regulations to clear up uncertainties in the old regulations. These include Mobile Homes (Section 18), Businesses Operated Out of the Home (Section 14) and Sign Regulations (Section 16).

All existing legal nonconforming lots, structures and uses are allowed to continue so long as the nonconformity is not expanded or increased. For questions about existing structures that crowd required setbacks or previously created parcels that fall short of the minimum lot standards see Section 19 - Nonconforming Lots, Structures and Uses.

In most cases, a comparison of the zoning map with the zoning schedule should provide general guidance for interpreting the zoning regulations. Consult specific sections of the zoning regulations as needed. The last section of the zoning regulations provides definitions for terms used in the law.

### Appeals

The Zoning Board of Appeals is established to hear and decide appeals to any decision made by the Zoning Enforcement Officer, such as denying a Building/Use Permit for locating a home on a lot line where setbacks are required. The ZBA may vary the zoning regulations where strict application would result in practical difficulties or unnecessary hardships that would deprive the owner of all reasonable use of the land.

### A Cautionary Note:

The zoning map and zoning schedule in this Guide is intended only as a summary of the law's major requirements and as an approximate representation of the official zoning map. The actual zoning regulations and official zoning map, available at the Town Hall, should be consulted in the legal application of these regulations.

## TOWN OF PIERREPONT ZONING SCHEDULE

ZONING DISTRICT	PERMITTED USES	CONDITIONAL USES (SEE SEC. 13 FOR STANDARDS)	MINIMUM LOT AREA	LOT WIDTH (IN FEET)	MINIMUM SETBACKS (IN FEET)			SITE PLAN REVIEW REQUIRED (SEE SECTION)	ADDITIONAL REQUIREMENTS (SEE SECTION)
					FRONT	SIDE	REAR		
R-R	<u>RURAL RESIDENTIAL</u> Purpose - To provide for high quality residential environment in suitable areas of the Town. This district intended to be composed mainly of single-family houses of conventional construction or appearance and for supporting public or semi-public uses.								
	One-family dwelling		1 acre	200	30	15	30	No	15
	Two-family dwelling		1 acre	200	30	15	30	No	15
	Class A Mobile Home		1 acre	200	30	15	30	No	15, 18
	Accessory Structure or use		1 acre	200	30	15	30	Maybe	14
	Public recreation		1 acre	200	30	15	30	No	15
	Public use		1 acre	200	30	15	30	No	15
	Church, parish house		1 acre	200	30	15	30	Yes	15
	School		1 acre	200	30	15	30	Yes	15
	Day care center		1 acre	200	30	15	30	Yes	15
	Craft or art studio		1 acre	200	30	15	30	Yes	15
	Production & sale of maple syrup		1 acre	200	30	15	30	No	15
	Agriculture		1 acre	200	30	15	30	No	15
	Forestry		1 acre	200	30	15	30	No	15
	Bed and Breakfast		1 acre	200	30	15	30	Yes	15
	Commercial excavation		4 acres	200	100	50	100	Yes	13, 15
	Cemetery		1 acre	200	50	30	40	Yes	13, 15
	Recycling collection facility		1 acre	200	100	30	100	Yes	13, 15

\*See Notes at end of Zoning Schedule.



**TOWN OF PIERREPONT  
ZONING SCHEDULE**

ZONING DISTRICT	PERMITTED USES	CONDITIONAL USES (SEE SEC. 13 FOR STANDARDS)	MINIMUM			SITE PLAN REVIEW REQUIRED	ADDITIONAL* REQUIREMENTS (SEE SECTION)
			MINIMUM LOT AREA	LOT WIDTH (IN FEET)	MINIMUM SETBACKS (IN FEET)		
			FRONT	SIDE	REAR		
<b>HAMLET</b>	<b>HAMLET DISTRICT</b>	Purpose - To encourage development of the Town's major hamlets as community and business centers consisting of a compatible mix of residential, commercial, public, service, and leisure uses. Mobile homes on individual lots are not permitted in the Hamlet District.					
	- One-family dwelling	1 acre	150	30	15	30	No 15
	- Two-family dwelling	1 acre	150	30	15	30	No 15
	- Class A mobile home	1 acre	150	30	15	30	No 15, 18
	- Accessory structure or use	1 acre	150	30	15	30	Maybe 14
	- Public recreation	1 acre	150	30	15	30	No 15
	- Public use	1 acre	150	30	15	30	No 15
	- Church, parish house	1 acre	150	30	15	30	Yes 15
	- Community residence	1 acre	150	30	15	30	Yes 15
	- Funeral home	1 acre	150	30	15	30	Yes 15
	- Membership club	1 acre	150	30	15	30	Yes 15
	- Health care facility	1 acre	150	30	15	30	Yes 15
	- Day care center	1 acre	150	30	15	30	Yes 15
	- Craft and art studio	1 acre	150	30	15	30	Yes 15
	- Bed & Breakfast	1 acre	150	30	15	30	Yes 15
	- Office Building	1 acre	150	30	15	30	Yes 15
	- Restaurant	1 acre	150	30	15	30	Yes 15
	- Theatre	1 acre	150	30	15	30	Yes 15
	- School	1 acre	150	30	15	30	Yes 15
	- Tavern	1 acre	150	30	15	30	Yes 15
	- Printing and publishing	1 acre	150	30	15	30	Yes 15
	- Commercial retail and service use not individually listed	1 acre	150	30	15	30	Yes 15
	Multiple family dwelling						Yes 13, 15
	Gas station, motor vehicle repair, car wash	1 acre	150	30	15	30	Yes 13, 15
	Hotel, motel, inn, boarding house	1 acre	150	30	15	30	Yes 13, 15
	Parking lot as a principle use	1 acre	150	30	15	30	Yes 13, 15
	Commercial recreation, entertainment,	1 acre	150	30	15	30	Yes 13, 15
	Cemetery	1 acre	150	30	15	30	Yes 13, 15
	Vehicle sales	1 acre	150	30	15	30	Yes 13, 15
	Recycling collection facility	1 acre	150	30	15	30	Yes 13, 15

\*See Notes at end of Zoning Schedule.

**TOWN OF PIERREPONT  
ZONING SCHEDULE**

ZONING DISTRICT	PERMITTED USES	CONDITIONAL USES (SEE SEC. 13 FOR STANDARDS)	MINIMUM			SITE PLAN REVIEW REQUIRED	ADDITIONAL* REQUIREMENTS (SEE SECTION)
			MINIMUM LOT AREA	LOT WIDTH (IN FEET)	MINIMUM SETBACKS (IN FEET)		
			FRONT	SIDE	REAR		
<b>O-C</b>	<b>OPEN COUNTRYSIDE</b>	Purpose - To encourage land uses in certain rural areas of the town that maintains the open-country, uncrowded character while accommodating forestry and agriculture, low-density residential uses, recreation, resource-based industry and other uses inappropriate to the more densely settled locations of the town. For the most part, land use compatibility is achieved through spacing and buffering requirements rather than by prohibiting certain types of nuisance-prone land uses.					
	One-family dwelling	2 acres	250	50	30	40	No 15
	Two-family dwelling	2 acres	250	50	30	40	No 15
	Class A, B or C mobile home	2 acres	250	50	30	40	No 15, 18
	Accessory use or structure	2 acres	250	50	30	40	Maybe 14
	Public recreation	2 acres	250	50	30	40	No 15
	Public use	2 acres	250	50	30	40	No 15
	Agriculture	2 acres	250	50	30	40	No 15
	Forestry	2 acres	250	50	30	40	No 15
	Antique shop	2 acres	250	50	30	40	Yes 15
	Church, parish house	2 acres	250	50	30	40	Yes 15
	Craft or art studio	2 acres	250	50	30	40	Yes 15
	Cemetery	2 acres	250	50	30	40	Yes 15
	Day care center	2 acres	250	50	30	40	Yes 15
	Wholesale and storage use	2 acres	250	50	30	40	No 15
	Manufacturing or industrial use	2 acres	250	50	30	40	No 15
	Bed and Breakfast	2 acres	250	50	30	40	No 15
	Natural resource-based industry	2 acres	250	50	50	50	Yes 13, 15
	Commercial excavation	4 acres	250	100	50	100	Yes 13, 15
	Recycling processing or collection facility	2 acres	250	50	30	40	Yes 13, 15
	Commercial kennel, riding stable, animal hospital	2 acres	250	50	30	40	Yes 13, 15
	Body shop, machine-shop, welding shop	2 acres	250	50	30	40	Yes 13, 15
	Salvage Yard	4 acres	250	50	30	40	Yes 13, 15
	Commercial communications facilities	2 acres	250	50	30	40	No 13, 15
	Campground	4 acres	250	50	30	40	No 13, 15
	Mobile home park	4 acres	250	50	30	40	No 13, 15

\*See Notes at end of Zoning Schedule.

**TOWN OF PIERREPONT  
ZONING SCHEDULE**

ZONING DISTRICT	PERMITTED USES	CONDITIONAL USES (SEE SEC. 13 FOR STANDARDS)	MINIMUM				SITE PLAN REVIEW REQUIRED (SEE SECTION)	ADDITIONAL REQUIREMENTS (SEE SECTION)
			LOT AREA	LOT WIDTH (IN FEET)	MINIMUM SETBACKS (IN FEET)	FRONT		



**RESOURCE PROTECTION** Purpose - To recognize the importance of environmentally sensitive or unique natural resources and their adjacent areas for their long-term use and enjoyment by Town residents. This district is intended to prevent activities detrimental to the ecological and open-space functions of these areas and to encourage compatible activities.

One-family dwelling	5 acres	500	50	50	50	No	15, 21
Class A, B, or C mobile home	5 acres	500	50	50	50	No	15, 18, 21
Accessory use or structure	5 acres	500	50	50	50	No	14, 21
Agriculture	5 acres	500	50	50	50	No	15, 21
Forestry	5 acres	500	50	50	50	No	15, 21
Public Recreation	5 acres	500	50	50	50	Yes	15, 21
Public use	5 acres	500	50	50	50	Yes	15, 21
Bed and Breakfast	5 acres	500	50	50	50	Yes	15, 21
Hunting & recreational club or lodge	5 acres	500	50	50	50	Yes	13, 15
Commercial excavation	5 acres	500	100	100	100	Yes	13, 15, 21
home occupations	5 acres	500	50	50	50	Yes	14, 21
Campground	5 acres	500	50	50	50	Yes	13, 15, 21

**P-D PLANNED UNIT DEVELOPMENT** Purpose - To provide a means of developing or redeveloping significant land areas considered appropriate for residential, recreational, commercial, or industrial use; or a combination of these uses in a unified site design that allows economies of scale and creative planning and design concepts to be used. The PUD allows for the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Residential, recreational, commercial or industrial use; or a combination of these uses in a unified site design	5 acres	500	30	30	30	Yes	12, 15, 21
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- \*Notes:
- (1) The zoning schedule attempts to summarize and reference only the major aspects of the zoning code. For legal applications, reference the zoning regulations directly.
  - (2) For questions on "grandfathered", nonconforming, or pre-existing lots, structures or land uses consult Section 19.
  - (3) Sign regulations are contained in Section 16.
  - (4) Regulations guiding accessory structures and uses such as garages, fences and swimming pools and home businesses are contained in Section 14.
  - (5) Section 26 explains application procedures, complaints, enforcement and penalties for violations.
  - (6) A glossary of important terms is provided in Section 28.
  - (7) All development proposals and new uses must comply with the off-street parking and loading regulations (Section 15).
  - (8) All proposal listed a conditional uses or requiring site plan review shall complete the State Environmental Quality Review process explained in Section 20.

**ARTICLE I - GENERAL PROVISIONS**

**SECTION 1 - TITLE**

This Local Law shall be known and may be cited as THE TOWN OF PIERREPONT ZONING REGULATIONS.

**SECTION 2 - AUTHORITY**

Enactment of this Local Law by the Town of Pierrepont is pursuant to Municipal Home Rule Law and Section 261 of the Town Law of the State of New York.

**SECTION 3 - SCOPE**

- These regulations shall apply to the construction, erection or location of any new building or use; the expansion or addition that would alter the exterior dimensions of an area occupied by an existing building or use; and the introduction, expansion or change or any use provided for in the Town of Pierrepont.
- These regulations authorize and empower those duly appointed or delegated by the Town Board of the Town of Pierrepont to approve or disapprove zoning permits, Certificates of Compliance, sign permits, site plans and variance applications.
- Whenever the requirements of this Local Law are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Prevention and Building Code, the most restrictive or those imposing the higher standards shall govern.

**SECTION 4 - PURPOSES**

These Regulations are designed to serve the general purposes of promoting the health, safety and general welfare of the Town of Pierrepont. In particular, these regulations are intended to further the following community goals and objectives.



COMMUNITY CHARACTER

GOAL 1: MAINTAIN AND ENHANCE THE PHYSICAL ATTRACTIVENESS AND QUIET, RURAL OPEN-COUNTRY CHARACTER OF THE TOWN.

Objectives:

- A) Minimize conflicts among land uses through the adoption of improved zoning and buffering requirements.
- B) Set minimum standards for lot sizes and dimensions, setbacks, and the percentage of the lot that may be occupied.
- C) Recognize the value to the character of the community of agricultural uses, forest lands, and other scenic views throughout the Town.
- D) Restrict junk cars and salvage materials from roadside view.
- E) Encourage proper waste disposal and enforce laws to prevent illegal waste dumping.
- F) Adopt regulations so that billboards and signs will be consistent with the community character.
- G) Encourage proper forest management to improve the aesthetic and economic values of forests.

ENVIRONMENTAL HEALTH

GOAL 2: PREVENT THE CONTAMINATION OF GROUNDWATER.

Objectives:

- A) Identify problem soil areas.
- B) Enforce the sanitary regulations.
- C) Develop minimum lot size standards to prevent off-site environmental harm.
- D) Periodically review local development activity to determine whether community facilities are warranted.

NATURAL RESOURCES

GOAL 3: MAINTAIN THE HIGH QUALITY OF PIERREPONT'S RIVERS AND STREAMS.

Objectives:

- A) Develop minimum setbacks from surface waters for structures, excavation, and sewage disposal systems
- B) Encourage the management of woodlands in ways that protect water supplies.

GOAL 4: MAINTAIN RESOURCES AND PROTECT ENVIRONMENTALLY SENSITIVE OR UNIQUE NATURAL AREAS.

Objectives:

- A) Identify and map natural areas with local significance.
- B) Limit the intensity of development in sensitive areas.
- C) Limit development on steep slopes, wetlands, and in other areas unsuitable for on-site sewage disposal.
- D) Recognize the benefits of wetlands for pollution and flood control, wildlife habitat, and community character, as well as the limitations they pose for development.
- E) Require a wastewater disposal system inspection prior to approving any variance request which would increase the volume of wastewater generated on the site or decrease the amount of land for leach fields.

COMMUNITY GROWTH

GOAL 5: ENCOURAGE DEVELOPMENT THAT WILL BE CONSISTENT WITH THE COMMUNITY CHARACTER AND THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS.

Objectives:

- A) Develop review standards so that new development will not impair the value or discourage the appropriate development and use of adjacent lands.
- B) Encourage commercial development in areas of the Town where they will not cause undo traffic problems or conflict with the neighborhood.

GOAL 6: STRENGTHEN THE HISTORIC ROLE OF THE TOWN'S HAMLETS AS RESIDENTIAL, SOCIAL, AND COMMERCIAL CENTERS.

Objectives:

- A) Provide for a variety of compatible residential, commercial, recreational, and light industrial uses within the hamlets.
- B) Require nuisance-prone land uses, such as junkyards, kennels, and landfills to locate far away from population CENTERS.

COMMUNITY SERVICES

GOAL 7: PROMOTE THE DEVELOPMENT OF EFFICIENT AND DEPENDABLE COMMUNITY SERVICES THAT MEET RESIDENTS' NEEDS AT AN AFFORDABLE COST.

Objectives:

- A) Encourage development patterns that will be least likely to require an expensive sewage treatment system, water supply systems, or other avoidable public expenditures.
- B) Explore entering cooperative ventures with nearby towns to provide cost-effective public services, such as a recreational program, to meet the needs of Town residents.

HISTORIC AND CULTURAL RESOURCES

GOAL 8: RETAIN AND STRENGTHEN PIERREPONT'S HISTORICAL AND CULTURAL RESOURCES.

Objectives:

- A) Recognize the need for Town resources to maintain historic Town buildings and properties.
- B) Ensure the compatibility of land uses adjacent to properties listed on the State Register of Historic Sites.

TRANSPORTATION

GOAL 9: WORK WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND THE COUNTY TO MAINTAIN THE SAFETY AND FREE FLOW OF TRAFFIC ALONG THE HIGHWAY NETWORK IN THE TOWN.

Objectives:

- A) Enforce the subdivision regulations.
- B) Develop design standards to prevent vehicles from backing out onto State or County highways.
- C) Encourage cluster development for projects located adjacent to State or County highways.
- D) Set aside a park and ride car pool area if sufficient interest is expressed.

REGULATIONS

GOAL 10: DEVELOP LAND USE REGULATIONS THAT ARE REASONABLE, FAIR, EASY TO UNDERSTAND AND ENFORCE, AND WHICH PROVIDE FLEXIBILITY TO ACCOMMODATE UNFORESEEN CIRCUMSTANCES.

Objectives:

- A) Encourage public participation through public hearings and making available copies of the proposed regulations and zoning map.
- B) Increase understanding of land use regulations by including a zoning schedule, to serve as a quick reference to requirements, and developing flow diagrams to guide applicants through the local permitting process.
- C) Provide for on-going training for the Code Enforcement Officer and interested members of the Planning Board and Zoning Board of Appeals.

SECTION 5 - ENACTMENT

This Local law shall take effect upon its being duly filed in the office of the Secretary of State after adoption by the Town Board of the Town of Pierrepont. The effective date of these Regulations shall be the date that the Secretary of State notifies the Town that the Local Law as filed. Upon enactment of local laws or portions thereof inconsistent with the provisions of the Local Law are hereby repealed.

SECTION 6 - SEVERABILITY

Should any Section or provision of this Law be decided by the Courts to be unconstitutional or invalid, such decision(s) shall not affect the validity of the Law as a whole or any part thereof other than the specific Section or provision so decided to be unconstitutional or invalid.

SECTION 7 - FEES

Application and permit fees shall be paid according to the fee schedule that may be established by resolution of the Town Board and amended from time to time.

ARTICLE II - ESTABLISHMENT AND INTERPRETATION OF  
ZONING MAP

SECTION 8 - ZONING DISTRICTS

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

- Hamlet
- Rural Residential (R-R)
- Agricultural Residential (A-R)
- Open Countryside (O-C)
- Resource Protection (R-P)
- Planned Unit Development (PUD)

SECTION 9 - ZONING MAP

There shall be a map known and designated as the "Official Town of Pierrepont Zoning Map," which shall show the boundaries of all zoning districts within the Town. This map shall be dated and is available for inspection at the Town Office. A representation of this map is included in the GUIDE TO PIERREPONT ZONING REGULATIONS found at the beginning of this publication.

SECTION 10 - INTERPRETATION OF ZONING BOUNDARIES

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

- 1) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- 2) Where district boundaries are indicated as approximately following the center lines of roads or highways, or highway right-of-way lines, such center lines or highway right-of-way lines shall be construed to be such boundaries.

3) Where district boundaries are so indicated that they are approximately parallel to the center lines of roads or highways, such district boundaries shall be construed as being parallel to and at such distance from such center line as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.

4) Where the boundary of a district follows a river, stream, lake or other body of water, said boundary shall be deemed to run down the centerline of such water body between mean high water levels.

5) Where the boundary of a district appears to follow a utility easement, such boundary shall be deemed to be located in the middle of such easement.

In cases where the preceding rules do not clarify the true district boundary line, the Zoning Enforcement Officer shall render a determination. The Zoning Enforcement Officer or Planning Board may request the Zoning Board of Appeals to interpret the spirit and intent of these Regulations to render a determination on any specific case.

Lots Divided by Zoning District Lines -

1) Whenever a single lot two (2) acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

2) Whenever a single lot greater than two (2) acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

ARTICLE III - ZONING DISTRICT REGULATIONS

SECTION 11 - DISTRICT REGULATIONS

A. General Provisions - The regulations listed for each district, subject to the provisions of other applicable sections of these Regulations, shall be deemed to be the minimum requirements necessary for permit approval. A proposed use is allowed in that district only if it is expressly listed. If it is not listed, it is prohibited in that district. A development project listed as a "permitted use" requires a zoning/building permit issued by the Zoning Enforcement Officer. No permit shall be issued for projects subject to site plan review until approval by the Planning Board has been gained. See Section 13 for "conditional use" regulations.

B. Determination of Similar Uses - The Planning Board shall determine whether a use not specifically listed as a permitted use in any zoning district is appropriate in the district where such use is proposed. In making such determination the Planning Board shall consider the stated purpose of the zoning district, and whether the proposed use is substantially similar in size, density, operations, impacts and other characteristics of uses permitted in the same district. If the proposed unlisted use is found to be similar to uses specifically listed and appropriate in the district, the Planning Board shall pass a resolution to treat the proposed use as a permitted or conditional use in the district.

C. More than One Principle Structure Per Lot

There may be constructed more than one principle structure housing an allowed use on a lot, provided that all structures are so located that a separate lot could be formed for each principle structure which would comply with all lot area, width, and setback requirements for the district in which the property is located.

D. Zoning Districts:

1. Hamlet District

a. Purpose - To encourage development of the Town's major hamlets as community and business centers consisting of a compatible mix of residential, commercial, public, service, and leisure uses. Mobile homes on the individual lots are not permitted in the hamlet district except for Class A mobile homes.

## b. Permitted Uses:

One-family dwelling  
 Two-family dwelling  
 Class A mobile home  
 Accessory structure & use (see Section 14)  
 Public use  
 Health care facility  
 Office building  
 Restaurant  
 Membership club  
 Public recreation  
 Church & parish house  
 Funeral home  
 School  
 Craft & art studio  
 Theater  
 Day care center  
 Tavern  
 Printing & publishing  
 Mass transit stations  
 Community residence  
 Commercial retail and service business except individually listed conditional uses or the following prohibited uses:  
 commercial kennel, machine or welding shop, salvage yard, vehicle or mobile home sales, warehousing and storage use.

## c. Conditional uses:

Multiple-family dwelling  
 Commercial recreation, entertainment uses  
 Gas station, vehicle repair, car wash  
 Parking lot as principle use  
 Hotel, motel, inn, or boarding house  
 Cemetery  
 Vehicle sales  
 Recycling collection facility

d. Minimum Lot Area: 1 acre (43,560 sq ft)

e. Minimum Lot Width: 150 feet

## f. Minimum Setbacks:

Front Setback - 30 feet  
 Side Setbacks - 15 feet (each)  
 Rear Setback - 30 feet

## 2. Rural Residential (R-R) District

a. Purpose - To provide for a high quality rural residential environment in suitable areas of the Town. This district is intended to be composed mainly of single-family houses of conventional construction or appearance and for supporting public or semi-public uses.

## b. Permitted Uses:

One-family dwelling  
 Two-family dwelling  
 Class A mobile home  
 Agriculture  
 Forestry  
 Public recreation  
 Public use  
 Daycare center  
 Craft or art studio  
 Production & sale of maple syrup  
 Accessory structure & use (see Section 14)  
 Bed and Breakfast

## c. Conditional Uses:

Cemetery  
 Commercial excavation  
 Recycling collection facility

d. Minimum Lot Area: 1 acre (43,560 sq. ft)

e. Minimum Lot Width: 200 feet

## f. Minimum Setbacks:

Front Setback - 30 feet  
 Side Setbacks - 15 feet (each)  
 Rear Setback - 30 feet

## 3. Agricultural Residential (A-R) District

a. Purpose - The Agricultural-Residential district recognizes the value of agricultural land uses to the Town's attractive, rural community character and is intended to protect agricultural uses from detrimental intrusions that may hamper their long-term productivity and provide for all kinds of typical rural development.

b. Permitted Uses:

- Agriculture
- Forestry
- One-family dwelling
- Two-family dwelling
- Accessory structure or use (see Section 14)
- Class A or B mobile home
- Public recreation
- Church & parish house
- Funeral home, cemetery and related uses
- Public use
- Antique shop
- Craft or art studio
- Daycare facility
- Production & sales of maple syrup
- Commercial kennel, stable, riding academy, or veterinarian or animal hospital
- Bed and Breakfast

c. Conditional Uses:

- Agri-business, natural resource-based industry
- Commercial excavation
- Farm implement sales and repair
- Salvage yard
- Recycling processing or collection facility

d. Minimum Lot Area: 2 acres (87,120 sq. ft)

e. Minimum Lot Width: 250 feet

f. Minimum Setbacks:

- Front Setback - 50 feet
- Side Setbacks - 30 feet (each)
- Rear Setback - 40 feet

4. Open Countryside (O-C) District

a. Purpose - To encourage land uses in rural certain areas of the Town that maintains the open-country, uncrowded character while accommodating forestry and agriculture, low-density residential uses, recreation, resource-based industry and other uses inappropriate to the more densely settled locations of the Town. For the most part, land use compatibility is achieved through spacing and buffering requirements rather than by prohibiting certain types of nuisance-prone land uses.

b. Permitted Uses:

- One-family dwelling
- Two-family dwelling
- Class A, B or C mobile home
- Accessory structure & use (see Section 14)
- Agriculture
- Forestry
- Church & parish house
- Cemetery and related uses
- Public recreation
- Antique shop
- Daycare center
- Storage & wholesale sales
- Commercial communications facility
- Public use
- Bed and Breakfast

C. Condition Uses:

- Mobile home park
- Campground
- Commercial excavation
- Commercial kennel or stable, animal hospital
- Body shop, machine shop, welding shop
- Recycling processing or collection facility
- Salvage Yard
- Agri-business, natural resource-based industrial use

d. Minimum Lot Area: 2 acres (87,120 sq. ft)

e. Minimum Lot Width: 250 feet

f. Minimum Setbacks:

- Front Yard - 50 feet
- Side Yard - 30 feet
- Rear Yard - 40 feet

5. Resource Protection (R-P) District

a. Purpose - To recognize the importance of environmentally sensitive or unique natural resources and their adjacent areas for their long-term use and enjoyment by Town residents. This district is intended to prevent activities detrimental to the ecological and open-space functions of these natural areas. Low density residential uses, primarily hunting and seasonal camps, and compatible recreational uses are appropriate in this district.

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b. Permitted Uses:

- One-family dwelling
- Seasonal hunting and recreational camps
- Accessory structure and use (see Section 14)
- Class A, B or C mobile home
- Forestry
- Agriculture
- Public recreation
- Public utility
- Bed and Breakfast

c. Conditional Uses:

- Commercial excavation
- Campground

d. Minimum Lot Area: 5 acres (217,800 sq. ft)

e. Minimum Lot Width: 500 feet

f. Minimum Setbacks:

- Front Yard - 50 feet
- Side Yard - 50 feet
- Rear Yard - 50 feet

SECTION 12 - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

A. Purpose - The purpose of the Planning Unit Development District shall be as follows:

1. To provide a means of developing or redeveloping significant land areas considered appropriate for residential, recreational, commercial, or industrial use; or a combination of these uses in a unified site design that allows economies of scale and creative planning and design concepts to be used. The PUD allows for the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. This flexibility is intended to permit innovative planning and design concepts and not merely a means to increase the density or bulk of a project without corresponding public benefits.

2. To uphold the spirit and intent of the zoning regulations to promote orderly growth and sound development of the Town and ensure that the health, safety, and general welfare of prospective residents in the PUD and adjacent residents will be protected.

B. Minimum Standards - A PUD shall meet the following minimum standards:

1. District Area Minimum: five (5) acres
2. Minimum District Width: five hundred (500) feet
3. Minimum Setback: thirty (30) foot setback along all district boundaries

C. Procedure - Development within a PUD requires 1) Town Board approval to amend the zoning map to establish the PUD district, based on the preliminary development plan, and 2) Planning Board site plan approval of proposed development within the established PUD. Where the Town Board establishes a PUD District the previous use and dimensional specifications of the Zoning Regulations are replaced by the PUD standards, modifications required by the Town Board in approving the establishment of the PUD, and modifications required by the Planning Board in approving development within the PUD. The approved final site plan controls future land use and development in the District.

1. Presubmission Conference - A Presubmission conference between the applicant and the Planning Board staff shall be held to discuss the proposal, outline the review procedure and required submissions, and inform the applicant of minimum standards and potential Town concerns of the conceptual project. This step is beneficial because the applicant will learn his or her responsibilities before expending significant resources on the project.

2. Application for Establishment of a PUD - Application for establishment of a PUD shall be made to the Zoning Enforcement Officer on behalf of the Town Board to approve the preliminary site plan and amend the Town Zoning Map. Application may be made by any party with legitimate interest in the parcel(s) of land in question. Ownership or holding a bonafide accepted purchase contract with the owner's consent shall be considered a legitimate interest.

3. Referral(s) - The Zoning Enforcement Officer shall refer the application to the Town Planning Board within ten (10) days after receipt of the preliminary plans, and make any required referrals and notifications necessary to comply with New York State Law, including the State Environmental Quality Review and Sections 239-m and 239-n of General Municipal Law (referral to the County Planning Board).

4. Review of Required Submissions - The Town Planning Board shall compare the applicant's submissions with the list of required submissions and determine whether a complete application has been submitted. Incomplete applications may be returned to the applicant for completion. Alternatively, the Planning Board may waive submission requirements for a preliminary plan if in its judgment the listed requirement is not necessary to fully assess the proposed development.

5. Required Submissions for Establishment of a PUD District - The preliminary site plan shall include the following information unless waived by the Planning Board:

- a. Narrative describing the proposal, proposed use(s), height, and number of stories for each building:
  - for residential buildings, include the number of proposed dwelling units by size and number of parking spaces to be provided
  - for nonresidential buildings, include total floor area and total sales area and number of parking spaces provided
- b. Area map of applicant's holdings drawn to scale showing:
  - property boundary
  - size of site
  - streets and easements, land use, zoning, and ownership within 500 feet of the applicant's site
  - existing on-site land use and physical improvements
- c. Environmental Assessment Form to comply with the State Environmental Quality Review (SEQR)
- d. Existing topography, vegetation, and watercourses on the site
- e. Lot layout, building arrangement, and setbacks for the proposed development
- f. Vehicle and pedestrian ways, including street layout and right-of-ways, driveways, entrances and exits, walkways, and improved surface widths
- g. Means to provide adequate water supply, sewage disposal, and storm drainage
- h. Off-street parking and loading areas, and location of outdoor storage
- i. Usable open space, landscaping and recreation areas

- j. Location, dimension and description of land or facilities to be dedicated or reserved for public use or maintenance
- k. Location, and lighting of outdoor signs
- l. Outdoor lighting and public address systems
- m. Proposed easements, deed restrictions, or homeowners association
- n. Other information considered necessary by the Planning Board to fully assess the proposed development

6. Optional Public Hearing - The Planning Board shall have the authority to hold a public hearing on the proposal, and may hold such a meeting in conjunction with the Town Board public hearing to consider amending the zoning map. Any public hearing shall be held within thirty (30) days of a determination of a complete application and be advertised in the Town's official newspaper at least five (5) days before the public hearing.

7. Planning Board Review - The Planning Board shall review any application for establishment of a PUD and shall recommend approval, disapprove, or approval with modifications. Such decision shall be reached within forty-five (45) days of referral by the Town Board and completion of the SEQR review process.

In evaluating the proposal and in reaching its recommendation to the Town Board, the Planning Board shall consider the minimum standards for establishing a PUD district and the following considerations:

- a. conformance with the stated purposes of the PUD District;
- b. consistency with the Community Plan;
- c. protection of established or permitted uses in the vicinity;
- d. provision for usable open space and recreational areas as appropriate to the proposed use(s) and the surrounding neighborhood;
- e. design and location so as to be safely and adequately served by roads, water supply, sewage disposal, storm water drainage, snow removal, fire protection and school buses;
- f. provision for advantages of flexible planned development over conventional lot-by-lot development such as the following:



- (1) increased recreational areas and usable open space;
- (2) preservation of natural features of the site;
- (3) increased affordable housing opportunities;
- (4) a compatible mix of housing types and/or uses;
- (5) decreased street and utility costs resulting from efficient design of the entire site and clustered development;
- (6) provision of public waterfront access or other public amenity.

8. Notification of Planning Board Recommendation - The Planning Board shall forward its recommendation to the Town Board along with its findings and reasons for the recommendation within five (5) days of its action.

9. Town Board - Prior to amending the zoning map to establish a PUD District the Town Board shall hold a public hearing in accordance with the procedure to amend the zoning regulations (see Section 27) and consider the report and recommendation of the Town Planning Board and all other relevant comments, reviews and statements.

The Town Board shall act to approve, disapprove, or approve with modifications the application for establishing a PUD based on a preliminary development plan, and shall report its decision to the Town Planning Board. Should the Town Board wish to act contrary to any recommendation for disapproval or approval with modifications made by the Town Planning Board, or the County Planning Board under authority of Section 239-m of General Municipal Law, it may do so only with a majority plus one vote of its full membership.

10. Application for Development Approval Within an Established PUD - Upon amendment to the zoning map establishing a PUD, final development plans, consistent with any modified approval requirements, shall be submitted to the Planning Board for site plan review prior to issuance of a zoning permit. Procedures under Section 22 - Site Plan Review - shall be followed for the review of proposed development within the PUD, although referral to the County Planning Board in accordance with Section 239-m of General Municipal law is not required.

11. Final "as built" Site Plan - A Building permit may be issued by the Zoning Enforcement Officer only after final "as built" site plans have been found complete and approved by the Planning Board.

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D. Expiration of Permit - If construction of the development in accordance with the approved site plan has not been conclusively initiated within three (3) years after the establishment of the PUD or within eighteen (18) months after the date of approval of the final site plan, all permits shall become null and void, and the zoning map amendment revoked and restored to the zoning designation to which the District had been prior to the PUD application.

SECTION 13 - CONDITIONAL USE STANDARDS

A. General Provisions - "Conditional uses" are types of land uses that are an appropriate use in a district only if it meets the minimum standards that follow for that particular use. If the proposed use conforms with the standards in this section it shall be approved. Uses failing to meet these specific standards shall be denied and require an area variance to receive a building permit. A zoning/building permit shall be issued by the Zoning Enforcement Officer for any use listed as a "conditional use" if the Planning Board finds that the standards have been met and approved the site plan. Approval of a special permit for a "conditional use" does not exempt the proposal from Site Plan Review regulations.

B. Required Submissions - Adequate information must be submitted by the applicant so that the Planning Board can clearly assess whether the proposal meets the specific standards for that particular "conditional use".

C. Procedure - The Planning Board, on application, may approve the issuance of a special permit for a "conditional use" authorized in the text of these Regulations according to the following procedures:

1. Application - The Zoning Enforcement Officer shall transmit copies of the application to the Planning Board. If Site Plan Review is required, any submitted site plan information shall also be forwarded to the Planning Board for coordinated review.

2. Determination of Completeness - The Planning Board shall determine the completeness of any application at its next regularly scheduled meeting, to take place no later than forty-five (45) days after initial receipt of the application. The applicant shall be notified within seven (7) days of such meeting if the application is found to be incomplete or deficient in any way, and shall further specify any deficiencies in writing.

3. Optional Public Hearing - The Planning Board may schedule and hold a public hearing on any application for a special permit to allow a "conditional use" within forty-five (45) days from the date of receiving a complete application.

4. The Planning Board shall render its decision within thirty (30) days following the date of public hearing, or if no public hearing within thirty (30) days of receipt of a complete application. The Board shall vote to approve, disapprove or attach conditions to the approval of a "conditional use" to satisfy the specific standards for that particular "conditional use". Notice of the Board's decision shall be given in writing to the Zoning Enforcement Officer and the applicant, and shall be filed with the Town Clerk.

5. Where Site Plan Review is required, no zoning permit shall be issued unless and until the application has received final Site Plan Review approval by the Planning Board.

D. Expiration - A special permit for a "conditional use" shall be deemed to authorize only one particular "conditional use" and shall expire if the "conditional use" or uses shall cease for more than one year except as an extension of the permit period is applied for and, for due cause shown, granted by the Planning Board.

E. Conditional Uses - Specific Standards:

1. Campground

- a. Lot Size - The minimum lot size shall be four (4) acres.
- b. Setbacks - All campsites and recreational vehicle sites are subject to the normal setbacks in the district.
- c. Density - Such use shall not exceed an average density of ten (10) campsites per acre (4,300 sq. ft/campsite).
- d. Sanitary facilities shall be provided as follows:
  - (1) Campgrounds providing five (5) or more campsites shall provide a safe source of drinking water, and adequate sewage and solid waste disposal facilities.
  - (2) Campgrounds with fifteen (15) or more campsites shall provide pump out facilities to adequately manage recreational vehicle holding tank waste.

2. Commercial Excavation

- a. Lot Size - The minimum lot size shall be four (4) acres.
- b. Identification of mined area - The site plan shall indicate the boundaries of the area to be mined.
- c. Setbacks - A minimum setback of one-hundred (100) feet shall be provided from any lot line to the closest point of excavation.
- d. Protection from nuisances - Such use shall not interfere with the peaceful enjoyment of adjoining residential uses from nuisances by reason of dust, noise, traffic, vibrations, or hours of operation.
- e. Such use shall submit a Department of Environmental Conservation Mined Land-Use Plan if applicable. If not applicable, a realistic reclamation plan for restoring the site to a future useful use shall be submitted. Such plan shall show final grades, drainage, and proposed vegetation for the mined area.

3. Kennel, Animal Shelter, Riding Academy, Commercial Stable

- a. Housing quarters setback - All overnight housing quarters for animals shall be subject to the normal setbacks in the district.
- b. Manure pile setback - There shall be a minimum setback of seventy-five (75) feet from any river, lake, or lot line for a manure pile or burial ground.
- c. Separation distance - There shall be a minimum separation distance of one-hundred fifty (150) feet between existing neighboring residences and animal housing quarters.
- d. Screening - Overnight animal housing quarters shall be enclosed, fenced, or otherwise screened from public view and adjacent residences.
- e. Noise Control - The applicant shall make a good faith effort to mitigate off-site noise through fencing, setbacks, topography, vegetated buffer yards or enclosing the animals in a structure.

## 4. Salvage Yard

- a. Exemption for the Storage of a Limited Number of Unlicensed Vehicles - Up to five (5) unlicensed vehicles may be permitted as an accessory use provided no more than two (2) unlicensed vehicles are unscreened from residences or roadways. Storage of unlicensed vehicles that exceed these standards shall be considered a "salvage yard" and shall satisfy the following standards.
- b. Lot Size - The minimum lot size shall be four (4) acres.
- c. Storage - No storage of materials, vehicles or parts shall be permitted in the normal required setbacks of the district.
- d. Screening - Such use shall be completely enclosed by a fence or otherwise screened from public view and from adjacent properties.
- e. Hazardous Materials - Such use shall not handle or store hazardous or toxic materials.
- f. Separation Distances - Such use shall not be located within five hundred (500) feet of (1) any river, stream, or lake, and/or (2) any existing residence other than the principle residence on the same parcel.

## 5. Vehicle, Farm Implement, Mobile Home Sales or Rental

- a. Lot Size - The minimum lot size shall be two (2) acres.
- b. Setback - All display vehicles shall be set back a minimum of twenty-five (25) feet from any lot line.
- c. Bulk fuel storage - All fuel storage tanks in excess of 2,000 gallons shall be installed uncerground or provide a minimum fifty (50) foot setback from any lot line.
- d. Screening - All disabled vehicles and mobile homes unsuitable for sale shall be screened from public view and adjoining residences.
- e. Lighting - All exterior lighting shall be directed downward and designed in a manner such that the light and glare does not pose a nuisance or hazard to adjacent uses or on any public roadway.

## 6. Mobile Home Park

- a. Permitted Mobile Homes - Only Class A or Class B mobile homes are permitted to locate in mobile home parks.
- b. Minimum Size - A mobile home park shall contain a minimum of four (4) acres.
- c. Density - Each mobile home park shall be marked off into mobile home lots containing a minimum area of 6,000 sq. ft. (7 mobile homes per acre). No more than one mobile home shall be permitted to occupy any one mobile home lot.
- d. Setbacks - Within the mobile home park, the setback requirements for each mobile home lot shall be as follows:
  - Front setback - 15 ft
  - Side setback - 15 ft (each)
  - Rear setback - 15 ft
- e. Buffer Areas - No mobile home shall be located within 50 feet of any property line abutting an existing residential use. Buffer areas shall be vegetated or otherwise visually screen the mobile home park from the neighboring use.
- f. Sanitary Facilities - An adequate water supply and sewage disposal system shall be provided for all mobile home lots within the park and shall be approved by the NYS Department of Health as required by State Law.
- g. Community Use - No less than ten percent (10%) of the total area of a mobile home park shall be devoted to community uses. Roads, access areas, utility areas, and required buffer yards or setbacks shall not be counted when computing the community use area.
- h. Roadways - No individual mobile home lot within a mobile home park shall have access to a state or county highway. Internal roadways within a mobile home park shall have a minimum right-of-way of fifty (50) feet and a minimum roadway width of sixteen (16) feet.

There shall be no dead-end streets in any park. A cul-de-sac turn around shall be provided if needed. Roadways must be drained so as to avoid standing water.

i. Off-Street Parking - Two (2) off-street parking spaces shall be provided for each mobile home lot in the mobile home park outside the sixteen(16) foot roadway and otherwise comply with off-street parking requirements as set forth elsewhere in these regulations.

7. Mobile Homes on Individual Lots- See Section 18 Mobile Homes

8. Hotel, Motel, Inn, Boarding House

a. Minimum Lot Size - Such use shall provide a minimum of 4,000 sq. ft per dwelling unit or guest room and meet minimum lot size requirements for the district (11 units/acre).

b. Screening - To protect neighboring residences parking areas, outdoor waste disposal areas, or outdoor storage areas located within twenty (20) feet of an adjacent lot occupied by a one- or two-family dwelling shall be visually screened from the neighboring use through vegetation, fencing, or topography in the side or rear yards.

9. Recycling Processing Facility

- a. No storage shall be permitted in the required setbacks.
- b. All treatment activities shall be conducted within an enclosed area.
- c. There shall be no on-premises disposal of wastes.
- d. Such use shall not handle or store any hazardous or toxic wastes.

10. Recycling Collection Facility

Recycling collection facilities may be sited in all areas of the Town except the Resource Protection districts with a zoning permit provided they comply with the following standards:

- a. In cases where it is an accessory use, it shall be no larger than 500 sq. ft nor obstruct any parking or loading space.
- b. Shall be set back at least ten (10) feet from any lot line and shall not obstruct pedestrian or vehicular circulation.
- c. Shall accept glass, metals, plastic containers, paper and other reusable items.

d. Shall store all recyclable material in containers and shall not leave materials outside of containers when an attendant is not present. The site shall be maintained free of litter.

e. Occupation of parking spaces by the facility may not reduce parking spaces below the minimum number required for the principle use unless a parking study shows that the existing parking capacity is not already utilized.

11. Gas Station, Vehicle Repair, Auto Wash, Welding Shop or Machine Shop

- a. Any fuel pump must meet setback requirements.
- b. The minimum distance between any pumps and buildings shall be twenty (20) feet.
- c. Auto washes and gas stations shall provide two (2) stacking spaces per bay or pump to prevent the waiting of automobiles in the public roadway.
- d. All above-ground bulk fuel shall be stored at least fifty (50) feet from adjacent lots. All fuel storage tanks with a capacity of 2,000 gallons or more shall be installed underground or provide a minimum fifty foot setback from all lot lines and be screened and fenced.
- e. No exterior storage of dismantled vehicles, vehicle parts or salvage materials shall be permitted for a period of more than thirty (30) days and shall be screened from public view.
- f. No exterior storage of disabled vehicles shall be permitted for more than thirty (30) days and shall be screened from public view.
- g. All major vehicle repairs shall be performed within an enclosed building or screened from adjacent residences.
- h. Nuisances - Such use shall not result in offensive dust, smoke, fumes, vibration, glare, noise, or hazard to any neighboring use.

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12. Natural Resource Based Industry, Agri-Business, or Other Industrial Use
  - a. Lot Size - The minimum lot size shall be two (2) acres.
  - b. Setbacks - Such use shall provide minimum front and side setbacks of fifty (50) feet.
  - c. Storage - All outdoor storage shall respect setback requirements.
  - d. Screening - Whenever such use is not fully enclosed and is located adjacent to a residential lot or within 200 feet of a residential structure, a fully landscaped buffer fifty (50) feet in width shall be provided to separate the two uses. This buffer shall be planted or have such other grading or fencing as necessary to visually and audibly buffer the neighboring residential use from the industrial activity.
  - e. Nuisances - Such use shall not result in offensive dust, smoke, fumes, vibration, glare, noise, or hazard to any neighboring use.
13. Multiple-Family Dwelling(s)
  - a. Density - Such use shall provide an average minimum lot size of 7,260 square feet per dwelling unit (6 units/acre) and meet the minimum lot size requirement for the district.
14. Cemetery
  - a. Setbacks - The location of all monuments, mausoleums and other structures related to the operation of a cemetery shall respect the setback requirements for the district in which the cemetery is located.
  - b. Environmental Protection - No burials shall be located within 100 feet of wells providing drinking water or any river or stream.
  - c. Crematory - A cemetery shall not include a crematory facility unless the Planning Board finds that such a facility will not interfere with the established character of the area.

ARTICLE IV - REGULATIONS APPLICABLE TO ALL DISTRICTS

SECTION 14 - ACCESSORY STRUCTURES AND USES

- A. Procedure - On any lot accessory structures(s) or use(s) in connection with the principle building or use may be constructed and located subject to the following process:
  1. All accessory structures or uses shall require a Zoning/ Building Permit to be issued prior to their initiation and a Certificate of Compliance upon their completion unless otherwise provided for in these regulations.
  2. Accessory structures or uses listed in Column A of Table 1 (found at the end of Section 14) do not require a zoning/ building permit provided they, (1) comply with the New York State Uniform Fire Prevention and Building Code, and (2) comply with specific standards listed for particular accessory structures or uses.
  3. Accessory structures or uses listed in Column B of Table 1 require a zoning/building permit to be issued prior to their initiation and certificate of occupancy upon their completion, but do not require Site Plan Review.
  4. Accessory structures or uses listed in Column C of Table 1 require a zoning/building permit to be issued prior to their initiation, Site Plan Approval, and a certificate of occupancy upon their completion.
- B. Applicable Standards - Accessory structures and uses shall be governed by the following standards unless otherwise specified.
  1. All structures or uses accessory to a residence shall be consistent in character and use with the principle residential use and the adjacent neighborhood.
  2. Accessory structures and uses in conjunction with another use requiring a Conditional Use, Site Plan Review, or Planned Development District shall be determined with the review process for any Conditional Use, Site Plan, or Planned Development District.
  3. No accessory structure shall be closer than five (5) feet to a principle structure or any other structure, unless it is attached to such principle or other structure.
  4. Accessory structures or uses shall conform with all regulations for such principle use unless otherwise specified.

5. Unless specifically waived, all accessory structures or uses shall fully comply with requirements of these regulations applicable to the principle building.

6. Generally, accessory structures and uses shall not be located within a required front setback. Permitted signs and accessory structures or uses listed in Column A of Table 1 may be located within required setbacks, except domestic pet houses and uninhabited structures less than 250 sq. ft in size must still satisfy setback requirements.

7. Specific Standards for Certain Accessory Structures or Uses

a. Private Swimming Pool -

- 1) An enclosure of at least four (4) feet in height shall be provided around swimming pools to prevent accidental or unauthorized entry.
- 2) Every gate or other opening in the enclosure shall be self-closing and self-latching.
- 3) Where the proposed pool is of such height or design that a protective enclosure is not required or is impractical, the Enforcement Officer may, at his or her discretion, issue a permit for the erection of such pool without such enclosure. The Zoning Enforcement Officer shall, however, first make a finding that the pool has equal protection from entry as would be afforded by the erection of an enclosure as required above.
- 4) No lighting or spotlighting shall project light rays beyond the lot lines of the lot on which such pool is located.
- 5) All setback requirements shall be satisfied.

b. Sign(s) - Signs shall be regulated according to Section 16 - Sign Regulations.

c. Boathouse(s), Dock(s) or Pier(s) - The required setback from the waterfront side of the lot shall be waived for such structures.

d. Outdoor Vending Machines(s), Automatic Teller Machines - No more than two (2) outdoor vending machines shall be permitted per lot. Such uses or structures may be located in the front yard but must respect the required front setback.

e. Fences -

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

1) All open fences and opaque and solid fences no taller than six (6) feet in height are permitted without a zoning permit or Site Plan Approval provided such fencing is:

- (1) set back at least two (2) feet from any lot line;
- (2) does not block adequate visibility of on-coming traffic at intersections or driveways; and,
- (3) projects a finished side outward towards adjoining lots.

2) Fences not satisfying these standards shall require Site Plan Review. Such fencing shall be permitted if the applicant can show that it is in the best interest of the community and neighborhood with respect to health, safety, or general welfare concerns of the Town.

f. Certain Domestic Animal Shelter(s) - No structure to provide shelter for sheep, horses, goats, chickens or other fowl shall be permitted in the Hamlet or Rural Residential Districts unless such structure shall provide a minimum setback from all residential lots of seventy-five (75) feet.

g. Accessory Apartment -

1) Accessory Apartment: A housing unit that is self-contained with separate cooking facilities, but is principally incorporated within an existing structure that was originally designed for a single family residence and will not be substantially altered.

2) Purpose: Allowing one accessory apartment per principle structure permits homeowners to stay in their homes and neighborhoods in the face of fixed or reduced incomes, changing space needs, health care needs, and rising expenses for utilities, taxes, and maintenance without significantly impacting the surrounding neighborhood.

Section 14

- 3) Standards
- a) Only one apartment shall be created within a single family house.
  - b) The apartment shall be a complete, separate housekeeping unit that can be isolated from the original unit.
  - c) The owners of the residence in which the accessory structure is created shall occupy at least one of the dwelling units on the premises.
  - d) The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that on a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building, any addition shall not increase the square footage of the original house by more than twenty-five (25) percent.
  - e) The design and size of the apartment shall conform with the NYS Uniform Fire Prevention and Building Code.
  - f) Adequate off-street parking shall be provided in accordance with the Parking & Loading Regulations.
  - h) Accessory Residence - A dwelling unit as an accessory residence to a principle structure or use may be located on the same lot provided that a separate lot could be formed for each residence which would comply with all lot area, width, setback and sanitary requirements in which the property is located.
  - i) Accessory Boarding - The renting out of one or two rooms within a single-family residence (which one or two rooms do not constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family residence.
  - j) Home Occupations -
    - 1) Definition - A home occupation is a business operated out of a home, specifically it is defined as an accessory occupation or business activity which results in a product or service for financial gain that is conducted in whole or part on the residential premises.

- 2) Purpose - The intent of regulations governing home occupations is to balance the increasing importance and community benefits of allowing work in the home while still protecting the character of the surrounding neighborhood, particularly adjacent residential uses, from intrusions and nuisances that can occur from business that operate out of a home.
- 3) Prohibited Home Occupations - The following businesses are prohibited as home occupations: automotive vehicle repair, body shop, vehicle painting, salvage yard, auto or vehicle sales, commercial outdoor storage or parking uses. These uses may be permitted as a "conditional use" in some districts of the Town. (See Section 13 - Conditional Uses).
- 4) Standards for Permitted Home Occupations - Home occupations are permitted if they meet all of the following standards:
  - a) The total area of all home occupation businesses shall be limited to 50% of the dwelling's gross floor area.
  - b) Such use shall employ no more than the equivalent of two (2) full-time employees other than residents of the dwelling.
  - c) Adequate off-street parking shall be provided to accommodate traffic related to the business activity.
  - d) Instruction to students and services to clients or customers shall be limited to no more than twelve (12) persons at any one time.
  - e) Storage of equipment, heavy vehicles or machinery, supplies or raw materials associated with the business shall be screened from roadways and adjacent residential uses. However, up to two (2) business vehicles may be parked in the driveway. Firewood storage is exempt from this standard.
  - f) The home occupation shall produce no undue disturbance caused by unreasonable noise, smoke, vibration, fumes, dust, odors, glare or other nuisance.

- g) Home occupations that do not satisfy the standards established for a permitted home occupation shall be treated as an application for a specific business use in the district. Home occupations that violate these standards shall be considered to violate the zoning regulations.
  - h) Appeal - An applicant or operator of a home occupation that does not satisfy or violates the standards for a permitted home occupation may apply to the Zoning Board of Appeals for a variance from these regulations.
- 5) Storage of Unlicensed Vehicles - The storage of up to five (5) unlicensed vehicles is permitted if no more than two (2) unlicensed vehicles are visually unscreened from residences and roadways. Storage of unlicensed vehicles that exceed these standards shall be considered a "salvage yard."
- 6) Recycling Collection Facility - Such use shall be permitted as an accessory use if the standards for a recycling collection facility in Section 13 - Conditional Uses - is satisfied.

TABLE 1

ACCESSORY USES AND STRUCTURES

Accessory Structure: A structure subordinate to the principle use or building on a lot and used for purposes customarily incidental to the principle use of the lot.

Accessory Use: A use subordinate and customarily incidental to the principle use or building on a lot.

Treatment of Accessory Structures and Uses

<u>A</u> No Permit Required	<u>B</u> Permit, But No Site Plan Review Required	<u>C</u> Permit & Site Plan Review Required
Planter	Garage, Car Port	Solid Fences over 6 feet in height
Flagpole	Storage structure between 251-500 sq. ft.	Storage structure greater than 500 sq. ft. in size
Birdhouse, Bird bath	Private Swimming Pool	
Bird feeder	Deck, porch, gazebo, balcony	
Wading/ornamental pool (less than 24" deep)	Farm Stand	
Fences (See page 29)	Agricultural structures associated with an Agricultural Operation	
Antenna, Satellite dish	Automatic Teller Machine	
Domestic pet houses	Boathouse, Dock, Pier	
Signs not requiring permits	Home Occupation that requires a building permit	
Playhouse or Treehouse		
Security Gates		
Inward directed Outdoor Lighting		
Playground Recreational Equipment		
Mailbox		
Storage of Personal recreational vehicle or equipment		
Walkway, railing, stairs		
Storage structures no larger than 250 sq. ft.		
Firewood storage		
Home occupation that does not involve construction or alteration requiring a building permit		
Unlisted accessory structures or uses incidental and commonly associated with the principle use		



## SECTION 15 - OFF-STREET PARKING AND LOADING REQUIREMENTS

- A. Purpose - It is the objective of this Section to provide standards for providing adequate off-street parking and loading of motor vehicles in an orderly and efficient manner that retains the function of the road network and protects the health, safety, and general welfare of the public.
- B. Procedure - Any structure or use requiring a permit under these regulations shall comply with the parking, loading, and design standards specified in this section.
- C. Design -
- (1) Parking Space - The minimum size of each parking space shall measure nine (9) feet in width and eighteen (18) feet in length, not including any required maneuvering aisle, public road, right-of-way, or easement, but having direct access to a public road.
  - (2) Driveway - A required driveway shall be a minimum of ten (10) feet wide and no greater than twenty (20) feet wide. Existing driveways may be surfaced or reconstructed to within one (1) foot of an adjoining property line. Newly constructed driveways may be built to within three (3) feet of an adjoining property unless it will be shared with the adjoining property owner. A driveway shall not alter the natural drainage to drain onto adjacent property. No more than two driveways (excluding field entrances) per parcel per street shall be allowed.
  - (3) Circulation - Parking facilities shall be designed so as to eliminate the need for vehicles to back out onto state or county roads, and to provide an orderly and safe circulation system to route traffic on the site.
  - (4) Surface Condition - When more than five (5) parking spaces are required on a parcel the parking area shall consist of a designated and improved area composed of a minimum of 6" of compacted stabilized surface consisting of gravel, crushed stone, blacktop, concrete or a combination thereof.
  - (5) Front Yard Parking - No parking space for a commercial use shall be located closer than ten (10) feet from the front yard lot line.

- (6) Sight Lines - Driveways shall be located so that any vehicle leaving the driveways shall have clear and unobstructed views for a reasonable and safe sight distance to any on-coming traffic, considering the marked speed limit in the area and the quantity of traffic.
  - (7) Maintenance - All required parking spaces and circulation aisles shall be available for parking and loading and not to be used for the storage of unlicensed vehicles, materials, or waste disposal facilities.
- D. Off-Street Parking and Loading Guidelines - Unless specifically waived by the Planning Board under the Site Plan review, the Zoning Board of Appeals through an area variance, or the Town Board under the Planned Unit Development review the following minimum standards shall apply for each type of uses set forth below. The Planning Board may require a greater number of parking or loading spaces if it is warranted by the nature and scale of a proposed use.

Residential Uses

- (1) One-family dwelling, two-family dwelling, mobile home, multiple family dwelling: two (2) parking spaces for every dwelling unit.
- (2) Accessory apartment or accessory mobile home: one (1) parking space per dwelling unit.
- (3) Home occupation - a minimum of one (1) parking space for every nonresident employee working on the premises plus one (1) parking space for every business vehicle stored on the premises.

Public/Institutional Uses

- (4) Church, place of worship: one (1) parking space for every six (6) seats to capacity.
- (5) Health care facility, medical offices: one (1) parking space per employee on the largest work shift, plus three (3) parking spaces for every physician.
- (6) Library, museum, community center: one (1) parking space for every 400 sq ft of gross floor area.
- (7) Membership club, lodge: one (1) parking space for every 300 sq ft of gross floor area.

- (8) Residential health care facility, nursing home: one (1) parking space for each visiting physician, plus one (1) parking space per employee on the largest work shift, plus one (1) parking space for every six (6) patient beds.
- (9) Daycare, Pre-School: one (1) parking space per employee on the largest work shift, plus one loading space for every six (6) children/students.

Retail, Commercial & Service Uses

- (10) Hotel, motel, inn, boarding house: three (3) parking spaces for every two (2) rooms, plus one (1) parking space per employee on the largest shift.
- (11) Convenience store, grocery: one (1) parking space per 300 sq feet of gross floor area, but no less than four (4) spaces.
- (12) Restaurant, tavern, bar: one (1) parking space for every four (4) seats to capacity.
- (13) Vehicle services or repair: one (1) parking space per 400 sq feet of gross floor area, plus adequate store area for disabled vehicles awaiting repair.
- (14) Gas station: one (1) parking space per employee on the largest shift, plus one (1) parking space for each service bay.
- (15) Vehicle, farm implement, mobile home sales or rental: one (1) parking space per employee on the largest shift, plus one (1) parking space per 1,000 square feet of gross business area.
- (16) Lumberyard, building supplies, plumbing, heating or electrical supplies: one (1) parking space per 600 square feet of gross business area.
- (17) Campground, commercial communications facility: one (1) parking space per employee on the largest shift, plus two (2) guest parking spaces.
- (18) Bus terminal, mass transit station: one (1) parking space per employee on the largest shift, plus two (2) loading spaces.
- (19) Auto wash: one (1) parking space per employee on the largest shift, plus four (4) stacking spaces per bay.

- (20) Shooting range: one (1) parking space per target to the maximum capacity of the facility.
- (21) Bowling alley: four (4) parking spaces per lane.
- (22) Roadside produce stand: if located on a county or state highway then two (2) parking spaces or one (1) parking space per 200 square feet of gross floor area shall be provided, whichever is greater. Parking areas on grass or dirt are permitted.
- (23) Other retail, service, and office uses: one (1) parking space per 400 square feet of gross floor area.
- (24) Shopping center: one (1) parking space per 250 square feet of gross floor area.

Industrial Uses

- (25) Junkyard, salvage yard, recycling operation: one (1) parking space per employee on the largest shift, plus one (1) parking space per 10,000 square feet of gross business area.
- (26) Storage, distribution or wholesale use: one (1) parking space per employee on the largest shift or one (1) parking space per 1,000 square feet of gross business area whichever is greater, plus loading spaces of sufficient quantity and size to accommodate the type and frequency of vehicles generated by the use.
- (27) Recycling of beverage containers, packaging material, and paper: two (2) loading spaces.
- (28) Other industrial uses: one (1) parking space per employee on the largest shift.
- (29) Uses not specifically listed: Other uses not specifically listed shall provide adequate parking to meet parking needs on the premises as required by the Planning Board. The Planning Board shall use the above list as a guide for determining requirements for unlisted uses.

E. Mixed Uses - In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately. Employees working at more than one use on the parcel shall not be double-counted when computing the required number of parking spaces.

F. Shared Parking - The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be demonstrated by the applicant that their operations and parking needs do not overlap in point of time. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

SECTION 16 - SIGN REGULATIONS

A. Purpose - The purpose of the sign regulations is to promote and protect the public health, welfare and safety by regulating advertising visible from public roads and other outdoor graphics for commercial gain. These regulations are intended to protect property values, maintain an attractive business climate, protect the physical appearance of the community and preserve the scenic and open space character of the Town. These regulations are further intended to reduce distractions and obstructions that may contribute to traffic accidents or safety hazards.

B. Definitions

1. Sign: Any device affixed to, painted, or represented directly or indirectly upon a building, structure, or land and which directs attention to an object, product, place, business, activity, person, political policy, institution or organization. The insignia of any government or government agency, school or religious group; flag, or official traffic control sign or device shall not be considered a sign for the purposes of this section.

2. Sign Area: The area of the smallest horizontally or vertically oriented rectangle which includes the advertising surface and any framing, trim or molding, but not including the supporting structure. Each sign face of signs shall be included in calculating the maximum allowed sign area.

C. Administration

1. Permits - No sign shall be erected, moved, enlarged or reconstruction without a sign permit issued by the Zoning Enforcement Officer except for signs permitted without a permit as listed later in this section, provided they fully conform with all regulations of this section.

2. Procedure - Sign permit applications shall be submitted to the Zoning Enforcement Officer accompanied by the following plans and information:

- a. The name, address and telephone number of the applicant and sign contractor or erector.
- b. The location of the lot of which the proposed sign will be located by street address, tax parcel identification number, or distance to the nearest crossroad.
- c. An accurate site plan sketch showing lot lines, public roads, driveways, setbacks, the location of existing and proposed signs, and the sign area of all existing signs.
- d. A scale drawing showing the proposed sign, including supporting structure, sign content and sign face size, and method of illuminating the sign, if any.

The Zoning Enforcement Officer shall, within fifteen (15) days of receiving a complete application either approve or deny the sign permit as regards this section or the regulations governing nonconforming structures. An application with insufficient information to determine compliance with these regulations should be returned to the applicant with a written statement of what additional information is needed.

3. Fees - Fees for application for a sign permit shall be established by the Town Board and may be revised from time to time.

4. Enforcement - The Zoning Enforcement Officer shall be responsible for enforcing these Sign Regulations. Alleged violation shall be investigated upon the receipt of a written and signed complaint or at the direction of the Town Board or Town Planning Board.

D. General Regulations

1. Construction Standards - All signs shall comply with the New York State Fire Prevention and Building Code regarding construction, materials, erection and electrical fixtures.

2. Maintenance Standards - All signs shall be maintained in a safe and neat condition. Structural damage, missing letters, deterioration rendering the sign unreadable, or outdated or inaccurate sign contents shall be remedied or the sign removed within sixty (60) days at the landowners expense. No additional sign permits shall be granted to locate

additional signs on property that is currently violating these maintenance standards.

3. Placement Standards

- a. No building sign shall extend beyond the roof line or the end of the wall to which it is attached or project out away from the structure more than four (4) feet.
- b. Signs shall not be located in road rights-of-way nor extend beyond the lot lines of the parcel on which the sign is located.
- c. Free-standing signs shall not be located within ten (10) feet of any lot line or extend more than twenty (20) feet above adjoining ground level.
- d. Sign placement shall not obstruct safe sight lines from roads or driveways.

4. Illumination Standards

- a. No sign shall flash or include artificial light that is not maintained stationary and constant in intensity and color at all times.
- b. Illumination shall not constitute a safety hazard or nuisance by reason of the intensity or direction of illumination onto adjacent residential premises or public roads.
- c. Signs shall not be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business.

5. Prohibited Signs

- a. No sign, except for traffic, regulatory or informational sign, shall use the words "stop," "caution," or "danger," or shall incorporate red, amber, or green lights resembling traffic signals, or shall resemble "stop" or "yield" signs in shape or color.
- b. No sign shall be larger than forty-eight (48) square feet.
- c. Off-premises signs (billboards) shall be no larger than thirty-two (32) square feet.

- d. No sign shall be attached to unregistered motor vehicles, trailers or other wheeled structures or vehicles. This restriction does not apply to magnetic business signs attached to registered vehicles or "For Sale" signs.

e. Rotating signs shall be prohibited.

6. Nonconforming Signs - Legally existing nonconforming signs shall be treated as "nonconforming structures" (see in Section - 19).

E. Signs Allowed Without Sign Permits - The following signs are permitted in all zoning districts without sign permits, provided such signs conform to the provisions of these regulations:

- 1. Identification Sign - A sign no larger than two (2) square feet in area bearing only the address and name of the occupants of the premises or other identification of the premises not having commercial connotations.
- 2. Regulatory Signs - signs regulating the use of a property, such as "No Hunting," "No Parking," "Enter" and "Exit," or warning the public of potential hazards, such as "slippery walk" or "beware of dog," provided each regulatory sign is no larger than four (4) square feet in area and has no commercial connotation.
- 3. Bulletin Board - one (1) bulletin board for and on the premises of a public, charitable, or religious institution, provided the sign area does not exceed forty-eight (48) square feet in area.
- 4. Governmental Signs - all signs erected or posted and maintained by the Town are permitted and exempt from the Sign Regulations.
- 5. Temporary Signs - unlighted temporary signs are permitted provided the sign area per lot does not exceed nine (9) square feet, nor is mounted on or attached to a motor vehicle, trailer or other wheeled vehicle or structure. Temporary signs shall not be displayed for continuous period to exceed thirty (30) days in any six (6) month period.
- 6. Holiday Commemorations - Decorations commemorating nationally or locally recognized holidays or religious events are permitted and may incorporate lights in these decorations to the extent the display does not interfere with neighboring uses or cause a safety hazard.

7. Unilluminated Sign - One unilluminated sign not to exceed six (6) square feet shall be permitted per lot.

F. Additional Signs Allowed by Permit - Additional signage not to exceed the following sign area budgets are allowed after receipt of a sign permit.

1. Rural Residential and Resource Protection Districts - A sign budget of thirty-two (32) square feet of sign area shall be permitted per lot for all additional signs on the premises, provided such signs conform to the provisions of these regulations.
2. Hamlet, Agricultural-Residential, Open Countryside and Planned Unit Development Districts - A sign budget totalling the greater of eighty (80) square feet, or twelve (12) feet per business, of sign area shall be permitted per lot for all additional signs on the premises, provided such signs conform to the provisions of these regulations.

#### SECTION 17 - TEMPORARY USES AND STRUCTURES

A. Authorization - Temporary uses and structures are permitted in all zoning districts, provided they comply with the regulations in this section.

B. Temporary Uses or Structures Allowed Without a Zoning Permit - The following uses or structures are allowed without a zoning permit provided they meet the requirements established for each of the following:

1. Garage Sale -
  - a. Sales of tangible personal property shall be held on the premises of an owner of the property for sale.
  - b. Retail sales shall be conducted for no more than fourteen (14) days in any calendar year. Longer periods of business operations will classify the use as a permanent retail use rather than as a temporary use.
2. Emergency, Construction, or Repair Residence - A residence (which may be a mobile home) that is:
  - a. located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the person displaced by such disaster, and is removed upon completion of a new permanent residence, or,

b. located on the same lot as a residence that is under construction and occupied by the persons intending to live in such permanent residence when the work is completed, and is removed upon completion of the permanent residence, or

c. located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site, and shall be removed upon completion of the construction project.

3. Estate, Household or Farm Auction -

a. Such auction shall be held on the premises of an owner auctioning tangible personal property.

b. Such auction shall be conducted for no more than fourteen (14) days on any single lot in any single calendar year. More frequent auctions shall not be considered a temporary use of the land and must comply with all regulations applicable to a retail sales use.

4. Off-Season Storage of Recreational Vehicles - The temporary, off-season, outdoor storage of recreational vehicles is allowed provided:

a. In the Hamlet District, such storage is prohibited from any front yard and shall be set back at least five (5) feet from all lot lines, driveways excepted.

b. In all other zoning districts such storage shall be prohibited in the required front setback, but otherwise allowed.

5. Town-Sponsored or Approved Use - Temporary uses or events sponsored or approved by the Town of Pierrepont, or any of its departments, offices or boards, including volunteer fire departments serving the Town, shall be permitted.

6. Motor Vehicle Sales - The sale and display of not more than two (2) motor vehicles at any one time is permitted as a temporary use. Larger business operations shall be considered a permanent motor vehicle sales use.

C. Temporary Uses Requiring Site Plan Review - The following temporary uses may be permitted after site plan approval by the Planning Board:

- 1. Temporary real estate sales office
- 2. Outdoor concerts, religious tent meetings, carnival or circus
- 3. Unlisted temporary residential uses involving mobile homes
- 4. All other unlisted temporary uses

SECTION 18 - MOBILE HOMES

A. Purpose - The purpose of this Section is to provide a definition for a mobile home and establish regulations for locating mobile homes in a manner that protects adjacent landowners and the safety and the general welfare of the Town. These regulations are further intended to recognize mobile homes as a legitimate source of affordable housing appropriate to certain areas of the community. Because quality and appearance varies greatly among mobile homes the regulations of this section are designed to ensure that newly located mobile homes are compatible with the surrounding neighborhood and that Town property values are protected. Consequently, it is the intention of this section to treat mobile homes differently based on their quality and appearance.

B. Definitions - For the purposes of these Regulations, the following working definitions shall apply.

- 1. Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained therein.

2. Class A Mobile Home: A new or used mobile home certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and approved by the Planning Board as meeting the following compatibility standards:

- a) The minimum width of the mobile home at its narrowest point shall be not less than 20 feet.
- b) The exterior material of the mobile home shall be similar to that customarily used in site-built residential structures.
- c) The mobile home shall have a sloping roof with eave projections of at least ten inches. The roof shall be constructed with composition shingles or other materials customarily used in site-built residential structures.
- d) The mobile home shall be attached to a permanent foundation approved the the Town Enforcement Officer.
- e) The exterior covering material of the mobile home shall extend to the ground except where a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.

3. Class B Mobile Home: A new or used mobile home certified as meeting either the Housing and Urban Development standards of the New York State Code for the Construction and Installation of Mobile Homes, effective January 15, 1974 and found on inspection by the Town Enforcement Officer to be in good condition and safe for residential occupancy.

4. Class C Mobile Home: Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home, including travel trailers and recreational vehicles intended for use as seasonal residences.

Note Page

SECTION 19 - NONCONFORMING LOTS, STRUCTURES & USES

- A. Purpose - It is the purpose of this section to provide for the regulation of legally nonconforming structures, lots of record, and uses and to specify those circumstances and conditions under which such nonconformity's shall be permitted to continue.

The zoning regulations are designed to guide future land use in Pierrepont by encouraging appropriate groupings of compatible and related uses and to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with these purposes. Nonconformities may adversely affect planning development and may diminish the value of nearby property.

B. Nonconforming Lots of Records

A nonconforming lot of record is any validly recorded lot which at the time it was filed with the County Clerk fully complied with all applicable laws but which does not fully comply with the lot requirements of this law concerning minimum area or minimum lot width. Lots created prior to any zoning law of the Town also are covered by this section.

A nonconforming lot of record may be used for any permitted or conditional use allowed in the district in which the lot is located provided the following conditions exist or are met:

1. For any use which is to be served by individual well and/or on-site sewage disposal, the nonconforming lot shall meet the New York State Department of Health's standards for such wells and sewage disposal systems as found in Appendix 75A of the New York State Code of Rules and Regulations.
2. Any structure or use located on a nonconforming lot shall provide front, side, and rear setbacks conforming to the minimums required for the district in which the lot is located, except as may be otherwise approved by the Board of Appeals under the area variance process provided in Section 25.

C. Nonconforming Uses

A nonconforming use is an activity using land, buildings, signs, or structures for purposes which were legal at the time they were established, but which would not be permitted to be

established as a new use in the district in which it is located by the terms of this law. Any nonconforming use may be continued subject to the following provisions.

1. Discontinuance - Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any future use shall conform with the use regulations for the zoning district in which the site is located.
2. Change of Use - If a nonconforming use is replaced by another use, the new use shall conform to the zoning regulations. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. Changes from one nonconforming use to different nonconforming use is prohibited.
3. Additional Nonconforming uses - No new nonconforming uses are permitted except as may be otherwise approved by the Zoning Board of Appeals according to the use variance process.
4. Expansion
  - (a) Nuisance-prone Nonconforming Uses - The following uses are considered nuisance-prone when existing as nonconforming uses and shall not be expanded or enlarged to occupy a greater area of land than was occupied by the nonconforming use at the effective date of these regulations except as may be otherwise approved by the Zoning Board of Appeals according to the use variance process:
    - junkyard, salvage yard, or recycling operation
    - kennel
    - sales or rental of vehicles, mobile homes, or farm implements
    - wholesale or commercial storage use
  - (b) Other Nonconforming Uses - Other nonconforming uses may be expanded or enlarged by no more than a total of fifty (50) percent of the square footage occupied by the use on the effective date of these regulations, provided such expansions comply with setback and height regulations. An area variance shall be required if setback and height regulations would not be satisfied.

5. Destruction - A nuisance-prone nonconforming use which has been destroyed or damaged by fire or other causes may be used as before, or reconstruction to the size that existed before "said" damage as measured in square footage. Other nonconforming uses may be reconstruction to 150% of the original size as measured in square footage, provided that the reconstruction shall not increase the encroachment into any required setback.

#### D. Nonconforming Structures

A nonconforming structure is any building or structure legally existing prior to this local law which does not comply with setback requirements of these regulations. Any nonconforming structure may be continued and maintained subject to the following provisions:

1. Expansion - A nonconforming structure may be expanded or enlarged provided that such expansions will not further increase any existing nonconformities with setback or height requirements.
2. New or Additional Nonconforming Structures - The introduction of any new or additional nonconforming structures is prohibited unless approved by the Zoning Board of Appeals according to the area variance process.
3. Destruction - A nonconforming structure which has been damaged by fire or other causes may be restored or reconstructed provided the reconstruction shall not further aggravate setback or height regulation nonconformities more than the original structure. The owner of such reconstruction must apply for a building permit within two (2) years of such occurrence.
4. Completion of Structure - Nothing contained in this section shall require any change in the plans, construction or alteration of a structure for which a valid building permit has been issued and work has commenced prior to the effective date of these regulations.
5. Moving - Should any structure be moved for any reason or for any distance, it shall thereafter conform to the setback and height regulations for the district in which it is located after it is moved.



## SECTION 20 - STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

A. The general purpose of the State Environmental Quality Review Act is to incorporate the consideration of environmental factors into planning, review, and decision-making processes of local governments at the earliest possible time. To this end, SEQR requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment and if it is determined that the action may have a significant effect of the environment, prepare or request an environmental impact statement. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by reference. A summary discussion of the basic SEQR review procedures follow.

B. Completion of the SEQR process shall be required before an application is deemed complete. No final action shall be taken on an application until it has complied with SEQR. Therefore, time deadlines for review and decision-making on applications shall not begin until the SEQR process has been completed.

C. "Actions" Subject to SEQR - Projects or physical activities which meet at least one of the following criteria are subject to review under SEQR:

1. are directly undertaken by the Town;
2. involve funding by the Town;
3. require a discretionary permit from the Town or its appointed boards.

If the proposed action does not require a discretionary decision, there is no requirement for review under SEQR.

## D. Procedure

1. Classification of Action - If a proposed "action" is subject to review under SEQR the first step is to classify the action into one of five categories.

## a. Classes of action requiring no further review under SEQR:

- Exempt - These are actions such as maintenance, repair, emergency or non-discretionary permitting which do not require further review. See Section 617.2(q) for the list of Exempt Actions.

- Excluded - An action begun prior to November 1, 1978 or an action that receives environmental review under the authority of the Public Service Law or the Adirondack Park Agency. See 617.2(p) for the list of Excluded Actions.

- Type II - An action that never produces significant environmental impacts and does not require the preparation of a determination of significance or a draft Environmental Impact Statement (EIS). Type II actions are defined by the list in 617.13.

## b. Classes of action which require further review under SEQR

- Type I - An action that is likely to produce significant environmental impacts and may require the preparation of a draft environmental impact statement. At a minimum, a full Environmental Assessment Form (EAF) must be completed and a determination of significance made. Type I actions are defined by the list in 617.12.

- Unlisted - All Actions which are not Type I, Type II Exempt, or Excluded are considered unlisted. At a minimum, an Unlisted action requires that a short EAF be completed and a determination of significance made which may require the preparation of a draft Environmental Impact Statement (EIS).

2. Environmental Assessment Forms (EAF) - An EAF must be completed for all Type I and Unlisted actions.

- a. Type I Actions - A full EAF must be prepared for all Type I actions. The project sponsor/applicant completes Part 1 of the form and submits it to an involved agency. When the lead agency is established that agency is responsible for completing Parts 2 and 3 of the full EAF.

- b. Unlisted Actions - A short EAF must, at a minimum, be completed for all Unlisted actions. The project sponsor/applicant completes Part 1 off the form and submits it to an involved agency. When the lead agency is established, that agency is responsible for completing Parts 2 and 3 of the short EAF. Any agency may require a full EAF if the short EAF will not provide sufficient information to assess the environmental impact of the proposed action.

3. Establishment of Lead Agency - If there is only one Agency approving, funding or directly undertaking an action, that agency is automatically the lead agency. If there are two or more involved agencies, a lead agency must be established by agreement of the agencies within 30 calendar days. If the lead agency cannot be agreed on, any of the involved agencies or the applicant can petition the New York State Department of Environmental Conservation Commissioner to resolve the dispute and designate the lead agency.

For zoning actions reviewed by the Town, the following bodies shall be the lead agency, unless otherwise delegated by the Town Board.

- Map or text amendments to the zoning regulations - Town Board.
- Site Plan and Special Permit applications - Planning Board.
- Variances - Zoning Board of Appeals.

4. Determination of Significance - The lead agency has 20 calendar days to make its determination of significance. If the lead agency finds that it does not have sufficient information to make this determination, it shall request that the applicant provide it. In determining significance the lead agency shall consider:

- the whole action;
- the EAF and any other information provided by the applicant;
- any comments from involved agencies;
- the criteria in 617.11; and,
- public comments

- a. Negative Declaration - A negative declaration means that the lead agency has determined that the proposed action will not have a significant effect on the environment and a draft EIS will not be prepared. Every negative declaration shall (1) identify the relevant areas of environmental concern; (2) analyze the identified concerns to determine if there will be a significant impact on the environment; and (3) document the determination, in writing, showing why the environmental concerns will not be significant. A model Negative Declaration form can be found as Appendix F of Part 617.

The lead agency must maintain a file readily accessible to the public containing the EAF and the negative Declaration. For a Type I action, the lead agency must additionally comply with filing and notice requirements described in 617.10.

- b. Positive Declaration - If the lead agency determines, after review of the EAF, that the proposed action has the potential for a significant impact on the environment or community character it shall prepare and file a Notice of Positive Declaration and may require the preparation of a draft Environmental Impact Statement (EIS) that includes information specified in 617.14. A model Positive Declaration form can be found as Appendix E of Part 617.

The applicant has the right to prepare the draft EIS. If the applicant refuses to prepare the draft EIS, the lead agency has the option of preparing the draft EIS for the applicant or table the proposed action for lack of a complete application. If the lead agency decides to prepare the draft EIS it may hire a consultant and charge the applicant a fee to recover the direct cost of preparation.

5. Acceptance of the Draft EIS - After receiving a draft EIS, the lead agency has 30 days to determine whether the document is adequate for public review in terms of scope and content as described in 617.14. If the lead agency decides that the draft EIS is not adequate, it shall return the document to the applicant with a written identification of the deficiencies. If the lead agency determines that the draft EIS is adequate, it shall issue a Notice of Completion of a Draft EIS and file it as prescribed in 617.10. A sample Notice of Completion of a Draft EIS form is included as Appendix G of 617.
6. Public Comment Period - The Notice of Completion of a Draft EIS starts the public comment period that must be a minimum of 30 days during which all concerned parties are encouraged to offer their comments to the lead agency. The public comment period must continue at least 10 days following a public hearing, if one is held.

- 7. Optional Public Hearing - When the lead agency accepts the draft EIS, it must decide whether to hold a public hearing or not. If a hearing is held, the lead agency must comply with notice and filing requirements identified in 617.10. A hearing must provide at least 14 days of public notice and must start within 60 days from the date of filing the Notice of Completion of the draft EIS.
  
- 8. Preparation of the Final EIS - The lead agency is responsible for the adequacy and accuracy of the final EIS regardless of who prepares it. The final EIS shall be prepared within 45 calendar days after the close of any public hearing or within 60 days after the filing of the draft EIS, whichever occurs last. The EIS shall consist of:
  - the draft EIS, including any revisions of supplements of it;
  - copies or a summary of the substantive comments received and their sources; and,
  - the lead agency's response to the comments.
  
- 9. Notice of Completion of the Final EIS - Upon completion or receipt of the final EIS the Notice of Completion of the Final EIS shall be prepared and filed as described in 617.10. A sample Notice of Completion of the Final EIS form is included as Appendix H of Part 617.
  
- 10. SEQR Findings - All involved agencies shall prepare their own SEQR Findings Statement after the final EIS has been filed and before the agency makes a decision. The lead agency shall prepare its findings statement within 10 to 30 days following the filing of the Notice of Completion of the Final EIS. The findings statement should discuss the balance of environmental impacts versus the needs and benefits of the proposed action.
  - a. Positive Findings Statement - A positive findings statement means that the lead agency has determined that the proposed action is approvable after consideration of the final EIS and demonstrates that the action chosen is one that minimizes or avoids environmental impacts to the maximum extent practicable in terms of location, layout and design; scale or magnitude, timing, and use.

- b. Negative Findings Statement - If the action is not approvable, the lead agency shall make a negative finding statement documenting the reasons for the denial. A sample Findings Statement form may be found as Appendix I of 617. Findings of each agency must be filed with all other involved agencies and the applicant.

SECTION 21 - PROHIBITED USES IN ALL ZONING DISTRICTS

- A. The following uses are specifically prohibited in all zoning districts of the Town without a use variance:
  - 1. Any use other than state-registered gunshops that involves the the manufacture, sale or distribution of any highly combustible, explosive or radioactive material, excepting petroleum products.
  - 2. Use of a travel trailer, motor vehicle, box trailer, bus, or Class B or Class C mobile home on a lot as a structure in which any goods are sold or stored, any services are performed, or other business is conducted.
  - 3. Commercial dumps, landfills and hazardous waste incinerators.
  - 4. The manufacture of fireworks.
  - 5. More than two unlicensed vehicles located outside a legal junk yard, salvage yard or recycling operation.
  - 6. No person shall use any of the lands within the Town of Pierrepont as a dump disposal area or sanitary landfill, nor shall any person throw, dump, deposit or place on such lands any waste material or rubbish, litter or any nauseous or offensive matter, nor dispose or attempt to dispose of any such materials or substances by buying the same on such lands, or burning or incinerating the same on such lands, except at such location and in such manner as established by the Town Board.

ARTICLE V - SITE PLAN REVIEW

SECTION 22 - SITE PLAN REVIEW

- A. Authority - This section of the land use regulations is enacted under the authority of Section 274-a of New York State Town Law to protect the health, safety and general welfare of the inhabitants of the Town. No building permit shall be issued by the Zoning Enforcement Officer for uses requiring site plan review except upon authorization of and in conformity with the plans approved by the Planning Board.
- B. Purpose - This Local Law requires site plan review for potentially significant and nuisance-prone development projects. The Site Plan Review regulates the design and layout of development projects in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principle areas of concern are:
1. The balancing of landowners' rights to use their land, with the corresponding rights of neighboring landowners to live without undue disturbances from nuisances in the form of noise, smoke, fumes, vibration, dust, odor, glare and storm water runoff;
  2. The safety and convenience of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
  3. The protection of state designated historic features and natural resources on the site under review, and in adjacent areas; and,
  4. The use shall be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the Town and will not be detrimental to the orderly development of adjacent areas.

C. Jurisdiction - Generally, only commercial, industrial and multi-family residential uses require site plan review. The following uses are exempt from site plan review; one- and two-family dwelling, mobile home on an individual lot, home occupation, maple sales production and sales, cemetery, public recreation, public use, forestry use, agricultural use and most accessory structures or uses. The only accessory structures requiring site plan review are solid fences over six feet in height and storage structures greater than 500 sq ft in size. All other uses require site plan approval prior to issuing a building/zoning permit.

D. Procedure -

1. Sketch Plan - An optional sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the development proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan and address environmental concerns as required by SEQR. In order to accomplish these objectives, the applicant should provide the following:

- a) A statement and rough sketch showing the locations and dimensions of existing and proposed structures, wells, waste disposal systems, parking areas, access drives, signage, and anticipated changes in the existing topography and natural features;
- b) A sketch or map of the area which clearly shows the location of the site and nearby properties, land uses, street rights-of-way, easement and other pertinent features.

2. Application for Site Plan Review - An application for site plan approval shall be made to the Zoning Enforcement Officer and shall be accompanied by information contained on the following check list where applicable. When a sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board.

a) Site Plan Checklist

1. Title of drawing, including name and address of applicant, landowner(s) and person responsible for preparation of such drawing;
2. north arrow, scale and date;
3. boundaries of the property plotted to scale;
4. existing watercourses;
5. grading and drainage plan, showing existing and proposed contours and where stormwater will leave the site;
6. location, design, type of construction, setbacks from lot lines, proposed use and exterior dimensions of all buildings;
7. location, design and type of construction of all parking and truck loading areas, showing access and egress;
8. provision for pedestrian access;
9. location of outdoor storage, if any;
10. location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
11. description of the method of sewage disposal and location, design and construction materials of such facilities;
12. location of fire hydrants;
13. location, size, design and type of construction of all proposed signs;
14. location and proposed development of all buffer areas and screening, including existing vegetative cover;
15. locations and design of outdoor lighting facilities;
16. identification of the location and square footage of building areas to determine parking needs;
17. general landscaping plan and planting schedule;
18. an estimated project construction schedule;
19. other elements integral to the proposed development as considered necessary by the Planning Board.

3. Zoning Enforcement Officer action on the site plan -

- A. The Zoning Enforcement Officer shall determine the completeness of any application made for site plan review and shall notify the applicant within ten (10) days of the date of application submission if such application is incomplete or deficient in any way, and shall further specify the deficiencies.

B. The Zoning Enforcement Officer shall certify on each site plan whether or not the plan meets the requirements of all zoning provisions other than those of this section regarding Site Plan review.

C. Upon determination that the application is complete, the Zoning Enforcement Officer shall transmit copies of the application to the Planning Board. If a Special Use Permit is also required, copies of that application shall also be transmitted to the Planning Board.

4. Public Hearing

The Planning Board may schedule and hold a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be held within thirty-five (35) days of the receipt of a complete application submission and shall be advertised in the town's official newspaper at least five (5) days before the public hearing.

5. Referral - the approval of a proposed site plan constitutes a special authorization within the local zoning regulations. The application is therefore subject to referral by the town to the County Planning Board in accordance with the requirements of Section 239-m of the General Municipal Law, prior to final action. Referral is necessary should the property of the site plan be located within 500 feet of the following:

- (1) The boundary of any village or town.
- (2) The boundary of any state park or other recreation area.
- (3) The right-of-way of any county or state highway, throughway, expressway or other controlled access highway.
- (4) The right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
- (5) The boundary of any county- or state-owned land on which a public building or institution is located.

If the County Planning Board has not acted on the referral within 30 days, the Planning Board may proceed as if the County Planning Board had approved the referral.

E. Planning Board Decision - The Town Planning Board shall render its decision within forty-five (45) days following receipt of a complete application for site plan approval, or if a public hearing is held, within thirty (30) days from the time of the hearing. The Planning Board's final action, rendered in writing, shall consist of either:

- 1) approval of the Site Plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;
- 2) approval of the Site Plan subject to any conditions, modifications and restrictions as required by the Board which will ensure the project meets the standards for review; or,
- 3) disapproval of the Site Plan based upon a determination that the proposed project does not meet the standards for review set forth in this section, and stating such deficiencies.

Notice of the Board's decision shall be given in writing to the applicant, Town Clerk and Zoning Enforcement Officer.

- 1) Upon approval of the site plan and payment by the applicant of any and all fees due to the Town, the Planning Board shall endorse its approval by authorizing the acting chairperson to sign the final site plan as proof of approval and forward copies to the applicant, Zoning Enforcement Officer, and Town Clerk.
- 2) Upon disapproval of site plan, the Planning Board shall so inform the Zoning Enforcement Officer and the Zoning Enforcement Officer shall deny a zoning permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk. In such cases the applicant's recourse is to either modify the site plan and resubmit it for review or apply to the supreme court for review of the decision.

Failure of the Planning Board to take final action within the specified time period shall be deemed approval. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.

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F. Standards for review of site plans - The Planning Board's review of the site plan's design and layout shall include, as appropriate, but is not limited to the following general considerations:

- 1) Compatibility - The design and layout of the proposed use shall not have a detrimental affect on adjacent uses or the orderly development of the area. Outdoor waste disposal, service and storage areas shall be visually screened from adjacent residences.
- 2) Traffic - The proposal shall provide safe and convenient movement of vehicular and pedestrian traffic within the site and in relationship to adjoining roads, driveways, and properties.

Furthermore, all proposed traffic access and driveways shall be adequate but not excessive in width, grade, alignment and visibility; not located too near street corners; and other similar safety considerations. A traffic study may be requested for proposals involving more than forty (40) parking spaces to help evaluate traffic impacts and mitigating hazards.

- 3) Parking and Loading - Adequate off-street parking and loading spaces shall be provided consistent with "Off-Street Parking and Loading Regulations" (Section 15) to prevent safety hazards from parking on public streets or disrupting traffic flow on adjacent roads, and that the interior vehicle circulation system is adequate to provide safe accessibility to all required off-street parking areas.
- 4) Town Services - The proposal shall not place unreasonable demands on town services and facilities (e.g. fire protection, public roads, road maintenance and snow plowing, recreational facilities, etc...)
- 5) Drainage - The proposal shall provide adequately for storm-water and drainage facilities such that site run-off will not run onto roads or cause nuisance conditions for neighbors, lead to ponding or excessive erosion.
- 6) Exterior Lighting - The location, direction, power and time of use for any proposed lighting shall be designed to protect neighbors from undue disturbances and nuisances.

- 7) Pollution Control - Methods for sewage and refuse disposal shall comply with the Sanitary Code. All proposals which may lead to increased demands for on-site sewage disposal facilities shall show that such systems are properly functioning and will adequately accommodate increased demands.
- 8) Environmental and Historic Resources - Environmental resources and state-designated historic features on the site or adjacent to the proposal shall be adequately protected from significant adverse impacts. Soil erosion shall be minimized both during and after construction. The removal and sale of topsoil from the site shall require a permit for commercial excavation.
- 9) Nuisances - Adequate protection of neighboring properties shall be provided from any undue disturbance caused by excessive or unreasonable noise, smoke, vibration, fumes, dust, odors, glare or other nuisance.
- 10) Legal - The proposal shall conform with all provisions of this Local Law and applicable regulations of state agencies. No existing zoning violations shall be present on the site.

ARTICLE VI -- ADMINISTRATION AND ENFORCEMENT

SECTION 23 - ZONING ENFORCEMENT OFFICER

- A. Powers and Duties - The authorized Zoning Enforcement Officer shall have the power and duty to administer and enforce the provisions of these Regulations. The authorized official shall be appointed and may be removed by the Town Board and shall serve at the pleasure of the Town Board of Pierrepont.
1. Administration - The Zoning Enforcement Officer shall review all applications and if the proposal fully complies with all applicable requirements of these Regulations, a permit shall be issued. If the applicant's plans do not meet these Regulations, the application must be denied. The Zoning Enforcement Officer must enforce the strict "Letter of the Law", and is not authorized to use discretionary judgement.
  2. Referral to the Town Planning Board - Any application for a special permit, change of zoning district or use that requires a Site Plan Review shall be forwarded by the Zoning Enforcement Officer to the chairperson of the Town Planning Board, along with all supporting information.
  3. Referral to the Zoning Board of Appeals - An applicant, after having been denied a zoning permit, or an aggrieved party in cases of a question of interpretation, may appeal the Zoning Enforcement Officer's decision or determination to the Zoning Board of Appeals (ZBA) for a variance or an interpretation. Should an appeal be requested, the Zoning Enforcement Officer shall notify the chairperson of the ZBA of the request and forward the completed variance form along with all necessary supporting information to the ZBA.
  - 4) Duties - In addition to general administration and enforcement of these Regulations, the duties of the Zoning Enforcement Officer shall include, but are not limited to:
    - a. review of applications and issuance of permits;
    - b. on-site inspection of construction and development to ensure compliance with permits and approved site plans;
    - c. complaint review and follow-up;
    - d. maintenance of all zoning records and permits open to the public during established business hours to be by the ZEO;
    - e. provide assistance to the Planning Board or Zoning Board of Appeals when requested;



Section 23

- f. prepare and present an annual written report to the Town Board and the Town Planning Board every January describing and enumerating actions taken and permits issued over the previous year. Such report shall separately list the number of permits issued for newly constructed residences, mobile homes, and commercial uses and industrial uses; and
- g. attend meetings of the Town Board, Planning Board and the Zoning Board of Appeals when requested by the Town Supervisor or chairperson.

SECTION 24 - PLANNING BOARD

- A. Authority - As authorized by Section 271 of Town Law, there shall be a Planning Board, consisting of five (5) or seven (7) members holding staggered five or seven year terms, appointed by the Town Board. In addition, the Town Board may appoint an additional member who derives a majority of his or her income from agricultural pursuits.
- B. Officers, Expenses and Rules -
  - 1. Officers - The Town Board shall designate a member of the Planning Board to act as Chairperson, or on failure to do so, the Planning Board shall elect a Chairperson from its own members. In addition, the Planning Board shall elect a Vice-Chairperson to act in the Chairperson's absence, and a Secretary to keep minutes and record votes of the Board.
  - 2. Expenses - The Town Board shall provide an appropriation to the Planning Board to cover necessary expenses, including the means to provide proper notice of and maintain a record of, its meetings and public hearings. The Town Board may also provide for compensation to be paid to the members of the Planning Board.
  - 3. Rules - The Planning Board may adopt rules for its operations as may be necessary to carry out its duties under these regulations. In particular, the Board shall conduct itself according to the following:
    - a. Meetings - The Planning Board shall have regularly scheduled meetings or at such other times as the Chairperson determines. The Planning Board may also advertise and hold public hearings when it desires.

Notice of all hearings shall be published in the official paper at least five (5) days prior to the date of the meeting. All meetings of the Planning Board shall be open to the public.

- b. Records - the Board shall keep minutes of its proceedings. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decision of the Board and the findings of fact on which the decision was based, and such record of every official determination of the Board shall be filed in the Office of the Town Clerk as public record.
- c. Quorum and Voting - Attendance by a majority of the Board's fully authorized membership, not the number of filled positions, satisfies a quorum to make official decisions. All decisions shall be made by at least a majority vote of the full membership.
- C. Powers and Duties - The Planning Board shall have all the powers and duties prescribed by law and these Regulations. The primary responsibility of the Planning Board is to advise the Town Board, town staff and other agencies and boards on matters affecting community development. In particular, the powers of the Planning Board are:
  - 1. Community Plan - The Planning Board may prepare a community plan as will provide for the improvement of the Town and its future growth, protection, and development, and will afford adequate facilities for housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of its population.
  - 2. Land Use Regulations - The Planning Board may draft and recommend the adoption or amendment of land use regulations to the Town Board.
  - 3. Review Subdivisions - Upon authorization of the Town Board, the Planning Board may approve, conditionally approve, or disapprove subdivision plans for the purpose of providing for the orderly and wise development of the Town and affording adequate facilities for housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.
  - 4. Review Site Plans - Upon authorization of the Town Board, the Planning Board may review and approve, approve with modifications, or disapprove site plans according to standards set forth in these Regulations.

5. Report on Referred Matters - The Planning Board may report on all matters referred to it by the Zoning Board of Appeals and the Town Board, including proposed amendments to the Zoning Regulations.
6. Investigations and Reports - The Planning Board shall have authority to make investigations, maps and reports, and recommendations relating to the planning and development of the Town as it deems desirable, providing the total expenditures of such actions shall not exceed the appropriations for its expenses.

## SECTION 25 - ZONING BOARD OF APPEALS (ZBA)

- A. Authority - As authorized by Section 267 of Town Law, there shall be a Zoning Board of Appeals (ZBA) consisting of five (5) members or seven (7) holding staggered five year terms appointed by the Town Board. No person who is a member of the Town Board shall be eligible for membership on the ZBA.
- B. Officers, Expenses, Rules
  1. Officers - The Town Board shall appoint a member of the ZBA to act as the Chairperson, or on failure to do so, the ZBA shall elect a Chairperson from its own members. The ZBA membership shall elect a Vice-Chairperson to act in the Chairperson's absence.
  2. Expenses - The Town Board shall provide an appropriation to the ZBA to cover necessary expenses, including the means for the ZBA to provide proper notice of and maintain a record of, its meetings and public hearings. The Town Board may also provide for compensation to be paid to the members of the Zoning Board of Appeals.
  3. Rules - The ZBA may adopt rules for its operations as may be necessary to carry out its duties under these regulations. In particular, the Board shall conduct itself according to the following:
    - a. Meetings, Minutes, Records - Meetings of the Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Board of Appeals shall keep minutes of its proceedings, showing the

- vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- b. Filing Requirements - Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.
  - c. Assistance to Board of Appeals - The Board shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board.
  - d. Hearing Appeals - Unless otherwise provided by local law or amendment, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by an administrative office charged with the enforcement of any ordinance or local law adopted pursuant to this article. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Town.
  - e. Time of Appeal - Such appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation, or determination of the administrative officer charged with the enforcement of such ordinance or local law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
  - f. Stay Upon Appeal - An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with enforcement of such

ordinance or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate, a stay, would, in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

- g. Hearing on Appeal - The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the town of a notice of such hearing, at least five days prior to the date thereof.
- h. Time of Decision - The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- i. Filing of Decision and Notice - The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- j. Notice of Park Commission or Planning Agency - At least five days before such hearing, the Board of Appeals shall mail notices thereof to the parties; to the Regional State Park Commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by Section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of Section 239-m of the General Municipal Law.

- k. Compliance with State Environmental Quality Review Act - The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.

C. Permitted Action by the Board of Appeals -

- 1. Interpretations, requirements, decisions, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appeals from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, or decision the appeal is taken.
- 2. Use Variances -
  - (a) The Board of Appeals, or appeal from the decision or determinator of the administrative official charged with the enforcement of such amendment or local law, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the amendment or local law.
  - (b) No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that:
    - (1) under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
    - (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
    - (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood;
    - (4) that the alleged hardship has not been self-created.

(c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

### 3. Area Variances -

(a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such amendment or local law, to grant area variances from the area or dimensional requirements of such amendment or local law.

(b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

(3) whether the requested area variance is substantial;

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

(5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

c) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of Conditions - The Board of Appeals shall, in the granting of the both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such amendment shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning amendment or local law, and shall be imposed for the purpose of minimizing any adverse impact such amendment may have on the neighborhood or community.

5. Application - Appeals and applications made to the Zoning Board shall be in writing on forms available from the Zoning Enforcement Officer. Every application shall refer to the specific provision of the regulations involved and shall exactly set forth the interpretation that is applied for. The Zoning Enforcement Officer shall transmit to the Board all the records concerning the case which is being appealed.

6. Expiration of Variance - Unless construction is commenced and diligently pursued within nine (9) months of the date of granting a variance, such variance shall become null and void except upon application and receipt of an extension granted by the Zoning Board of Appeals in writing.

### D. Appeal to Supreme Court -

1. Application to Supreme Court by aggrieved persons. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals or any officer, department, board or bureau of the town, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty days after the filing of a decision of the Board in the office of the Town Clerk.

2. Costs of Appeal - Costs shall not be allowed against the Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

3. Reference of Appeal to Court - All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

4. Power of the Court. If upon the hearing at a special term of the Supreme Court, it shall appear to the court that testimony is necessary for the proper disposition of the

matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

#### SECTION 26 - ADMINISTRATION AND ENFORCEMENT

- A. Enforcement - The regulations of this Local Law shall be enforced by the Town Board appointed Zoning Enforcement Officer, who shall in no case grant any permit for any building or use in violation of any provision of these regulations. The Zoning Enforcement Officer shall make such inspections as are necessary to carry out his or her duties.
- B. Zoning/Building Permit Required - Any one or combination of the following shall require a zoning/building permit.
1. The construction, erection or placement of any building or structure unless expressly exempted from these regulations.
  2. The expansion, addition or alteration of a building or structure that would in any way alter its exterior dimensions, its interior structural members of the provision for entrance or exit.
  3. The introduction of any new, additional, changed, or expanded use.
  4. Extensive site preparation for proposed development, including the excavation of a cellar, stripping of topsoil, and extensive clearing of vegetation or grading of the site.
- C. Application of Zoning/Building Permit - An adequate number of copies for each Board that must review the proposal shall be submitted with all applications for a zoning/building permit including a plot plan drawn to scale on a minimum sheet size of 8 1/2" x 11" showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of any existing and proposed principle and accessory structures and any other information as may be necessary to determine that the proposal will conform with the provisions of this local law.

- D. Notification of Determination - The Zoning Enforcement Officer shall within ten (10) days after filing a complete and properly prepared application either issue or deny a zoning permit. If an application requires a special permit as a conditional use or a site plan review by the Town Planning Board the Zoning Enforcement Officer shall refer the applicaton to the Planning Board along with a report of any deficiencies with the proposal. If a Zoning Permit is denied, the Zoning Enforcement Officer shall note the reasons, in writing, to the applicant for such denial. In the determination, the Zoning Enforcement Officer shall determine (1) whether the use proposed is allowed in the zoning district; (2) whether there is sufficient land under the district dimensional requirements to permit the structure; and, (3) that all other zoning supplemental standards and limitations are complied with.
- E. Expiration of Zoning/Building Permit - A zoning/building permit issued under these regulations shall expire and thereafter be deemed null and void unless actual construction, erection or placement of the applied-for use has been conclusively initiated within 180 days from the date the permit is issued, and written notice shall be given to the persons affected. If work described in any zoning permit has not been completed within two (2) years from the date of issuance such permit shall expire and be cancelled by the Zoning Enforcement Officer, and that written notice be given to the person affected, together with notice that further work described in the cancelled permit shall not proceed unless and until a new zoning/building permit has been obtained. Extensions for commencing and completing permitted construction or alterationonn may be applied and, for due cause shown, granted by the Town Planning Board.
- F. Certificate of Occupancy - A Certificate of Occupancy issued by the Zoning Enforcement Officer shall be deemed to authorize, and is required for, both inital occupancy and the continued occupancy and use of the building or land to which it applied. Such certificate indicates that the building or premises is in conformity with the provisions of this local law.
1. Application for Certificate of Occupancy shall be made on forms furnished by the Zoning Enforcement Officer after the construction or alteration has been completed.
  2. Notification of Determination - The Zoning Enforcement Officer shall make or cause to have made an inspection of

each building or lot for which a certificate of occupancy is required before issuing such certificate. The Zoning Enforcement Officer shall within ten (10) days after filing of a complete and properly prepared application either issue or deny a certificate of occupancy.

- a. No Certificate of Occupancy shall be issued for a building or a use subject to site plan review by the Town Planning Board unless in conformance with the approved site plan.
- b. No Certificate of Occupancy shall be issued for a building or a use subject to a variance granted by the Zoning Board of Appeals except in accordance with all conditions which may be prescribed by such Board.
- c. If the proposed use is in conformity with the provisions of this Local Law and all other applicable codes, laws and ordinances, a Certificate of Occupancy for occupancy or use shall be issued by the Zoning Enforcement Officer. If a Certificate of Occupancy is denied, the Zoning Enforcement Officer shall state the reasons, in writing, to the applicant.

G. Appeal of Denied Permits - The Zoning Board of Appeals shall hear and decide appeals from, and review any order, decision or determination made by the Zoning Enforcement Officer.

1. Zoning Board of Appeals - All appeals for relief from the application of these regulations in matters of interpretations or requests for an area variance or use variance shall be directed to the Zoning Board of Appeals which shall function as prescribed in Section 26 of these regulations. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Local Law, the Zoning Board of Appeals shall have the power to vary the requirements of the regulations so that the spirit of the law shall be observed, public safety and welfare secured, and substantial justice done.
2. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Town Board, or any officer of the Town concerning these regulations may have the decision reviewed in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceeding is commenced within thirty

(30 days after the receipt of written notice of the decision. Costs shall not be allowed against the Town unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

#### H. Complaint and Violation Procedures

1. Citizen Complaint - Any person may file with the Zoning Enforcement Officer a written signed complaint against any alleged violation of these regulations.
2. Investigation - As directed by the Planning Board, Zoning Board of Appeals or the Town Board, or by receipt of a signed written citizen complaint make an investigation into the alleged violation. Depending on his or her findings, the Zoning Enforcement Officer may issue a correction notice or a stop-work order to the responsible party as appropriate. The Zoning Enforcement Officer may at any time upon his discovery of a violation of these regulations issue a corrective notice without a complaint.
3. Persons Liable - The owner, tenant, or occupant of any building or land or part thereof and any architect, building contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of these regulations may be held responsible for the violation and suffer penalties and be subject to the remedies provided.

#### I. Procedures Upon Discovery of Violations -

1. Written notice - If the Zoning Enforcement Officer finds that any provision of the zoning regulations are being violated, the person or persons responsible for such violation(s) shall be sent a written notice by certified mail indicating the nature of the violation and ordering action necessary to correct the violation(s).
2. The final written notice (and the initial written notice may be the final notice) shall state what action the Town's representative intends to take if the violation is not corrected and shall advise that the Zoning Enforcement Officer's decision that a violation exists may be appealed to the Zoning Board of Appeals.

3. In cases where delay would seriously threaten the effective enforcement of the zoning regulations or pose a danger to the public health, safety, or welfare, the town may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized below.

J. Penalties and Remedies for Violations -

1. Stop-Work Order - The Zoning Enforcement Officer may issue a stop-work order to preclude the continued and further violation of these regulations or to protect the public health or safety. Such stop-work order shall stay all activity in conjunction with any violation of these regulations. Any stop-work order will stipulate that within thirty (30) days a permit or certificate will be obtained noting compliance with these regulations. If such permit or certificate is not obtained by the responsible party or the work continues in violation of the stop-work order, action by the town will be initiated to compel compliance, for injunction, or to assess such penalties as are hereafter provided for.
2. Correct Work Notice Enforcement - The responsible party shall correct listed violations in a correct work notice within 30 days from the date of notification. Failure to comply with the said notice shall be reported to the Town Board within ten (10) days of the last date for compliance given in the notice. The Town Board may direct the Town Attorney to institute proceedings to compel compliance and correct violations to these regulations.
3. Permit Revocation -
  - a. A zoning/building permit, sign permit or special use permit (including site plan approval) may be revoked by the Zoning Enforcement Officer if the permit recipient fails to develop or maintain the property in accordance with plans submitted, the requirements of the zoning regulations, or any additional requirement lawfully imposed by the permit authorizing board.
  - b. Before a permit may be revoked, notice and hearing requirements for hearings of the Zoning Board of Appeals shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

- c. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked shall be upon the party advocating that position. The burden of persuasion shall also be upon that party. A motion by the permit-issuing board shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
  - d. Before a permit may be revoked, the permit recipient shall be given ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, a written statement of the decision, along with the reasons for the action, shall be provided to the permittee in writing.
  - e. No person may continue to make use of land or buildings in the manner authorized by an zoning/building permit, sign permit, or special use permit after such permit has been revoked in accordance with this section.
4. Violation - Violation of the zoning regulations or failure to comply with any of its requirements, including violation of any conditions and safeguards established in connection with grants of variances, site plan approvals or the establishment of a planned unit development shall constitute a violation, punishable by fine of up to \$100.00 and/or imprisonment for up to five (5) days. Each week that any violation continues after notification that such violation exists shall be considered a separate offense.
  5. Civil Penalty - Any act constituting a violation of the zoning regulations, including violation of any conditions or safeguards established in connection with grants of variances, site plan approvals or the establishment of a planned unit development shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may only be appealed to the Zoning Board of Appeals if the offender was sent a final notice of violation and filed an appeal to the Zoning Board of Appeals within thirty (30) days of its receipt. Each week that any violation continues after notification that such violation exists shall be considered a separate offense.

6. Injunction - In addition to the above provided penalties and remedies, the Town Board shall reserve the rights of Town Law to take actions in the name of the Town to compel compliance with, or to restrain by injunction the violation of the zoning regulations.

J. Judicial Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Town Board, or any officer of the Town concerning these regulations may have the decision reviewed in the manner provided by Article 78 of the Civil Practice Law and Rules, providing the proceedings is commenced within thirty (30) days after the receipt of written notice of the decision. Costs shall not be allowed against the Town unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

ARTICLE VII - AMENDMENTS TO THE ZONING REGULATIONS

## Section 27 - AMENDMENTS AND REZONINGS

1. Amendments - The Town Board may, on its own motion, on petition or on recommendation of the Town Planning Board, amend these regulations pursuant to the applicable requirements of law.
2. Referral to Town Planning Board - All proposed amendments shall be referred to the Planning Board for a report and recommendation prior to taking final action. The Planning Board shall submit its report to the Town Board within forty-five (45) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute their recommendation for approval of the proposed amendment.

In making such report recommending to approve, modify or disapprove the proposed amendment, the Planning Board shall determine the following:

- 1) whether such change is consistent with the goals and objective of these Zoning Regulations as listed in Article I, Section 4;
  - 2) whether such change is consistent with the principles and spirit of the Community Plan of the town; and,
  - 3) for proposed map amendments, whether the uses permitted by the proposed rezoning would be appropriate in the area concerned, considering land use compatibility with existing land uses, adequacy of public services and highway safety and function.
3. Publication of Meeting Notice - At least ten (10) days prior to the public hearing to consider zoning amendments, a notice of the time and place of such hearing shall be published in a paper of general circulation in such Town.
  4. Service of Written Notice - At least ten (10) days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including any amendments thereto, affecting property within 500 feet of the following shall be served personally or by mail by the Town upon each person or persons listed below:



- (a) The property of the housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.
  - (b) The boundary of a city, village or town; upon the clerk thereof.
  - (c) The boundary of a county; upon the clerk of the Board of Supervisors or other person performing like duties.
  - (d) The boundary of a state park or parkway; upon the Regional State Park Commission having jurisdiction over such state park or parkway.
5. Additional Requirements - The procedural requirements set forth herein shall be in addition to the requirements of the provisions of Sections 239.1 and 239.m of the General Municipal Law relating to review by a county, metropolitan or regional planning board; the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations which are codified in Title 6, Part 617 of the New York Codes, Rules and Regulations and any other general laws relating to land use and any amendments thereto.
6. Public Hearing - The public, including those served notice pursuant to Subdivision 2 of this Section, shall have an opportunity to be heard at the Public Hearing. Those parties set forth in Paragraphs (a), (b), (c), and (d) of Subdivision 4 of this Section, however, shall not have the right of review by a court as hereinafter provided.
7. Town Board Vote - After the public hearing and consideration of Planning Board recommendations, a majority vote of the Town Board membership shall be required to amend these regulations. In the case of a Country Planning Board recommendation to disapprove or modify the proposal, a majority plus one vote of the full membership is necessary to act contrary to such recommendation. In the case of protest against such change signed by the owners of twenty percent (20%) or more of the land area

included in the proposed change, or immediately adjacent within one-hundred (100) feet of such affected area, such proposed amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the Town Board.

8. Filing and Effective Date - Upon adoption or approval of a modification to the zoning law, the Town Board must file a copy with the Town Clerk and shall publish the law or amendment or a summary or abstract thereof in a newspaper designated by the Town Board as having general circulation in the Town.
- A. The Town Board shall also file the law or amendment thereof with the Office of the Secretary of State. The law or amendment shall take effect upon filing with the Office of the Secretary of State or ten (10) days after publication of the amendment, whichever occurs later.

A. The following definition of words and terms shall be used in the interpretation, administration and enforcement of these regulations:

**ACCESSORY STRUCTURES:** A structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building. Examples include, but are not limited to garages, sheds, boathouses, fences, swimming pools, and satellite dish antennas. See Section 14 - ACCESSORY STRUCTURES AND USES.

**ACCESSORY USES:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. See SECTION 14 - ACCESSORY STRUCTURES AND USES.

**AGRICULTURE:** The raising of agricultural crops, dairy and/or livestock products, except where such is an accessory and non-commercial garden to a principal residential use on the same lot. The term includes the necessary farm structures within the prescribed limits and the storage of equipment used on the premises.

**AGRI-BUSINESS:** Commercial activities involving either the processing, storing, packaging, or transport of raw agricultural products or the sale of agriculturally-related services or goods.

**ALTERATION:** A change or rearrangement in the structural parts or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**ANIMAL HOSPITAL:** An establishment for the medical and/or surgical care of sick or injured animals, including animal shelters.

**ANTIQUe SALES:** Business devoted to the sale of a work of art, agricultural implement, piece of furniture or decorative object made at least 25 years ago.

**APPEAL:** A request for a review of the interpretation of any provision of this law or a request for a variance.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

**AREA VARIANCE:** The authorization by Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or topographical requirements of the applicable zoning regulations.

**ART STUDIO:** Enclosed place for the production and sales of crafts and arts produced on-site.

**AUTO WASH:** A structure designed or intended primarily for the washing of automobiles, including conveyor, drive-through and self-service types.

**BAR:** See TAVERN.

**BASEMENT:** A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the established grade of the street center line, or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building.

**BASE FLOOD:** The flood having a one percent chance of being equalled or exceeded in any given year.

**BED AND BREAKFAST:** An owner-occupied place of lodging that has four guest rooms or fewer and may serve meals only to guests.

**BOARDING HOUSE:** An owner-occupied dwelling, or part thereof, in which lodging is provided for a fee by the owner or operator to not more than eight (8) borders.

**BUILDING:** Any roofed structures intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building. See also GROSS FLOOR AREA, ACCESSORY STRUCTURE and PRINCIPLE BUILDING.

**BUILDING, FRONTAGE:** That side of any building facing a public street.

**BUILDING, HEIGHTS OF:** The vertical distance measured from the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

**BUSINESS AREA:** The total ground area covered by a principal building, accessory structures, parking and including outdoor display and storage areas integral to the business.

**CAMPGROUND:** A parcel of land on which three (3) or more campsites are located and maintained as temporary living quarters for commercial gain.

**CAR WASH:** The commercial use of a building or portion of a building for washing of automobiles or other motor vehicles.

**CERTIFICATE OF OCCUPANCY:** A Certificate issued by the Zoning Enforcement Officer indicating that a structure or the use of land is in compliance with any approved site plan, conditions on approval and with this Local Law.

**CHURCH:** Any place devoted to organized worship on a regular basis.

**COMMERCIAL COMMUNICATIONS FACILITIES:** Establishments furnishing point-to-point communication services whether by wire or radio, either aurally or visually, including radio and television broadcasting and the exchange of messages, including necessary aerials and towers.

**COMMERCIAL EXCAVATION:** The mining of minerals including sand and gravel primarily for gain, not including extraction operated for the noncommercial use of the landowner. The term also includes quarrying; milling, such as crushing, screening, washing and flotation; and other preparation customarily conducted at the mining site or as part of a mining operation.

**COMMERCIAL RECREATION:** A recreation facility designed and equipped for the conduct of sports and other leisure time activities which is operated as a business and open to the public for a fee.

**COMMERCIAL SERVICES:** Establishments primarily providing services, as opposed to products, to the general public including but not limited to personal services, business services, repair services (except motor vehicle repair), educational services, social services; legal, accounting, engineering and other professional services, and including laundromats.

**COMMUNITY RESIDENCE:** The term "community residence" shall be defined as in the New York Code of Rules and Regulations part 417, and shall for the purposes of these regulations be interchangeable with "agency group home" and "temporary home" as defined in those regulations. Such residential facilities must be authorized by the New York State Board of Social Welfare or by the New York State Commissioner of Mental Hygiene and living as a single, stable housekeeping unit.

**CONDITIONAL USE:** A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to, area, location, layout, and design would be compatible with other uses permitted in the zoning district. Such use may be permitted in certain zoning districts by special permit as a conditional use, if all the specific standards established in Section 13 - CONDITIONAL USES are satisfied.

**CRAFT STUDIO:** Enclosed place for the production and sales of crafts and arts produced on-site.

**DAYCARE CENTER:** Any care arrangement for persons under the age of eighteen (18) or over the age of sixty (60) that provides day care on a regular basis for more than four hours per day for more than five persons, for payment or reimbursement.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

**DRIVEWAY:** Vehicle travel lane between a public road and a parking area, not including field entrances. A divided driveway is so designed that traffic entering it is separated from traffic leaving it by a raised median or other physical barrier is considered a single driveway unit.

**DWELLING, ONE-FAMILY:** See ONE-FAMILY DWELLING.

**DWELLING, TWO-FAMILY:** See TWO-FAMILY DWELLING.

**DWELLING, MULTIPLE-FAMILY:** See MULTIPLE-FAMILY DWELLINGS.

**DWELLING, CONDOMINIUM:** A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**DWELLING, TOWN HOUSE:** A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each is separated from any other unit by one or more common fire resistant walls.

**DWELLING UNIT:** A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

**EASEMENT:** A grant of one or more property rights by the property owner to and for the use of the public, a corporation, or another person or legal entity.

**FAMILY:** From one to ten persons occupying the premises living as a single stable housekeeping unit in which persons live and cook together, as distinguished from a group occupying a boarding house, apartment house, club, fraternity, or hotel.

**FARM:** A parcel of land used for agricultural activities, with a minimum of five (5) acres.

**FENCE:** An artificially constructed barrier of any material or combination of materials erected to enclosed or screen areas of land.

**FIELD ENTRANCE:** A driveway serving a farm yard, cultivated or uncultivated field, timberland or undeveloped land, and not used for commercial, residential or industrial purposes.

**FLOATING ZONING DISTRICT:** An unmapped zoning district, such as the Planned Unit Development District, which is fixed on the zoning map only after an application for the establishment for such a district is approved by the Town Board. See Section 12 - PLANNED UNIT DEVELOPMENT.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland waters and/or unusual accumulation or run-off of surface waters.

**FORESTRY:** The commercial operation of timber tracts, tree farms, forest nurseries, including the gathering and/or harvesting of forest products. Sawmilling activities are considered to be a natural resource based industry, and is not included within the definition of forestry.

**FUNERAL HOME:** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected before burial or cremation.

**GARAGE, PRIVATE:** A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.

**GARAGE, PUBLIC:** A building or part thereof, used primarily for the storage, hiring, selling, greasing, washing, servicing or repair of motor-driven vehicles, operated for gain.

**GARAGE SALE:** Also known variously as a "lawn sale," "porch sale," "barn sale," or "rummage sale," garage sales are sales of tangible personal property held on the premises of the owner, conducted for no more than fourteen (14) days in any calendar year.

**GASOLINE STATION:** Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term Gasoline Station shall be deemed to include a filling station, a service station, and a combination gas stations and convenience stores.

**GRANDFATHER CLAUSE:** A use of land which lawfully existed prior to the enactment of a zoning law, and which is maintained after the effective date of the Local Law although it does not comply with use restrictions applicable to the area in which it is situated is referred to as a "nonconforming use". The "grandfather clause" means that any use that was legal when it was established can, if not abandoned or otherwise impermissibly changed, be continued, indefinitely, despite a change in the zoning regulations making such use illegal.

**GROSS FLOOR AREA:** The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**HAZARDOUS:** Any building or structure which is structurally unsafe, unsanitary, constitutes a fire hazard, harbors vermin, or is otherwise dangerous to human life, or uses which is in relation to existing conditions constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

**HAZARDOUS WASTE:** Any waste material defined as a hazardous waste in 6 NYCRR, Part 371, Section 371.1(d) - Identification and Listing of Hazardous Waste. A copy of 6 NYCRR, Part 371 is available in the County Planning Office library.

**HEALTH CARE FACILITY:** Unless otherwise specified, the term "health care facility" shall be deemed to include a hospital, clinic, rest home, nursing home, sanitarium, or any other place for the diagnosis, treatment and/or other care of human ailments, addictions, developmental disability, or old age.

**HOME OCCUPATION:** An accessory occupation or business activity which results in a product or a service for financial gain that is conducted in whole or part on the residential premises.

**HOSPITAL:** An institution providing health services and medical or surgical care to persons suffering from illness, disease or injury.

**HOSPITAL, ANIMAL:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term stays necessary for veterinary care.

**HOTEL OR MOTEL:** A facility offering transient lodging accommodations to the general public for a fee.

**INN:** An owner-occupied place of lodging that has twelve (12) guest rooms or fewer, and may include a public tavern and restaurant which also serve non-guests.

**JUNK YARD:** See SALVAGE YARD.

**KENNEL:** Any lot, premises or structure on or in which six (6) or more canines more than (6) months of age are housed for commercial gain.

**LANDFILL:** A site for solid waste disposal operated in accordance with applicable State Law.

**LANDFILL, SANITARY:** A solid waste disposal site in which the waste is spread in thin layers, compacted to the smallest practical volume and covered with soil in a systematic and sanitary manner.

**LAUNDROMAT:** An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public.

**LIGHT MANUFACTURING OR ASSEMBLY:** An establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products and the blending of materials inside an enclosed structure.

**LIVESTOCK:** Agricultural animals raised for direct human consumption or use or for the consumptive use of their body parts or products, including eggs, milk, hair, hide and meat, specifically including hogs, horses, ponies, cattle, deer, sheep, goats, fowl and fur-bearing animals.

**LOADING SPACE:** An off-street space or berth, no smaller than a parking space, used for loading or unloading of vehicles.

**LOT:** A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest.

**LOT AREA:** The total area included within lot lines of a lot excluding any highway right-of-ways.

**LOT, CORNER:** A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

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

**LOT, LINES:** The property lines bounding the lot.

- a. Lot Line, Front - The lot line separating the lot from the street right-of-way.
- b. Lot Line, Rear - The lot line opposite and most distant from the front lot line.
- c. Lot Line, Side - Any lot line other than a front or rear lot line.

**LOT WIDTH:** The distance between side lot lines measured parallel to the front setback line at a distance from the front lot line equal to the front setback specified for the district.

**MAJOR VEHICLE REPAIR:** Repairs that require more than one business day to complete.

**MANUFACTURING:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, production of goods, and the blending or packaging of materials.

**MASS TRANSIT STATION:** A place where the transfer between modes of transportation takes place or any premises for the transient housing or parking of buses, trains, or ride-sharing vehicles and the loading and unloading of passengers.

**MEMBERSHIP CLUB:** Premises and buildings devoted to a membership organization catering to members and their guests for educational, political, recreational, athletic, or charitable purposes. For the purposes of these regulations "membership club" shall include lodges, fraternal organizations and other like non-profit organizations; however, if such uses serve alcoholic beverages to the general public on a regular basis such use shall be treated as a "tavern."

**MOBILE HOME:** A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained therein.

**MOBILE HOME, CLASS A:** A new or used mobile home certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and approved by the Planning Board as meeting the following compatibility standards:

- 1) The minimum width of the mobile home at its narrowest point shall be not less than 20 feet.
- 2) The exterior material of the mobile home shall be similar to that customarily used in site-built residential structures. Siding materials shall be nonreflective in nature.
- 3) The mobile home shall have a sloping roof with eave projections of at least ten inches. The roof shall be constructed with composition shingles or other materials customarily used in site-built residential structures.
- 4) The mobile home shall be attached to a permanent foundation approved by the Town Enforcement Officer.
- 5) The exterior covering material of the mobile home shall extend to the ground except where a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.

**MOBILE HOME CLASS B:** A new or used mobile home certified as meeting either the Housing and Urban Development standards or the New York State Code for the Construction and Installation of Mobile Homes, effective January 15, 1974 and found on inspection by the Town Enforcement Officer to be in good condition and safe for residential occupancy. See Section 19 - MOBILE HOMES.

**MOBILE HOME CLASS C:** Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home, including travel trailers and recreational vehicles intended for use as seasonal residences. See Section 19 - MOBILE HOMES.

**MODULAR HOME:** A manufactured dwelling designed and constructed to be transported to a building site and placed on a permanent foundation. "Modular home" shall mean a unit which is approved by the New York State Building Codes Council and which bears an insignia of such approval.

**MODULAR HOUSING:** A factory-manufactured home that incorporates structures or components designed for residential occupancy, constructed by a method or system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a building site. Every modular home or component shall bear an Insignia of Approval issued by the State Fire Prevention and Building Code Council.

**MOBILE HOME PARK:** A residential use in which more than two mobile homes are located on a single lot.

**MOTEL:** See HOTEL.

**MOTOR VEHICLE REPAIR:** A building, portion of a building, or use of land used for making repairs to motor vehicles, including body work and painting, for commercial gain.

**MULTIPLE FAMILY DWELLING:** A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, camps and rooming houses.

**NATURAL RESOURCE BASED INDUSTRY:** Manufacturing and industrial activities which depend upon the use of natural resources of the County as a raw material. Sawmills and forest product industries shall be considered natural resource based industry for the purposes of these regulations.

**NONCONFORMING USE:** Use of a building or of land that does not comply with the regulations for the district in which it is situated and where such use existed and/or was used legally at the time of adoption or amendment of these regulations.

**NONFORMING LOT:** A lot which was lawful prior to the adoption or amendment of the zoning regulations but which does not now conform with the area and/or dimensions required in the district in which it is situated.

**NURSING HOME:** A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing and related medical services. A nursing home shall be considered a long-term health care facility for the purposes of these regulations.

**OFFICE BUILDING:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**ONE-FAMILY DWELLING:** A detached building designed for occupancy by one family only, other than a mobile home, recreational vehicle, camp or any temporary structure.

**OUTSIDE STORAGE:** The keeping, in any unroofed area of any goods, junk, materials, merchandise, or unlicensed vehicles for more than seventy-two hours. The storage of firewood and recreational vehicles are not considered to fall within the definition of "outdoor storage."

**PARKING AREA:** An off-street, ground-level area, usually surfaced and improved for the temporary storage of motor vehicles in operating condition.

**PARKING SPACE:** A space designated for the parking of one motor vehicle, measuring a minimum of nine (9) feet in width and eighteen (18) feet in length, not including any required maneuvering aisle, vehicle circulation, public road or right-of-way.

**PERMITTED USE:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSONAL SERVICE:** A commercial establishment primarily engaged in providing services involving the care of a person and his or her apparel such as laundries, barber shops, photo studios, health clubs, etc..

**PLANNED DEVELOPMENT DISTRICT:** A minimum five (5) acre tract of land in single ownership, or controlled by an individual, partnership, cooperative or corporation designed for and capable of being used for one or more residential, commercial, industrial or recreational uses in a unified site design for the entire District.

**PLAT:** A map representing a tract of land showing boundaries and location of individual properties and streets.

**PLAT, PRELIMINARY:** A preliminary map indicating the proposed layout of a subdivision or site plan which is submitted to the Planning Board for consideration and preliminary approval.

**PLAT, FINAL:** A final map drawn by a licensed engineer showing a proposed subdivision including all detailed information required by New York State Law and these regulations, which is submitted to the Planning Board and if approved, filed with the County Clerk.

**PRINCIPLE USE:** The primary or predominant use of any lot.

**PUBLIC NOTICE:** The advertisement of a public hearing in a paper of general circulation in the area, indicating the time, place and nature of the public hearing.

**PUBLIC USE:** A building, structure or use owned and operated by a governmental agency or non-profit organization to provide a public service. Examples include but are not limited to a library, a post office, a museum, a community center, a fire house, and public utilities.

**PUBLIC UTILITY FACILITIES:** Telephone, electric and cable television lines, poles, equipment and structures, water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and relaying stations; and other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

**PUBLIC UTILITY STRUCTURE:** Telephone, electric and cable television lines, poles, equipment and structures; water, sewer or gas pipes, mains, valves and structures; pumping and exchange stations, and other facilities necessary for conducting such services.

**RECREATION, COMMERCIAL:** A recreational facility operated as a business and open to the public for a fee.

**RECREATION PUBLIC:** A recreational facility open to the general public at no charge or a subsidized charge.

**RECREATIONAL FACILITY:** A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

**RECREATIONAL VEHICLE:** A mobile recreational unit including travel trailer, pickup, camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable house.

**RECYCLABLE MATERIAL:** Such reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable materials does not include refuse or hazardous material.

**RECYCLING COLLECTION FACILITY:** A collection facility is a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Collection facilities may include bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

**RECYCLING FACILITY:** A recycling facility is a center for the collection and/or processing of recyclable materials. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include a recycling collection facility and a recycling processing facility.

**RECYCLING PROCESSING FACILITY:** A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

**RESTAURANT:** An establishment where food and drink are prepared, served and consumed primarily within the principal building.

**RETAIL STORE:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption.



**REZONING:** A type of amendment to the zoning regulations that changes the zoning classification of particular lots or parcels of land.

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, trail, railroad, electric transmission line, gas pipeline, water main, sanitary or storm sewer, or for another special use.

**ROADSIDE STAND:** A structure where fresh produce such as fruits and vegetables and other farm produce may be purchased.

**SALVAGE YARD:** Any area, lot, land, parcel, building or structure, or part thereof, for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or six (6) or more unregistered, inoperable motor vehicles or other type of junk. Additionally, sites containing more than two (2) unlicensed vehicles visually unscreened from residences and roadways shall be considered a "salvage yard" for the purposes of these regulations. Facilities which solely process or store materials defined as being recyclables by the St. Lawrence County Solid Waste Disposal Authority shall not be considered a junk yard.

**SCHOOL:** Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

**SCREENING:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**SETBACK:** The distance between the lot line and the line of any building or any projection thereof, excluding uncovered steps, decks and porches.

**SETBACK LINE:** That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principle structure must be erected or placed.

**SETBACK, FRONT:** An open space extending the full width of a lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

**SETBACK, REAR:** An open space extending across the full width of a lot between the principal building and the rear lot line, and measured perpendicular to any building at the closest point to the rear lot line.

**SETBACK, SIDE:** An open space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

**SIGN:** Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. (These regulations shall not apply to any flag or insignia of a government or government agency, school or religious group, nor any official traffic control device.)

**SIGN AREA:** The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing or framing whose judged intent is to extend the effective sign area. Supporting framework shall not be included in the estimated sign area and only one side of flat, back-to-back signs shall be included in calculating sign area.

**SITE PLAN:** An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting major characteristics or proposed development. See Section 23 - SITE PLAN REVIEW.

**SHOPPING CENTER:** A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as a unified project, which provides on-site parking for customers.

**SKETCH PLAN:** A rough sketch map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion by the Planning Board.

**STACKING SPACE:** An off-street area, equal in size to a parking space, for one motor vehicle waiting in line, such as at a gas pump or car wash.

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

**STREET WIDTH:** The width of the road right-of-way measured at right angles to the center line of the street.

**STRUCTURE:** An assembly of materials forming a construction framed of component parts for use or occupancy, including but not limited to buildings.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**SUBDIVISION:** Any division of a parcel of property into five (5) or more lots within a three year period, or any division of a parcel of property where the construction of an internal road is required pursuant to any provision of this Law or is otherwise proposed by the applicant. Notwithstanding the foregoing, a division into five (5) or more lots shall not be deemed a subdivision when all lots that are to be created are to be five (5) or more acres in area.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement is started, or if the building has been damaged, before the damage occurred.

**SWIMMING POOL:** A structure intended for bathing or swimming purposes made of concrete, masonry, metal or other impervious material, having a depth of more than three (3) feet and owned and maintained by an individual for exclusive use by his family and friends. See Section 14 - ACCESSORY STRUCTURES AND USES.

**TAVERN:** An establishment licensed by the State. A State licensed establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use.

**TEMPORARY USE:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**THEATRE:** A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

**TWO-FAMILY DWELLING:** A detached building designed for occupancy by two families living independently of each other, other than a mobile home, recreational vehicle, camp or rooming house.

**TRAFFIC IMPACT STUDY:** A professional study of traffic issues associated with a development proposal, including the traffic characteristics and level of service of existing major roads affected by the proposed project; trip generation rates for the proposed land uses; the impacts of traffic from the proposed use on the operation of the existing roads; impacts of previously approved projects on the same road; estimates of geographic area influenced by the traffic from the proposed development; effects of any planned phasing of the project; affects of any planned roadway alterations, including but not limited to added turning lanes, signalization, and improvements to bridges, roadways, intersections and medians.

**TRAVEL TRAILER:** A vehicle, smaller in size than a mobile home, used or arranged for living or sleeping purposes, mounted on wheels and commonly drawn by a passenger car or a light truck. A travel trailer shall be considered a Class C mobile home for purposes of this law.

**USE:** The activity or function that actually takes place or is intended to take place on a lot.

**USE VARIANCE:** The authorization by the Zoning Board of Appeals for the use of land in a manner or for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

**VARIANCE:** A departure from the provisions of the zoning regulations relating to yard, lot area, height, frontage requirements and/or use of a parcel of property. A variance may be granted by the Board of Appeals if it is demonstrated that a literal application of the regulations would result in unnecessary hardship or practical difficulties.

**WAREHOUSING:** Commercial facilities for the storage of goods and/or materials with or without maintenance facilities.

**WHOLESALE SALES:** On-premises sales of goods not produced on the premises primarily to customers engaged in the business of reselling the goods.

**YARD, FRONT:** An open-space extending the full width of a lot between the principle building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

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**YARD, REAR:** An open space extending across the full width of a lot between the principal building and the rear lot line, and measured perpendicular to the building at the closest point to the rear lot line.

**YARD, SIDE:** An open space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

**ZONING ENFORCEMENT OFFICER:** The administrative officer designated by the Town Board to administer and enforce the zoning, subdivision, and sanitary regulations.

**ZONING MAP:** The map or maps, which are part of the zoning local law, and delineate the boundaries of zoning districts.

**ZONING/BUILDING PERMIT:** A permit issued by the Zoning Enforcement Officer that authorizes the recipient to make use of property in accordance with the requirements of this Local Law.

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