

TOWN OF SCHUYLER FALLS

ZONING LAWS

CONTENTS

ARTICLE 1 GENERAL PROVISIONS	1
Section 100 Title	1
Section 105 Purpose	1
Section 110 Regulated Activities	1
Section 115 Prior Existing Land Use Ordinance	1
Section 120 Conflict with other Laws	1
Section 125 Severability	2
Section 130 Fees	2
ARTICLE 2 DEFINITIONS	2
Section 200 Words and Definitions	2
Section 210 Definitions	2
ARTICLE 3 PERMITS AND PROCEDURES	11
Section 300 Zoning Permit Required	11
Section 305 Termination of Permit	11
Section 310 Fees	11
Section 320 Required Information for Application	12
Section 325 Zoning Permit Types	12
Section 330 Issuance of Zoning Permits	12
ARTICLE 4 ESTABLISHMENT OF ZONES	13
Section 400 Types of Zones	13
Section 410 Zoning Map	13
Section 420 Interpretation of Zone Boundaries on Zoning Map	13
Section 430 Lots in Two or More Districts	13
ARTICLE 5 ZONING DISTRICT REGULATIONS	13
Section 510 Interpretation of Permitted Use Chart	13
Section 520 Permitted Use Chart	14
Section 530 Dimensional Requirements	16
Section 540 Green Space Buffer	17
Section 545 Height Exceptions	17
Section 550 Measurement of Building Setbacks	17
ARTICLE 6 SUPPLEMENTAL REGULATIONS	17
Section 600 Signs	17
Section 605 Off-Road Parking	18
Section 610 Fences	18
Section 620 Mobile Homes	19
Section 625 Camping Trailers	19
Section 630 Principal Building Per Lot	19
Section 635 Keeping of Junk	20
Section 640 Seasonal Roadside Stands	20
Section 645 Home Occupations	20
Section 650 Existing Undersized Lots of Record	20
Section 660 Non-conforming Uses, Lots, and Structures	21

ARTICLE 7 SPECIAL USE REGULATIONS	21
Section 700 Standards applicable to all special Permit uses	21
Section 710 Industrial, Warehousing, and Trucking Uses	22
Section 715 Campgrounds	23
Section 720 Clubs	24
Section 725 Day Care Center	24
Section 735 Essential Services	24
Section 740 Excavations	25
Section 745 Junk Yards	25
Section 750 Kennels and Animal Hospitals	26
Section 755 Mobile Home Parks	26
Section 760 Multiple Family Dwellings	26
Section 765 Condominiums	26
Section 770 Motor Vehicle Repair Shops	26
Section 775 Public and Semi-Public Buildings and Grounds	27
Section 780 Retail-Gasoline Outlet	27
Section 785 Telecommunication Towers	27
Section 790 Adult Use and Entertainment Establishments	30
Section 795 Cluster Development	30
ARTICLE 8 SPECIAL USE REVIEW AND SITE PLAN APPROVAL	31
Section 800 Applicability	31
Section 810 Authorization	31
Section 815 Site Plan Approval	31
Section 820 Application for Special Use and/or Site Plan Approval	31
Section 825 Waiver of Submission Requirements	32
Section 830 Review Procedure for Special use Approval	32
Section 835 Procedure for Site Plan Approval	33
Section 840 Procedure if variance is required	33
Section 845 Findings	33
Section 850 Site Plan Review Considerations	33
Section 855 Conditions	34
ARTICLE 9 VARIANCES AND APPEALS	34
Section 910 Application	34
Section 920 Variance Policy	34
Section 930 Requirements for Area Variances	34
Section 940 Requirements for Use Variances	35
Section 950 Approval of Variances with Conditions	35
Section 960 Appeals of a Decision by the Zoning Enforcement Officer (ZEO)	35
Section 980 Review and Approval Procedure	36
ARTICLE 10 ADMINISTRATION	36
Section 1000 Zoning Enforcement Officer (ZEO)	36
Section 1010 Duties of the Zoning Enforcement Officer	36
Section 1025 Planning Board	37
Section 1026 Powers and Duties of Planning Board	37
Section 1027 Meetings of the Planning Board	37
Section 1030 Zoning Board of Appeals	37
Section 1031 Powers and Duties of Zoning Board of Appeals	37
Section 1032 Meetings of the Zoning Board of Appeals	38
Section 1040 Referral to the County Planning Board	38
Section 1050 State Environmental Quality Review (SEQR)	39
Section 1060 Amendments	39

ARTICLE 11 ENFORCEMENT	39
Section 1100 Penalties	39
Section 1105 Alternative Remedy	40
Section 1110 Stop Work Order	40
Section 1115 Appeal	40
Section 1120 Misrepresentation	40
Section 1125 Actions for Injunction	40
Section 1130 Removal of Violations	40
Section 1140 Steps in the Enforcement Process	41

ARTICLE 1 - GENERAL PROVISIONS

Section 100 Title

The title of this law is the “Town of Schuyler Falls Zoning Law,” and shall include this text and the official zoning map.

Section 105 Purpose

The purposes of this law are to provide for orderly growth and change within the Town of Schuyler Falls, and to provide for the health, safety and general welfare of existing and future residents.

Section 110 Regulated Activities

- A.** A Zoning Permit shall be required for any of the following actions.
 - 1. Construction of any new building or structure ninety-six (96) square feet or larger in ground coverage, except swimming pools.
 - 2. Enlargement of an existing building or structure.
 - 3. Change in the use of a building or of land.
 - 4. The establishment of a home occupation, as defined herein, in an existing residential structure or garage.
 - 5. Construction or enlargement of parking lots for non-residential uses.
- B.** The following activities do not require a Zoning Permit but must meet the building setbacks and other requirements of this law.
 - 1. Building or structures with less than ninety-six (96) square feet of ground coverage.
 - 2. Swimming pools
 - 3. An expansion or enlargement less than ninety-six (96) square feet in ground area of any existing structure.
 - 4. The placement of a permanent sign.
- C.** The following activities are not regulated by this law and do not require a Zoning Permit
 - 1 Interior structural alterations, or routine maintenance and improvement which does not expand the exterior dimensions of a structure.
 - 2 The erection of chimneys, posts and other similar structures.
 - 3 Temporary yard sales, porch sales, garage sales and sales of a similar nature which are held less than 30 days per year.

Section 115 Prior Existing Land Use Ordinance

This zoning law shall replace and supersede the prior existing “Town of Schuyler Falls Land Use Ordinance.”

Section 120 Conflict with other Laws

Whenever the requirements of this law are at variance with the requirements of any lawfully adopted town regulations, ordinance or statutes, the most restrictive or those imposing the higher standard shall govern.

Section 125 Severability

Should any section of or provision of this Law be decided by court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 130 Fees

Permit fees shall be collected and paid according to the fee structure in effect at the time of application. A fee schedule will be posted at the Town Clerk's and the Zoning Enforcement Officer's Office.

ARTICLE 2 - DEFINITIONS

Section 200 Words Terms and Definitions

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm association, organization, partnership, trust, company or corporation as well as an individual.

Words used in the present tense include the future tense.

The singular includes the plural.

The words "shall" and "must" are mandatory.

The word "lot" includes the words plot or parcel.

Section 210 Definitions

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure and may include alternate energy systems.

ADULT ARCADE: And establishment where film, slides, or any other images of "specified sexual activities" or "specified anatomical areas" are available for viewing by the public.

ADULT BOOKSTORE OR ADULT VIDEO STORE: A bookstore or video store where as one of its principal business purposes offers for sale or rental any printed matter or videocassettes that depict "specified anatomical areas" or "specified sexual activities." For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 10 percent or more of the printed material or videocassettes for sale or rent in the establishment.

ADULT CABARET: A nightclub, bar, restaurant, juice bar, or similar establishment where persons appear in a state of nudity, or where there are live performances, films, videocassettes or slides characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

ADULT CARE FACILITY: A residence for adults that provide temporary or long-term care and services to persons who, by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, are unable to live independently.

ADULT USE OR ENTERTAINMENT ESTABLISHMENT: And establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or waitresses; strippers; topless hair care or massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade; adult bookstore; or adult video store.

AGRICULTURE: The use of land for agricultural purposes including tilling of the soil, dairying, pasture, agriculture, arboricultural, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that such uses shall not include the commercial feeding of garbage and offal to swine or other animals.

AGRICULTURE BUSINESS ESTABLISHMENTS (AGRI BUSINESS): A business engaged in performing agricultural, animal husbandry, or horticulture services on a fee or contract basis including corn shelling; hay baling and threshing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing.

AIRPORT: Any facility for the purpose of engaging aircraft to flight.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

ALTERNATIVE ENERGY SYSTEMS: Structures, equipment devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separated from the principal structure. Examples include windmills or solar water heaters.

ANIMAL HOSPITAL: A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

ANTENNA: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal communication services, and microwave communications.

BOARDING HOUSE: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed a boarding house.

BUILDING: Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of person, animals or chattel.

BUILDING HEIGHT: The vertical distance measured from the main level of the ground surrounding the building to a point midway between the highest and lowest points of the roof, but not including chimneys, spires, mechanical penthouses, towers, tanks, and similar projections.

CAMPING TRAILER: Any vehicle used or arranged for temporary living or sleeping purposes, mounted on wheels and drawn by a power-driven vehicle, or such type vehicle having its wheels removed.

CAMPGROUND: A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of camping trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

CARPORT: A roofed structure with two enclosing walls, used for the storage of one or more automobiles.

CLUB: Any organization catering to members and their guests, or premises and buildings for recreational or athletic purposes and not open to the general public, which are not conducted primarily for gain, providing they are not conducted any vending stands, merchandising, or commercial activities except as required for this membership and purposes of such club. For the purpose of this law, clubs shall include lodges, fraternal organizations, mutual benefit societies, and other like organizations.

CLUSTER DEVELOPMENT: A development consisting of three or more structures whereby individual lots may be reduced in size and/or where buildings may be placed closer together otherwise permitted so that open spaces on the development parcel may be retained. A cluster development may consist solely of residential units, or, if commercial uses are permitted in the zone where the cluster development is located, may consist of a mixture of residential and commercial uses. A parcel of land containing a single multi-family dwelling structure shall not be considered to be a cluster development. A single structure occupied by two or more businesses shall be considered to be a shopping center, not a cluster development.

CONDOMINIUM DEVELOPMENT: A building or group of building in which units are owned individually, each owner receiving a deed enabling him to sell, mortgage or exchange his unit independent of the other units in the building or buildings, and in which the structure, or common areas, or facilities, are owned in common by owners of units.

DEVELOPMENT: Any man-made change to improve or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance to farm roads.

DISPOSAL: A material is disposed of it is discharged, deposited, injected, dumped, spilled, leaked, burned, incinerated, or placed into any or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water.

DRIVE –IN RESTAURANT: Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles and including those where customers may also eat or drink the food, refreshments or beverages on the premises.

DWELLING: Any building or portion thereof designed or used exclusively as a residence or sleeping place of one (1) or more persons, including a mobile home.

DWELLING UNIT: One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities, designed for occupancy by one family.

ESSENTIAL SERVICES: Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities.

EXCAVATION (QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING): A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as a industrial or commercial operation where one thousand (1000) tons or seven hundred fifty (750) cubic yards of material, whichever is less, is extracted within any successive twelve month period, but does not include the process of grading a lot preparatory to the construction a building which has an approved zoning permit.

FAMILY:

- a. Any number of individuals related by blood, marriage or adoption, and up to three (3) unrelated roomers living together as a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or
- b. One (1) to four (4) individuals unrelated by blood, marriage or adoption occupying a premises and living together as a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common; or
- c. Any number of individuals unrelated by blood, marriage or adoption, living together as a functional family (see definition of functional family) as a single housekeeping unit and using certain rooms and sanitary and cooking facilities in common.

FUNCTIONAL FAMILY: A group of individuals living together within a single dwelling unit in a family-like living arrangement. A group of five (5) or more unrelated individuals, exclusive of minor dependent children, living together in the same dwelling unit shall be presumed **not** to be living together as functional family. This presumption may be rebutted by sufficient evidence showing that their living arrangement possesses substantially each of the following characteristics.

- a. The occupants share the entire dwelling unit. A unit in which occupants act as separate roomers shall not be deemed to be occupied by a functional family.
- b. The occupants share expenses for food, rent or ownership costs, utilities and other household expenses.
- c. The group is permanent and stable, and is not transitory in character. The following criteria shall be considered in determining stability.
 - 1) Evidence that the occupants intend to reside together on a permanent rather than on a transient basis, such as a showing that the household has been living together for a year or more.
 - 2) The sharing of household expenses by the occupants, such as utility bills, insurance, real property taxes, cleaning supplies, maintenance costs, food, and household supplies.
 - 3) Joint or common ownership of household furnishings located in the common areas of the dwelling unit.
 - 4) The presence of dependent persons regularly residing in the household.
 - 5) The fact that different members of the household address for purposes of voter registration, drivers license, motor vehicle registration, and filing of taxes.
 - 6) Any other factors that show that the group is of a permanent rather than a transient nature.

GROSS FLOOR AREA: For the purpose of applying the requirements for off-street parking and loading, “gross floor area” in the case of offices, merchandising or service types of uses, shall mean the total floor area to be used or intended to be used by the tenants, or for services to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, restrooms, fitting or alteration rooms or general maintenance or enclosed pedestrian malls or corridors.

HABITABLE FLOOR AREA: The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business including storage areas.

HAZARDOUS CHEMICALS: Solid, liquid or gaseous substances which pose a potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed, including but not limited to hazardous substances designated by the U.S. Environmental Protection Agency under Section 311 of the Clean Water Act (40 CFR 116).

HAZARDOUS WASTE: A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause or contribute to an increase in mortality or an increase in irreversible, or incapacitating reversible illness. or (b) pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

HOME OCCUPATINS: An occupation conducted in a dwelling unit or garage that does not change the residential character of the property and that complies with the provisions of Section 650 herein.

INDUSTRIAL USE: Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity.

JUNK:

- a. One (1) junk vehicle
- b. One (1) piece of junk equipment, including junk farm equipment
- c. Two (2) or more appliances including but not limited to washers, dryer, dishwashers, stoves, refrigerators, freezers, and televisions.
- d. Two (2) or more abandoned or irreparable damaged pieces of indoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chest of drawers.
- e. Any combination of the above that totals two (2) items.

JUNK EQUIPMENT: Any equipment which is: (a) either abandoned, wrecked, stored, discarded, dismantled or partly dismantled, (b) is not in working order, and (c) has remained unused for more than one year.

JUNK VEHICLE: Any motor vehicle whether automobile, bus, trailer truck, tractor, motor home, motorcycle, all terrain vehicle, mini-bicycle, or snowmobile or any other device originally intended for travel on public highways which meets all the following conditions: (a) is unlicensed, (b) it is either abandoned, wrecked, stored, discarded, dismantled or partly dismantled, (c) it is not any condition for legal use upon the public highway, and (d) it is in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time before such repair. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle.

JUNK YARD: A lot, land or structure or part thereof used for the collection, storage, disassembly, packing, sorting, salvage, buying, selling or exchange or waste paper, rags, including house wrecking, yards, used lumber yards, structural steel materials, recycling centers, but not including used furniture, clothing, pawn shops or antique shops. Automobile junk yards are defined in the General Municipal Law; Section 136 shall be included within this definition. Junk yard includes the outdoor storage or deposit of any of the following: (a) Two or more junk vehicles, (b) one or more abandoned mobile homes or travel trailers, or (c) two or more pieces of junk equipment, including junk farm equipment.

KENNEL: Any premises or shelter on any lot on which four or more domestic animals are bred, boarded, trained or sold for commercial purposes.

LIGHT INDUSTRIAL USE: Any manufacturing or assembly facility which does not include: (a) the manufacture of hazardous chemicals, (b) the use of petroleum based products except as incidental to the main industrial use, (c) the outdoor storage of scrap metal or junk, (d) the creation of solid, liquid, or airborne hazardous wastes (e) the creation of smoke or airborne particulate matter except as incidental to the main industrial use, or (f) the creation of noise which would have an adverse impact upon neighboring properties.

LOCAL ROAD: Streets which primarily function to give direct access to abutting property. Local roads are the internal part of the system to provide movement within residential or other land use areas.

LOT: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings as defined in the

LOT FRONTAGE: The portion of the lot abutting upon a street or road.

LOT LINE: Property line bounding a lot.

LOT WIDTH: The horizontal distance between the side lot lines measured at right angles to the depth, measured at a depth equal to the greater distance of (a) the minimum required front yard setback or (b) the distance from the public road to the nearest side of the building.

MAJOR ROAD: Streets or highways connecting through roads with each other and also handle internal movement within the town.

MOBILE HOME: A moveable or portable unit at least thirty-two (32) feet in length which is designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling unit when connected to required utilities. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Modular homes or other dwelling units that are constructed in two or more main sections and transported to and permanently assembled on a site are not considered to be mobile homes. The definition of mobile home includes all additions made subsequent to installation.

MOBILE HOME PARK: any lot on which three (3) or more mobile homes are parked or located and for which use said premises are offered to the public or to any person for a fee of any type, including cost sharing.

MODULAR HOUSE: A housing unit constructed off site consisting of more than one segment designed to be permanently anchored to a foundation, to become a fixed part of the real estate, and which meets all the standards of the New York State Building Code.

MOTEL: A building or group of buildings, whether detached or connecting units, containing transient lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but open to the general public. The term "motel" includes buildings designed as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

MOTOR VEHICLE REPAIR SHOP: A building or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

MULTIPLE-FAMILY DWELLING: A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

NON-CONFORMING LOT: A lot existing at the time of enactment of this law or any amendment thereto, which does not conform to the area regulations of the district or zone in which it is situated.

NON-CONFORMING USE: A use of land existing at the time of enactment to this law and which does not conform to the regulations of the district or zone in which it is located.

PARKING SPACE: Space available for the parking of one motor vehicle and having minimum dimensions of 10 feet by 20 feet.

PARKING SPACE, OFF-STREET: An off-street area with berth with an appropriate means of vehicular access to a street, intended for the storage of vehicles.

PERMITTED USE (OR USE OF RIGHT): A land use allowed under the regulations of this law not requiring special use approval.

PERSONAL SERVICE BUSINESS: Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio, and businesses involving the care of a person or his or her apparel.

PRIVATE GARAGE: An Accessory building not operated for gain and used in conjunction with a dwelling which provides for the storage of motor vehicles and/or other household items.

PROFESSIONAL OFFICES: The office or place of business where professional services are offered and does not involve the sale of goods, or the keeping of stock in trade. Professional offices include, but are not limited to, doctors, dentists, surgeons, attorneys, architects, engineers, planners, psychologists, and chiropractors.

PUBLIC AND SEMI-PUBLIC BUILDINGS AND GROUNDS: The words “public and semi-public buildings and grounds”, as used in this ordinance are intended to designate but not limited to any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

- a) Churches, places of worship, parish houses and convents.
- b) Public parks, playgrounds, and recreational areas when authorized or operated by a governmental authority.
- c) Nursery schools, elementary schools, high schools, colleges or universities.
- d) Public libraries and museums.
- e) Not-for-profit fire, ambulance, and public safety buildings.
- f) Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes, homes for adults, homes for the aged as the same are defined under the Public Health Law or the Social Service Law of the State of New York, providing that they are duly licensed by the State of New York.
- g) Not-for-profit Membership Corporation established for cultural, social or recreational purposes.
- h) Recreational facilities, either for profit or not-for-profit, such as swimming, tennis, platform tennis, bowling, hockey, ice skating or other indoor or outdoor sports.
- i) Day-Care centers approved by the New York State Department of Social Welfare.

PUBLIC GARAGE: Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, including the supply of gasoline or oil, including automobile service stations.

RECREATION AREA: Recreation area is the sum of all open or covered areas used for recreation purposes.

RESTAURANT: Any establishment, however designated, whose principal business is the sale of food for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or quasi public or community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed a restaurant.

RETAIL GASOLINE OUTLET: Any establishment that sells gasoline to the public. This includes service stations, convenience stores, car washes or any other facility that sells gasoline.

RETAIL USE: The offering for a fee, of goods or merchandise to the general public.

RIGHT-OF-WAY: Land set aside for use as a street, alley, or other means of travel.

SEASONAL ROADSIDE STAND: A produce stand operated on a seasonal basis where at least one-half of the produce is grown on the property. Other stands shall be deemed to a commercial use.

SECONDARY ROAD: Streets serving to connect major roads with each other and also to handle internal movement within the town.

SETBACK-FRONT: The required open unoccupied space between the front lot line and the main structure, including porches, entrance steps and other similar structures on the front of the main structure.

SETBACK-BACK: The required open unoccupied space measured from the rear lot line to the nearest part of the main or accessory structure.

SETBACK-SIDE: The required open unoccupied space measured from the side lot lines to the nearest part of the main or accessory structure.

SIGN: Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, quasi-public civic, charitable or religious group.

SIGN AREA: The area defined by; the frame or edge of a sign. When there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed four sided (straight sides) geometric shape which most closely outlines the said sign.

SINGLE-FAMILY DWELLING: A detached residential dwelling designed for and occupied for one family only. This definition does not include mobile homes.

SITE PLAN: A development plan on which is shown topography, location of all building, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings, and any other information deemed necessary for the Planning Board.

SITE PLAN REVIEW: A review and approval process, conducted by the Planning Board, whereby Site Plans are reviewed utilizing criteria stated in this law.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade.

SOLID WASTE: All materials or substances that are discarded or rejected as being spent, unless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, medical and infectious waste, sludges from air or water treatment facilities, rubbish tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles, and offal.

SPECIAL PERMITTED USES: Those particular uses which are specifically permitted in a given district only when conditioning criteria enumerated in this Law are met.

SPECIFIED ANATOMICAL AREAS: (a) Less than completely and opaquely covered: human genitals, public region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: (a) Human genitals in a state of sexual stimulation or arousal, (b) acts of human masturbation, sexual intercourse or sodomy, or (c) fondling or other erotic touching of human genitals, public region, buttocks, or female breasts.

STATE OF NUDITY: The appearance of bare buttock, male genitals, female genitals, or full female breast.

STEET LINE: The limit of the street width or highway right-of-way, whichever is greater.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, porches, decks, fences, sign, billboards and poster panels.

SWIMMING POOL: Any body of water or receptacle for water having a capability of a depth of eighteen (18) inches or more at any point, used or intended to be used for swimming, bathing, or wading and permanently installed or constructed either above or below ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure the cost of which equal or exceeds 50 percent of the current assessed value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred.

TELECOMMUNICATIONS TOWER: Any structure on which one or more transmitting and/or receiving antenna is located.

TEMPORARY SIGN: Any for sale or for rent sign, or any sign announcing an event which is removed within thirty (30) days of its placement.

TEMPORARY USE: Any activity conducted for a specific limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completions of the construction work or seasonal produce stands.

TWO-FAMILY DWELLINGS: A detached residential building containing two dwelling units, designed for occupancy by not more than two families. This definition does not include mobile homes.

USE: The specific purpose for which land or a building is designed, arranged, intended for which it is or may be occupied or maintained.

WAREHOUSING AND DISTRIBUTION: Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

WASTE DISPOSAL AREA: Any area for disposal of solid waste. (See definitions of solid waste and disposal.)

VARIANCE: A variance is any departure from the strict letter of these regulations granted by the Zoning Board of Appeals as it applies to a particular piece of property, usually pertaining to dimensional requirements only. *Variances* run with the land and are not particular to any one land owner.

ZONING CERTIFICATE OF COMPLIANCE: A certificate issued by the Zoning Officer stating that a structure or the use thereof is in compliance with this Law.

ZONING ENFORCEMENT OFFICER: The official designated to administer and enforce this Code also referred to herein as Zoning Officer, Enforcement Officer, or Codes Enforcement Officer.

ZONING PERMIT: A document issued after approval by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this Law.

ARTICLE 3 PERMITS AND PROCEDURES

Section 300 Zoning Permit Required

Except for exempt actions listed in Article 1 herein, no use of land shall be established, changed or enlarged so as to occupy a larger area, and no building or structure shall be erected altered, enlarged, or moved until a Zoning Permit has been issued]

Section 305 Termination of Permit

- A. A zoning permit for any building for which construction has not commenced one (1) year after issuance shall expire unless an extension has been requested.
- B. Any use that has been discontinued for a period of twelve (12) months or longer shall be considered abandoned and may not be reinstituted without applying for a new Zoning Permit.

Section 310 Fees

Permit fees shall be established by resolution of the Town Board.

Section 315 Certificate of occupancy or Compliance

- A. The applicant shall notify the Zoning enforcement officer when the structure is ready for final inspection. If satisfied that the applicable State and local regulations pertaining to the project have been complied with and that the project has been completed as specified on the approved application, the Enforcement Officer shall issue a Certificate of Occupancy or Compliance with the State and Local laws, granting permission to occupy or use the structure. The final inspection and granting of a Certificate of Occupancy or Compliance shall be done within seven business days. If a Certificate of Occupancy or Compliance denied, the enforcement officer shall provide the reasons for denial within seven business days.

- B. No Certificate of Occupancy or Compliance shall be issued unless the proposed use or structure is provided with a septic system approved by the Clinton County Health Department, or sewerage services is provided by a public sewerage system.

Section 320 Required Information for Application

Application shall be made on designated forms. All information requested on the application form must be supplied. In addition, the following is required in order to constitute a complete application:

- A. **Map.** Three (3) copies of a property map shall be submitted with all applications: The map shall be either:
- 1) **Sketch Map**—A sketch map is required with all applications for one or two family dwellings, their customary accessory uses, to scale and show the dimensions and location of the lot, exact size and location of all existing and proposed buildings on the lot, proposed location of water and sewage disposal systems, parking areas and driveway location, natural watercourses, ponds, surface drainage patterns and location of existing or proposed easements.
 - 2) **Site Plan**—A site plan map is required with a application for other uses. See Article 8 herein for required information that should be included on the map.
- B. **Approval of water and sewage disposal systems.** Evidence of approval of the water supply and the sewage disposal system plans by the Clinton County Health Department.
- C. **Evidence of property ownership.** Agreement or option to purchase, with all parties represented, must be provided at the time of application.
- D. **Licenses.** Any use currently licensed by Federal, State, County or Town Agencies and already operating within the town shall present evidence or currently valid licenses before any expansion permits are considered.
- E. **Fee.** The appropriate fee established by the Town Board in its fee structure shall be collected at the time of application.

Section 325 Zoning Permit Types

Under the terms of this Law, the following classes of Zoning Permits may be issued.

- A. **Permitted Use.** A Zoning Permit for a permitted use shall be approved by the Zoning Enforcement Officer on his own authority. (Permitted uses are shown with and “x” in the Permitted Use Chart, Section 520 herein.)
- B. **Special Permit Uses.** A zoning permit for a special permit use shall be issued by the Zoning Enforcement Officer after special use approval and site plan review by the Planning Board. (Special permit uses are shown by a “sp” in the permitted use chart, Section 520 herein.)
- C. **After an Appeal or Request for Variance.** A zoning permit shall be issued by the Zoning Enforcement Officer after issuance of a variance by the Zoning Board of Appeals or as a result of a ruling on an appeal heard by the Zoning Board of Appeals. (See Article 8 herein.)

Section 330 Issuance of Zoning Permit

When all requirement of this Law have been met, the Zoning Enforcement officer shall issue a zoning permit and return one approved copy of the map not later than fifteen days after application. One copy of the approved permit shall be filed in the Town Clerk’s Office. If the permit has been denied, one copy of the map along with the reasons for denial shall be returned within seven days after denial

ARTICLE 4 - ESTABLISHMENT OF ZONES

Section—400--Types of Zones

For the purpose of this law, the Town of Schuyler Falls is hereby divided into the following zones:

HR	Hamlet Residential
RR1	Rural Residential 1
RR2	Rural Residential 2
HC	Hamlet Commercial
NC	Neighborhood Commercial
GEN	General Use

Section—410--Zoning Map

Said districts are bounded as shown on the Town of Schuyler Falls Zoning Map which, with all explanatory matter, is hereby made part of this law.

Section—420--Interpretation of Zone Boundaries on Zoning Map

Boundary lines generally follow road lines, 500 or 1000 feet setbacks from highways, property lines, or railroad beds. Questions concerning the precise location of zone boundary lines shall be resolved by the Board of Appeals under their own interpretation.

Section—430—Lots in Two or More Districts

If a lot lies in two or more zoning districts, each portion of the lot shall be governed by the regulations of the district in which it lies. Upon special authorization of the Zoning Board of Appeals, and after public hearing, the provisions of the less restricted portion of the lot may be extended up to 100 feet into the more restricted portion. An extension of more than 100 feet shall require a variance or map amendment.

ARTICLE 5 - ZONING DISTRICT REGULATIONS

Section—510—Interpretation of Permitted Use Chart

- A.** Land uses designated by and “x” on the permitted use chart (Section 520) are Permitted Uses within the zone.
- B.** Land uses designated by an “sp” on the permitted use chart are Special Uses allowed after approval of a Special Use Permit by the Planning Board.
- C.** A use shall be deemed prohibited within a zoning district unless it is listed as a permitted use or as a Special Use within that district.

Section—520—Permitted Use Chart

x = permitted use within the zone

sp = permitted after Special Use Approval

A use shall be deemed prohibited within a zone unless it is listed as a permitted use or as a Special Use within that zone.

Residential Use	Zones					
	HR	RR1	RR2	HC	NC	GEN
Single and two family dwelling	x	x	x	x	x	x
Double-wide mobile homes		x	x		x	x
Single-wide mobile homes			x		x	x
Mobile Home Park			sp		sp	sp
Multiple family dwelling	sp	sp	sp	sp	sp	sp
Boarding/rooming house	sp	sp	sp	sp	sp	sp
Nursing or convalescent home/Adult care facility	sp	sp	sp	sp	sp	sp
Residential cluster development	sp	sp	sp	sp	sp	sp

General Use

Essential services/public utilities	sp	sp	sp	sp	sp	sp
Public and semi-public buildings and grounds	sp	sp	sp	sp	sp	sp
Club				sp	sp	sp
Telecommunications tower			sp			sp

Commercial and Industrial Uses

Home Occupation	x	x	x	x	x	x
Day Care Center	sp	sp	sp	sp	sp	sp
Commercial Riding stables		sp	sp			sp
Golf Course		sp	sp		sp	sp
Retail Use				sp	sp	sp
Personal service business				sp	sp	sp
Offices				sp	sp	sp
Indoor recreation facility				sp	sp	sp
Laundromat or commercial laundry				sp	sp	sp
Retail gasoline outlet				sp	sp	Sp
Motor vehicle repair/body shop				sp	sp	sp
Restaurant/ food stand				sp	sp	sp
Tavern				sp	sp	sp
Motor vehicle sales				sp	sp	sp
Lawn and garden equipment sales, service				sp	sp	sp
Bank				sp	sp	sp
Health care facility				sp	sp	sp
Funeral Home				sp	sp	sp

Section—520—(continued)

Zones						
	HR	RR1	RR2	HC	NC	GEN
Bed and Breakfast				sp	sp	sp
Hotel or Motel				sp	sp	sp
Construction Business				sp	sp	sp
Excavations / Mining			sp		sp	sp
Adult Use or Entertainment Establishment						sp
Kennel / Animal hospital						sp
Campground						sp
Junk yard / Recycling Center						sp
Light industrial use						sp
Research and testing laboratory						sp
Warehousing / Distribution						sp
Trucking business						sp
Sawmill						sp
Racetrack for motorized vehicles						sp
Non-listed commercial or industrial uses similar in character to those allowed in the zone, as determined by the Board of Appeals				sp	sp	sp
Non-hazardous waste landfill, Waste disposal	Prohibited in all zones					
Hazardous waste disposal	Prohibited in all zones					
Solid or medical waste incinerator	Prohibited in all zones					
Slaughterhouse	Prohibited in all zones					
Airport (commercial and private)	Prohibited in all zones					

Other uses

Agriculture	x	x	x	x	x	x
Agriculture Business		sp	sp		sp	sp
Seasonal roadside stands for products on premises		sp	sp	sp	sp	sp
Private Riding Stables		x	x		x	x

Section 530 Dimensional Requirements

	Not Served by Public Water System	Served by Public Water System
<u>Single or Two Family Dwelling, Individually Sited Mobile Home</u>		
Minimum lot size	30,000 sq ft	22,500 sq ft
Minimum lot width	150 ft	150 ft
Minimum highway frontage	25 ft	25 ft
Minimum building setback		
Front	40 ft	15 ft
Side	15 ft	10 ft
Rear	20 ft	20 ft
Maximum Building height	35 ft	35 ft
<u>Multiple Family Dwelling</u>		
Minimum lot size		
First and second dwelling unit	30,000 sq ft	22,500 sq ft
Each additional unit	10,000 sq ft	5,000 sq ft
Minimum Lot width	150 ft	150 ft
Minimum highway frontage	25 ft	25 ft
Minimum building setback		
Front	40 ft	40 ft
Side	30 ft	30 ft
Rear	30 ft	30 ft
Maximum Building Height	35 ft	35 ft
<u>Commercial Use, General Use, Nursing Home, Adult Home Facility</u>		
Minimum lot size	1 acre	22,500 sq ft
Minimum lot width	150 ft	150 ft
Minimum highway frontage	50 ft	50 ft
Minimum building setback		
Front	50 ft	15 ft
Side	30 ft	15 ft
Rear	30 ft	20 ft
Maximum building height	35 ft	35 ft
Minimum Green space buffer (a)	30 ft	30 ft
<u>Industrial, Warehousing, Distribution, Trucking Uses</u>		
Minimum lot size	1 acre	1 acre
Minimum lot width	200 ft	200 ft
Minimum highway footage	50 ft	50 ft
Minimum building setback		
Front	50 ft	50 ft
Side	50 ft	50 ft
Rear	50 ft	50 ft
Maximum building height	35ft	35ft
Minimum Green space buffer (a)	50ft	50ft
<u>Agricultural Structures</u>		
Minimum building setbacks setback Front, Side, and Rear	50ft	50ft

(a) Required for portions of the lot bordering pre-existing residential properties

Section 540 Green Space Buffer

- A.** A minimum thirty (30) feet green space buffer alongside and rear property lines is required for all non-residential uses that border upon an existing residential property.
- B.** The green space buffer must be maintained as a vegetated area. No driveways, parking lots, or storage of materials or vehicles is permitted, nor shall the buffer be used as a work area.
- C.** For purposes of this section, an existing residential property is defined as any lot 5 acres or less in size for which the principle use is residential, and upon which a dwelling is located at the time of Special Use approval.
- D.** At the time of Special Use approval the Planning Board shall have the authority to reduce the minimum width of the green space buffer on any side without the issuance of a variance, provided that: (a) that side does not border upon an existing residential property, and (b) future development of adjacent properties is not impaired.

Section 545 Height Exceptions

The height limitations of Section 530 shall apply to structures except churches, chimneys, flagpoles, farm structures, and electrical transmission poles and lines.

Section 550 Measurement of Building Setbacks

When establishing measurements to meet required setbacks, measurements shall be taken from the road right-of-way or lot line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, and attached garages.

ARTICLE 6 - SUPPLEMENTAL REGULATIONS

Section 600 Signs

- A.** Each non-residential use located in a commercial or industrial zone shall be limited to one free standing sign not to exceed fifty (50) square feet in area, plus any number of signs applied to the face of a building provided that the total area of any such sign shall not exceed one square foot for each linear foot of building frontage on that side.
- B.** No free standing sign shall exceed 35 feet in height.
- C.** No sign attached to a building shall project higher than the wall of the building to which it is attached.
- D.** No sign will consist of lights which flash or move or appear to move.
- E.** No sign shall be higher than the principal building to which it is an accessory.
- F.** No general advertising signs unrelated to the permitted use of the premises are allowed.
- G.** No sign shall project into a public right-of-way.
- H.** The area of a sign shall be computed as including the entire surface within the frame of a sign. For a sign consisting of letters painted on or attached onto a building, the sign area shall be calculated by multiplying the average height of the letters by the distance between the first and last letters. In the case of a free standing sign with lettering on both the front and back, the areas of both sides of the sign shall not be added together for purposes of computing the total area of the sign. No sign shall be erected on a public utility pole or traffic control structure.
All existing signs at the time of enactment of this law shall be allowed to remain as long as they are properly maintained and their use remains current.

K. Temporary unlighted signs erected by and for non-profit organizations such as churches, American Legion, Boy Scouts, political organizations, etc. advertising suppers, banquets, benefits, fund raising sales, etc. may be erected for a forty (40) day period without permit in any district, provided that the sign will not constitute a traffic hazard and shall be removed within forty-eight (48) hours after the advertised event.

Section 605 Off-Road Parking

- A. All uses shall provide adequate off-street parking for all vehicles parked during typical peak use periods.
- B. Parking should be designed to eliminate the need to back out or to park on the shoulder of public roads.
- C. Violation is constituted by an observed overload of parking on to off-site areas neighboring property or road right-of-ways more than three times per month.
- D. A parking space shall not be less than 10 ft x 20 ft exclusive of access ways and driveways.
- E. Off-street parking areas shall provide access lanes to parking spaces. Parking areas for fifty (50) or more vehicles shall delineate fire lanes and include no parking markers and handicapped parking zones.
- F. No non-residential parking space shall be located within ten (10) feet of a side lot line.
- G. Existing uses must comply with off-road parking requirements if the use changes, if the use expands its gross floor area by twenty-five (25) percent or more during a three year period, or if the use is discontinued for a period of one year and seeks to be reestablished.
- H. In calculating the number of required parking spaces. Fractional portions shall be rounded to the nearest whole space.
- I. For uses not specifically listed in park K below, the requirement shall be the same as for the most similar, use listed, or as otherwise provided in this law.
- J. The Planning Board shall have the authority to reduce or increase the requirements stated in K below at the time of Special Use approval. Requirements may be reduced if the developer can demonstrate the need for fewer parking spaces.

K. Minimum parking standards:

Residential use, except senior citizen housing	2 spaces per unit
Senior citizen housing	1 space per unit
Professional offices	1 space per 200 sf of office area
Retail stores and service shops	1 space per 200 sf of gross floor area
Place of public assembly (eating and drinking Establishment, church, meeting hall, Funeral home, other)	1 space per 3 seats
Motel, Bed and breakfast	1 space per unit or sleeping room
Place of employment	1 space per employee

Section 610 Fences

- A. Fences and hedges shall not constitute a traffic hazard, and shall not obscure the line of sight of traffic.
- B. Fences shall be constructed at least 3 feet from side or rear property lines. Fences use for agricultural purpose shall be exempt from this equipment.
- C. Fences shall not be constructed in any portion of any public highway right-of-way.

- D. This part shall apply to fences constructed of solid material such that it might obstruct one's vision. That portion of a fence that is constructed forward of the minimum front building setback from highway right-of-way, as specified in Section 530 herein, shall be no higher than four (4) feet in height within HR and HC districts, and no higher than six (6) feet in all other districts. Fences used for agricultural purposes shall be exempt from this requirement.
- E. Fences shall not consist of unfinished, unpainted lumber such as pallet material. Fences must be painted and maintained so as not to present an unsightly appearance.

Section 620 Mobile Homes

- A. All mobile homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976) and any amendments and revisions thereto. The permit applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the mobile home by the manufacturer shall be presumptive evidence that the construction of a mobile home is in compliance with such standards.
- B. All mobile homes not located within an approved mobile home park shall be placed on a permanent foundation extending below the frost line, or upon a reinforced concrete slab at least five (5) inches thick which extends the full length and width of the mobile home which is placed upon it.
- C. Each mobile home shall be provided with anchors or tie-downs capable of securing the stability of the mobile home. Anchors/tie-downs shall be placed at least at each corner of the foundation or concrete slab.
- D. Each mobile home shall be provided with skirting to screen the space between the mobile home and the ground. Such skirting shall be of non-transparent durable material such as wood, stone, cement block, or vinyl, and shall not consist of wire mesh, bales of hay, or transparent plastic. Such skirting shall be installed within 90 days of occupancy.
- E. Any existing mobile home may be replaced with a mobile home of larger size without obtaining a variance as prescribed by Section 660 of this law, provided that : (1) a permanent concrete slab as required by part B above is placed beneath the full length and width of the larger mobile home and (b) the extent of any existing non-conformity with minimum building setbacks is not increased.
- F. Tires, pieces of metal, boards, cement blocks, bricks and similar loose objects shall not be placed upon a roof of a mobile home.
- G. No mobile home may be used for any purpose other than for a single family residence. A mobile home may not be used as a storage building.

Section 625 Camping Trailers

It is the intent of this law that camping trailers shall not be used as a permanent residence. Camping trailers shall not be occupied on an overnight basis except at an approved camping ground, or, with the consent of the owner, for a period not exceed six (6) months on private land provided all health standards are met.

Section 630 principal Building Per Lot

There shall be only one principal building per lot on a residential lot, except as a cluster development approved pursuant to Section 785 herein. A principal building means the building used as dwelling quarters, and does not include accessory structures. Two or more residential units which are attached and share a common wall, such as attached townhouse units or a row type building, shall be deemed to be a single principal building.

Section 635 Keeping of Junk

No junk as defined herein shall be located so as to be visible from any public road or from any neighboring residential property.

Section 645 Seasonal Roadside Stands.

Seasonal roadside stands shall be located at least ten (10) feet from any public highway right-of-way. Entry, exit and parking shall not constitute a traffic hazard.

Section 645 Home Occupations

- A. Not more than one person other than members of the immediate family occupying such dwelling shall be employed as part of the home occupation.
- B. A home occupation must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.
- C. No more than twenty-five (25) percent of the gross floor area of such residence shall be used for the conduct of a home occupation. No more than twenty five (25) percent of the floor area of an accessory structure shall be used for home occupation.
- D. In no way shall the appearance of the structure be altered or the operation within the residence be conducted in a manner which would cause the residence to differ from its residential character either by use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
- E. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or avocation not conducted for gain or profit or machinery or equipment which is essential in the conduct of the home business.
- F. No outside storage of equipment or outside storage of goods used in the home occupation shall be permitted.
- G. One (1) sign shall be permitted not to exceed 2' X 2' dimension. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- H. One (1) commercial type vehicle may be used in connection with the home occupation and be parked on the property.
- I. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exist.
- J. A home occupation shall not be interpreted to include the following; commercial stables and kennels, restaurants, musical and dancing instruction to groups exceeding four (4) pupils, convalescent home, mortuary establishments, garages and shops for the repair of motor vehicles and other trades and businesses of a similar nature.

Section 650 Existing Undersized Lots of Record

- A. Any recorded lot held in single and separate ownership prior to the adoption of these regulations and whose prior area and/or width and/or dept are less than minimum requirements specified herein for the district, shall be considered as complying with these regulations and no variance therefore shall be required, provided that: (1) such lot does not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for that district, and (2) the minimum yard requirements set by these regulations are met for the new structure.

- B. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.
- C. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property.

Section 660 Non-conforming Uses, Lots, and Structures

Lots, structures, uses of land and structures and characteristics of use which lawfully existed at the time of the enactment of these regulations and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions.

- A. **Intent**—It is the intent of these regulations to permit non-conforming uses to continue until they are removed, but not encourage their survival.
- B. **Enlargement**—No non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of these regulations.
- C. **Unsafe Structure**—Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- D. **Alteration**—A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost 50 percent of the current assessed value of said structure, unless the structure shall be changed to a conforming use.
- E. **Restoration**—A non-conforming structure damaged by fire or other causes to the extent of more than the statement of its current assessed value may be repaired or rebuilt to the original dimensions, but only within one year of the damage.
- F. **Discontinuance**—Whenever a non-conforming use has been discontinued for a period of one (1) year, use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations.
- G. **Changes**—Once changed to conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.
- H. **Displacement**—No non-conforming use shall be extended to displace a conforming use.
- I. **Moving**—Should any structure be moved for any reason any distance, it shall thereafter conform to the requirement for the district in which it is located after it is moved.

ARTICLE 7 - SPECIAL USE REGULATIONS

Section 700 Standards applicable to all special Permit uses

All uses that require special use approval as provided herein shall be subject to the following standards.

- A. **Impact upon Surrounding Properties.** The proposed use shall not cause a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water or groundwater contamination, air pollution, drainage, visual impact, excessive night time lighting, creation of a safety hazard, or risk of fire or explosion.
- B. **Vehicular Access.** Proposed vehicular access points shall be adequate in width, grade, alignment and visibility; not located too near road intersections or place assembly; and meet similar safety considerations.

- C. Emergency Vehicle Access.** All proposed buildings, structures, equipment and materials shall be readily accessible for fire and police protection.
- D. Sight Distance at Entry and Exit.** To the extent practicable, intersections with and entries onto any public road shall be designed to that minimum safe sight distances and other standards set forth in "Policy and Standards for Entrances to State Highways" State of New York Department of Transportation publication number M.A.P. 7.12-34, shall be maintained. As set forth in the above cited publication, the minimum unobstructed line of sight in each direction at the entrance to a public road shall be as follows:

Design Speed <u>Of Highway</u>	Left <u>Turn</u>	Right <u>Turn</u>
30 mph	396 feet	286 feet
40 mph	583 feet	484 feet
50 mph	814 feet	700 feet

Said distances shall be measured from the point of entry onto the public road. (Said distances represent the safe braking distance for traffic along the public road.)

- E. Screening.** The following uses shall be substantially screened from view of pre-existing neighboring residential properties at all seasons of the year by vegetation or by fencing of a design and type approved by the Planning Board: industrial uses, trucking, warehousing, retail gasoline sales, motor vehicle repair shops, campgrounds, excavations, junkyards, and any use which in the judgment of the Planning Board may have an adverse visual impact upon neighboring properties. Parking and loading areas which may in the judgment of the Planning Board have an adverse visual impact upon neighboring residential properties shall be reasonably screened by vegetation or by fencing at all seasons of the year from the view of such properties.
- F. Drainage and Erosion Control.** Adequate provision shall be made for drainage of the site, and to insure that storm water runoff does not create an adverse impact upon nearby lands or waterways. Appropriate erosion control measures shall be taken to prevent the pollution of waterways by silt and sediment.
- G. Lighting.** Exterior lighting shall not be directed so that it shines onto adjoining residential properties or onto public roads. High intensity lighting shall be minimized.
- H. Utilities and Municipal Services.** Adequate provision shall be made for water supply and sewage disposal, electrical service, and solid waste disposal.

Section 710 Industrial, Warehousing, and Trucking Uses

- A.** No dust, smoke, smog, observable gas, fumes or odors, or other atmospheric pollution, objectionable noise, glare or vibrations shall not be discernible beyond the property line.
- B.** There shall be no hazard of fire or explosion to any adjacent building or to any plant growth on any land adjacent to the site.
- C.** All industrial processes shall take place within an enclosed building. Incidental storage out of doors may be permitted provided that shielded from view from public streets, adjacent off-street parking areas and adjacent non-industrial districts by fencing, landscaping or other appropriate measures.
- D.** All uses permitted shall set aside not less than ten (10) percent of the lot to be devoted to seeding, planting, retention of tree cover, or other landscaping. This area shall be used for no other purpose.

- E. Each use shall provide loading and unloading areas in an amount sufficient to permit the transfer of good and products in other than a public street, off-street parking area or front yard.
- F. Parking areas may be located in any of the required yard areas provided they are not less than fifty (50) feet from a right-of-way line or twenty (20) feet from a property line.

Section 715 Campgrounds

- A. Campgrounds shall be occupied only by travel trailers, pick-up coaches, motor homes, camping trailers, recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation, and recreational purposes. The removal of wheels and placement of a unit on a foundation in a camping ground is prohibited.
- B. Minimum site area: fifteen (15) acres.
- C. Not more than ten (10) travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.
- D. A camping ground shall be so located that no entrance or exit from a site shall discharge traffic into any residential area nor require movement of traffic from the camping ground through residential area. A camping ground shall have minimum of one hundred fifty (150) feet of frontage on a public street.
- E. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion of the camping grounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- F. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries, and other uses and structures customarily incidental to the operation of camping grounds are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions.
 - (1) Such establishments and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the camping ground. Such establishments shall be restricted in their use to occupants of the camp ground.
 - (2) Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character which would attract customers other than occupants of the camping ground.
 - (3) The structure housing such facilities shall not be located closer than one hundred (100) feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the camping ground.
- G. Plans for sewage disposal and water supply shall be designed in accordance with standards promulgated by the New York State Department of Health and/or Environmental Conservation, and shall receive approval from said agencies.
- H. Streets in camping grounds shall be private, but shall be constructed with stabilized travel way and shall meet the following minimum stabilized travel way width requirements:

One way, no parking	12 feet
One way with parking on one side,	
Or two way with no parking	18 feet
Two-way with parking on one side	27 feet
Two-way with parking on both sides	34 feet
- I. Each travel-trailer site shall be at least two thousand five hundred (2500) square feet in area and have a minimum width of forty (40) feet.

- J. A minimum of eight (8) percent of the gross area for the camping ground shall be set aside and developed as common use areas for open or enclosed recreational facilities. No travel-site, required buffer strip, street right-of-way, storage area, or utility site shall be counted as meeting recreational purposes.
- K. Entrances and exits to camping grounds shall be designed for safe and convenient movement of traffic into and out of the camping ground and to minimize friction with movement of traffic on adjacent streets. All traffic into or out of the camping ground shall be through such entrances and exists. An adequate lighting system shall be provided for the camping ground.
- L. All utilities shall be underground.
- M. Not less than one (1) covered twenty (20) gallon garbage receptacle shall be provided for each camp site. Garbage and rubbish shall be collected and disposed of as often as may be necessary to insure sanitary conditions.
- N. All applicable sanitations standards promulgated by the State of New York shall be met.
- O. Setbacks. Each building or structure within a camping ground shall comply with the setback regulations applicable to the zoning district in which the camping ground is located, except that travel-trailers, campers, tents, motor homes and the motor vehicles propelling or carrying the same may be located not closer than fifteen (15) feet to any side or rear lot line nor closer than sixty (60) feet to any front lot line.

Section 720 Clubs

- A. Landscaping areas or screening adequate to protect adjacent properties and land uses shall be provided on all side and rear lot lines.
- B. Minimum parking shall be one (1) per employee and one (1) per each three (3) members.

Section 725 Day Care Centers

- A. Minimum outdoor play area of 100 square feet per child, or evidence of approval of outdoor play area from NYS Department of Social Services.
- B. Outdoor play areas must be appropriately fenced in or otherwise protected from roads or nearby properties.
- C. No outdoor play equipment may be placed within ten (10) feet of any property line, fence or structure.
- D. Minimum parking shall be one (1) space per employee plus 1 (1) space per each ten (10) children.
- E. All state codes and regulations must be complied with.

Section 735 Essential Services

- A. The proposed installation of an essential service in a specific location must be necessary and convenient for the efficiency of the essential service, or the satisfactory and convenient provision of service to the area in which the particular use is located.
- B. The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in district in which it is to be located.
- C. Adequate landscaping will be provided to create a visual and sound buffer between such facilities and adjacent property.

Section 740 Excavations

- A.** The applicant shall furnish evidence of a valid permit from the New York State Department of Environmental Conservation pursuant to Title 27, Article 23 of the Environmental Conservation Law when applicable.
- B.** Minimum lot area: ten (10) acres
- C.** All buildings and excavation operations shall be located or shall occur not less than one hundred (100) feet from any street or property line.
- D.** All equipment used for excavations and processing shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practical, noises and vibrations, and dust conditions which are injurious or a nuisance to persons living in the vicinity.
- E.** All operations shall be conducted between the hours of seven o'clock in the morning (7:00a.m.) and six o'clock in the evening (6:00 P.M.) with no Sunday or holiday operations, and except in the case of public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.
- F.** All land which has been excavated must be rehabilitated in accordance with reclamation plans approved by the Planning Board as part of the site development plan review and approval process within one (1) year after the termination of operations, at the expense of the operator.
- G.** A performance bond or some other financial guarantee shall be required to assure that the conditions stipulated in the approval of the special use permit are carried out.
- H.** The Planning Board shall consider the following criteria in their review of the special use permit request.
- I.** The current use of property proposed to be excavated as well as the proposed use of the area subsequent to completion of the excavation and restoration thereof.
 - (1)** The potential short-term effects of the proposal on the aesthetics and environment of the area or of surrounding areas.
 - (2)** The effect on the property of the proposal that may change the productivity of suitability of the land for agricultural purposes and/or the desirability for future development purposes.
 - (3)** The amount of time, as estimated by the applicant that will be required for the completion of the proposed excavation and the restoration of the property.
 - (4)** Noise and/or vibrations that may be created by the proposed operation.
 - (5)** Additional traffic that may be created by the proposed operation. Deleterious effects, if any, on the property in the general area of the proposed operation.
 - (6)** All other criteria that may be relevant to a proposed operation.
- J.** Special permits for excavation operations are of one (1) year duration. Upon reapplication, the Zoning Enforcement Officer may grant a special permit renewal if all conditions of the original permit are complied with.
- K.** No persons, firm or corporation shall strip, excavate, or otherwise remove top soil for sale or other use other than on the premises from which it was taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereof. Any area of land consisting of more than one (1) acre from which top soil has been removed or covered over by fill shall be seeded to provide an effective cover crop within the first growing season following the start of said operation.

Section 745 Junk Yards.

Junk yards, as defined herein, shall comply with all the provisions of the "Ordinance Regulating Automobile Junkyards in the Town of Schuylar Falls" and any amendments thereto.

Section 750 Kennels and Animal Hospitals

- A. Minimum lot size: five (5) acres
- B. Adequate landscaping or fencing shall be provided to create a visual, sound and smell buffer between such facility and adjacent property.
- C. All buildings. Structures or other accessory uses shall be at least seventy-five (75) feet from any property line.
- D. No animals shall be kept, either indoors or outdoors, within 500 feet of any neighboring residential structure that was in existence at the time that the kennel became a legally established use.
- E. All animals, except livestock, shall be kept within a totally enclosed building between 9 p.m. and 6 a.m.

Section 755 Mobile Home Parks

All Mobile Home Parks shall be in accordance with the town ordinance entitled “The Ordinance Regulating Mobile Home Parks in the Town of Schuyler Falls”.

Section 760 Multiple Family Dwellings

- A. These regulations apply to both condominiums and rental units.
- B. Off-street parking shall be provided in the amount of two (2) spaces for each unit. No boats, campers, travel trailers, recreational vehicles, or unregistered and unlicensed motor vehicles shall be parked at any place in multiple family development except in areas designated and approved for such storage as part of the site plan approval.
- C. The aggregate lot coverage of multiple-family dwelling developments shall not exceed thirty (30) percent of the total lot area.
- D. At least 10% of the total lot area shall be set aside for recreation.

Section 765 Condominiums

- A. Requirements of this law, including use restrictions and dimensional requirements, shall be determined by the physical form and proposed use of the development, not by the form of ownership.
- B. A multiple family dwelling which is also a condominium development shall meet the standards for a multiple family dwelling.
- C. A single family housing development which is also a condominium development shall meet the lot size and setback requirements for single family dwellings, and its design and layout shall be approved by the Planning Board in accordance with the Town of Schuyler Falls land Subdivision Ordinance.
- D. A cluster development which is also a condominium development shall comply with the regulations for cluster development as provided herein.
- E. All state regulations pertaining to the creation of a condominium declaration and offering plan, and the formation of a Board of Managers for commonly owned property shall be complied with.

Section 770 Motor Vehicle Repair Shops

- A. Minimum lot size in all zoning districts shall be 1 acre.
- B. Minimum lot width in all zoning districts shall be 200 feet.
- C. Entrance and exit driveway shall have an unrestricted width of not less than twenty-five (25) feet and not more than thirty (30) feet, and shall be located not nearer than ten (10) feet from any property line, and shall be designed as to avoid the necessity of any vehicle backing out onto any public right- of-way.

- D. No more than twenty (20) motor vehicles being serviced or repaired shall be stored or parked outdoors for more than 48 hours, and these shall be in areas effectively screened from all property lines. All such vehicles shall be stored in a neat, orderly manner.

Section 775 Public and Semi-Public Buildings and Grounds

- A. Landscaped areas at least fifteen (15) feet in width or other suitable screening, shall be provided for the entire length of any lot line adjacent to any residence or adjacent street.
- B. No structure of use shall be located within fifteen (15) feet of any adjacent property line.
- C. Parking areas shall not be within fifteen (15) feet of any property line.

Section 780 Retail Gasoline Outlet

- A. Minimum lot frontage: 150 feet.
- B. Entrance and exit driveways shall have a width of not less than twenty-five (25) feet and not more than thirty (30) feet, and shall be located not nearer than fifteen (15) feet from any property line, and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.
- C. Gasoline pumps shall be located not less than twenty (20) feet from the street line and not less than thirty (30) feet from all other property lines.
- D. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- E. Any repair of motor vehicles shall be performed in a fully enclosed building and no more than two (2) motor vehicles shall be offered for sale on the site at any one time.
- F. No motor vehicle parts, or partially dismantled motor vehicle shall be stored outside of an enclosed building.

Section 785 Telecommunication Towers

- A. **Application.** All applications for a telecommunications tower shall include the following.
 - (1) A site plan as required by Section 820 above, signed by a New York State Licensed professional engineer that shall include a description of any lighting on the proposed tower.
 - (2) Justification for: (a) the height of any tower or antennae or (b) for any land or vegetation clearance, and (c) for any lighting.
 - (3) A-completed full Environmental Assessment Form. (EAF).
 - (4) A-completed Visual Environmental Assessment For (Visual EAF Addendum), including consideration of night time visibility if lighting on the tower is proposed
 - (5) The Planning Board may require a more detailed visual impact assessment, which may include:
 - (a) A "Zone of Visibility Map" showing locations from which the tower may be seen, including night time visibility if lighting on the tower is proposed.
 - (b) Pictorial representations of "before and after" views from key viewpoints both inside and outside of town, including but not limited to state highways, and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The board shall determine the appropriate key sites at a pre-submission conference with the applicant.
 - (c) Assessment of the visual impact of the tower base, guy wires, accessory buildings from abutting properties and streets.

B Shared Use.

- (1)** At all times, shared use of existing towers shall be preferred by the Town to the proposed construction of new towers. Additionally, where such shared use is unavailable, location of antenna on pre-existing structures shall be considered. An applicant shall be required to submit a detailed report inventorying existing towers within reasonable distance (2-4 miles) of the proposed new tower site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction.
- (2)** An applicant intending to share use of an existing tower or structure shall be required to document in writing the intent from an existing tower or structure owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening and other changes including real property acquisition or lease required to accommodate shared use.
- (3)** In the case of proposing construction of new communications towers or structures, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use of existing towers or structures. Copies of written requests and responses for shared use inquiries shall be provided.
- (4)** The applicant shall examine the feasibility of designing a proposed communication tower to accommodate future demand for two (2) additional commercial applications (the tower must be structurally designed to accommodate two additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference) and for personal communications systems or commercial broadcasting and reception facilities as requested by the town. The scope of this analysis shall be determined by the Planning Board during the referral period, made in accordance with Article 8 of the Town Zoning Law. This requirement may be waived, provided that the applicant demonstrates that the provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon:
 - (a)** The number of FCC licenses foreseeable available for the area.
 - (b)** The kind of tower site and structure proposed.
 - (c)** The number of existing and potential licenses without tower spaces/sites.
 - (d)** Available spaces on existing and approved towers and
 - (e)** Potential significant adverse visual impact by a tower designed for shared use.

- C. Setbacks.** Telecommunication towers shall be set back from all property lines a minimum distance equal to one-half (1/2) of the height of the proposed tower or 50 feet, whichever is greater. Accessory structures and guy wires shall be set back a minimum distance of 50 feet from all property lines.
- D. Minimum distance from Residential Buildings:** No new telecommunications tower, or accessory structure or guy wire thereto, shall be constructed within five hundred (500) feet of any existing residential building.
- E. Visibility.** Communication Towers shall not be artificially lighted or marked except to assure human safety as required by the Federal Aviation Administration (FAA). Communication Towers shall be a galvanized finish or painted gray above the surrounding tree line, and painted an appropriate color to harmonize with the surroundings below the tree line unless other standards are required by the FAA. Structures offering slender silhouettes (i.e. monopoles or guyed tower) shall be preferable to free-standing structures except where such free-standing structures offer capacity for future shared use.

Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

- F. Height.** The maximum height of a new telecommunications tower shall be one hundred (100) feet. The Planning Board in its Conditional Use review shall have the authority to modify this height requirement without the issuance of a variance provided that the increased height is justified by the applicant.
- G. Airport Flight Paths.** No antenna or tower shall interfere with the flight path of aircraft landing at or departing from the Clinton County Airport, and shall comply with all applicable Federal Aviation Regulations. The Clinton County Airport manager shall be contacted to determine whether the tower or antenna will be in compliance with flight path regulations, and to determine what permits or forms, if any, are required.
- H. Screening.** At their discretion, the Planning Board may require the planting of vegetation screening sufficient to provide a continuous hedge ten feet high within two years of planting in order to effectively screen the tower base and accessory structures from view of surrounding properties.
- I. Security.** Communication Towers and antenna (e) shall be located, fenced or otherwise secured in a manner which prevents unauthorized access by the general public. Specifically:
- (1)** All antenna communication towers, antenna towers, monopoles, and other supporting structures including guide wires shall be made inaccessible to children and constructed or shielded in such a manner that they cannot be climbed or run into by recreational vehicles or bicycles.
 - (2)** Transmitters and communication control points shall be installed such that they are accessible only to persons authorized by the licensee to operate or service them.
 - (3)** Transmitters and communication control points shall be designed and installed such that any adjustments or controls that could cause the transmitter or communications device to deviate from its authorized operating parameters are accessible only to persons authorized by the licensee to make such adjustments.
 - (4)** Transmitters and communication control points shall be designed such that in the event an unauthorized person does gain access, that person cannot cause the transmitter or communication device to deviate from its authorized operating parameters in such a way as to cause interference to other authorized communications services.
- I. Signage.** Telecommunication towers shall be permitted one sign no larger than two (2) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from access point to site. No other signage shall be permitted on any antenna(s), antenna(s) supporting structure, monopole, or communication tower—structure unless required by Federal or State regulations.
- J. Removal Upon Abandonment.** In the event a telecommunication tower and/or accessory facility is no longer used for the purpose specified in the application or the telecommunication tower and/or accessory facility ceases operations for a period of one hundred and eighty (180) days, the applicant, its successors or assigns, shall dismantle and remove such tower structures and facilities from the site and restore the site to its original condition within ninety (90) days of receipt of written notice from the Town Board. If the owner of the property upon which the telecommunication tower is located wishes to retain any access roadway to the telecommunication tower, the owner may do so with the approval of the Planning Board.

The applicant and the owner of record of the premises may be required to execute and file with the Town a bond or other form of security acceptable to the Town Attorney and Town Financial Officer as to form and manner of execution in an amount sufficient for the faithful performance of the terms and conditions of this local law, the conditions of the permit or approval issued hereunder, for the observations of all town local laws or ordinances, to cover the maintenance of the tower during its lifetime and provide for its removal. The amount required shall be determined by the Planning Board. In the event of default upon the performance of any such conditions or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the removal of the transmission tower, telecommunications tower, communication installation, free-standing tower, accessory facility/structure, and site restoration.

Section 790 Adult Use and Entertainment Establishments.

- A.** No adult use and entertainment establishment shall be located: (a) within 500 feet of the boundary of any residential zoning district, or (b) within 500 feet of the property line of any preexisting residential property, church, synagogue or other place of worship, school, day-care facility, park, or playground.
- B.** The adult use shall be conducted entirely within an enclosed building. No “specified anatomical area” or “specified sexual activity” (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
- C.** No outside displays or advertising other than an approved sign shall be permitted.
- D.** The serving of alcoholic beverages shall be prohibited unless specifically permitted by the Planning Board in their review of the Special Use application.

Section 795 Cluster Development

- A.** The use of cluster development, whereby buildings are grouped together on smaller than normal lots and portions of the site are set aside as permanent open space, is permitted subject to the following standards.
- B.** Minimum lot size, minimum lot width, and minimum building setbacks as specified on Article 530 of this law may be reduced provided that:
 - (1)** Three (3) or more dwellings or principal structures are proposed to be placed on a single lot, or a subdivision of three (3) or more lots in single ownership or in ownership by a group or three or more owners acting in concert, is involved.
 - (2)** For residential developments, the total number of dwellings permitted on the site does not exceed the number which would otherwise be permitted by application of the required minimum lot size for single family dwellings to the site. Wetlands shall be excluded in determining the number of dwellings permitted on the site.
 - (3)** The number of principal structures proposed to front on existing Public Street does not exceed the number which could otherwise front upon such streets in a conventional subdivision layout designed in compliance with minimum lot width requirements.
 - (4)** All proposed land uses within the cluster development are listed as either permitted uses or as special uses in the land use district where the development is located.
 - (5)** Open area within the site are chosen so as to facilitate one or more of the following objectives: to preserve views, to provide recreation areas, to serve as a buffer between neighboring properties or streets, to preserve wooded areas, and hedgerows. And to preserve other areas which add to the quality of the residential environment, or to protect environmentally sensitive features such as providing green space buffers for streams.

- (6) Provision, whether by deed restriction, covenant, or other legal arrangement, is made to ensure that the undeveloped portion of the parcel remain as permanent open space or recreation area:
- (a) Designated open space areas may be owned privately by individuals. Adequate provision shall be made by covenant, deed restriction or other legal means to insure that future owners are aware of the development restrictions upon such areas.
 - (b) Open space or recreation areas may be owned in common by individuals within the subdivision. In such case, covenants or other legal arrangements shall specify ownership of the cluster open space, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions, and any other specifications deemed necessary by the Board of Appeals.
 - (c) Open space or recreation areas may be deeded to the Town upon approval by the Town Board.
- C. Cluster development review and approval shall be undertaken simultaneously with subdivision plat review and approval. All Provisions of New York State Town Law, Section 278 shall apply.
- D. In their approval of site plans for cluster development the Planning Board shall maintain accurate records and maps showing the location of permanent open spaces. No further development upon the designated open spaces shall be permitted.

ARTICLE 8 - SPECIAL USE REVIEW AND SITE PLAN APPROVAL

Section 800 Applicability

All uses listed as Special Uses in Article 5 herein shall require the approval of a Special Use permit by the Planning Board before a Zoning Permit may be issued by the Enforcement Officer.

Section 810 Authorization

The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove proposed Special Uses in accordance with the standards set forth in Article 7 herein. A Special Use may be disapproved if in the judgment of the Planning Board one or more of the standards stated in Article 7 cannot be met for the particular proposal under review.

Section 815 Site Plan Approval

- A. As part of their review and approval of a Special Use, the Planning Board review and approve a site plan for the proposed use.
- B. In addition to the special uses, site plan approval is also required for any use except for single family dwellings and their customary accessory structures.

Section 820 Application for Special Use and/or Site Plan Approval

All applications for Special Use approval and/or Site Plan approval shall consist of the following:

- A. Two copies of a site plan map, drawn to scale, to include as applicable:
 - (1) title of drawing, including name and address of applicant 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 and bodies of water;
 - (5) location of any slopes of 5% or greater;

- (6) proposed grading and drainage;
- (7) location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls, and fences;
- (8) location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site;
- (9) location of outdoor storage, if any;
- (10) description of the method of sewage disposal and location of the facilities;
- (11) identification of water sources; if well, locate;
- (12) location, size and design and construction materials of all proposed signs;
- (13) location and proposed development of all buffer areas, including existing vegetative cover;
- (14) location and design of outdoor lighting facilities;
- (15) landscaping plan designed to screen neighboring residential properties from adverse visual impacts

The Planning Board may, at its discretion, require that such site plan be prepared by licensed engineer or architect for more complex, costlier, or larger projects.

B. Accompanying data, to include the following as applicable

- (1) Applications form and fee.
- (2) Name and address of applicant and any professional advisors.
- (3) Property deed, or authorization of owner if applicant is not owner of the property.
- (4) Short Environmental Assessment Form.
- (5) Any additional endorsements, certifications or approvals required by the Planning Board.
- (6) Other information as the Planning Board may reasonably require to assess the proposed project; such as location of fire lanes and hydrants, provisions for pedestrian access, or designation of the amount of building area proposed for use for retail sales or other commercial activity.

Section 825 Waiver of Subdivision Requirements

The Planning Board may waive certain submission requirements in the case of minor projects of an uncomplicated nature.

Section 830 Review Procedure for Special Use Approval

- (1) **Referral to Planning Board.** The Zoning Enforcement Officer shall refer the completed special permit application to the Town Planning Board within (10) days after receiving a completed application.
- (2) **Preliminary Review.** The Planning Board shall undertake a preliminary review of an application at its first regularly scheduled monthly meeting after the application is submitted. At the review, the Board shall determine whether the application is complete. If the application is deemed to be incomplete, then the applicant shall be notified in writing of what further information is required. If the application is considered to be complete, then the Board shall proceed to schedule a public hearing.
- (3) **SEQRA.** Pursuant to the New York State Environmental Quality Review Act (SEQRA) the Planning Board in their initial review of an application shall: (1) determine that no further action is necessary to fulfill the requirements of said act, or (2) require that the applicant submit a Full Environmental Assessment Form (EAF) for their review. Upon review of the Full EAF the Planning Board shall issue either a negative or positive declaration. The application shall not be considered complete until the requirements of SEQRA are fulfilled.
- (4) **Hearing.** The Planning Board shall conduct a public hearing on the application within sixty-two (62) days of the receipt of a completed application. Notice of said hearing shall be printed in a

newspaper of general circulation in the town at least five (5) days prior to the date of the hearing. Certain actions require that notice of the hearing be mailed to the Clinton County Planning Board ten (10) days prior to conducting the hearing, as further specified in Section 1040 herein.

- (5) **Decision.** The town Planning Board shall render its decision either approving, approving with conditions, or denying the application within sixty-two (62) days after the hearing, unless an extension is mutually agreed upon.

Section 835 Procedure for Site Plan Approval

The procedure for approval site plans shall be the same as for approval of special uses, except that the public hearing shall be optional for those applications that require only site plan approval and not special use approval. In such case, a hearing may be held at the discretion of the Planning Board.

Section 840 Procedure if variance is required

Should an application require both a variance and a special permit and/or site plan approval, then the Zoning Board of Appeals shall have the authority to approve the special permit and site plan at the time of granting the variance. Planning Board approval of special use permits and site plans shall not be required in such instance, but the Zoning Board shall supply the Planning Board with a copy of the application materials and a record of their findings.

Section 845 Findings

- A. The Town Planning Board may approve a special permit for uses in provided that all requirements and conditions set forth in Article 7 herein are complied with.
- B. The Planning Board shall make written findings for each special permit decision. Findings shall state the reasoning behind the decision.

Section 850 Site Plan Review Considerations

- A. In addition to Special Use approval criteria, the Planning Board's review of the site plan shall include, as appropriate, the following:
 - (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersection, road widths, pavement surfaces, dividers and traffic control.
 - (2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (4) Location, arrangement, size and design and general site compatibility of buildings, lighting and signs.
 - (5) Adequacy of storm water and drainage facilities.
 - (6) Adequacy of water supply and sewage disposal facilities.
 - (7) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.
 - (8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
 - (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.
 - (10) Protection of solar access on adjacent or neighboring properties.
 - (11) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

- (12) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

B. **Consultant Review.** The Planning Board may consult with the town building inspector, fire commissioner, highway department, county planning department, and other local county officials, in addition to representatives of federal and state agencies including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation; If funding is available, it may hire consultants to assist in reviews.

Section 855 Conditions

In their review of a proposed special permit use the Planning Board may impose any conditions it deems necessary to serve the interests of the public health, safety and general welfare, and to improve compatibility with surrounding properties. Such conditions may include, but shall not be limited to:

- (1) Requiring landscaping or vegetative screening.
- (2) Increasing building setback.
- (3) Limiting the size of buildings, parking areas or facilities.
- (4) Specifying the location and design of entrances, exits, and off-street parking space.
- (5) Requiring that materials be stored indoors or certain activities be conducted indoors.
- (6) Limiting hours of operation to reduce noise impacts.
- (7) Requiring noise barriers.
- (8) Requiring storm water retention ponds or other drainage and pollution control devices.

ARTICLE 9 - VARIANCES AND APPEALS

Section 900 Board of Appeals

The Zoning Board of Appeals (ZBA) shall have the authority to review and approve request for variances. To hear appeals from a decision of the Zoning Enforcement Officer, and to decide any question involving the interpretation of a provision or definition contained in this law.

Section 910 Application

A party may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the Board. The applicant shall include a copy of the tax map which shows the property; a map drawn to scale showing existing features and the planned variance; and other drawings or information the Board of Appeals deems necessary.

Section 920 Variance Policy

The granting of variances shall be principally for those seeking an area variance. A use variance shall only be granted if the provisions of Section 940 of this law are strictly met.

Section 930 Requirements for Area Variances

A. Area variances may be granted where the dimensional or physical requirements of this law cannot be reasonably met, including but not limited to: minimum lot size, minimum lot width, minimum road frontage, minimum side and rear yards, minimum green space buffer, maximum lot coverage by buildings, maximum height of buildings, size or height of signs and screening requirements.

- B. In making its determination the ZBA 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. In making such determination the board shall consider:
- (1) Whether an undesirable change in the character of the neighborhood will be produced or a detriment to nearby properties will be created by 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 variance is substantial.
 - (4) Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood.
 - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- C. Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

Section 940 Requirements for Use Variances

- A. A use variance may be granted to allow land to be used for a purpose which is otherwise not permitted by this law.
- B. No such use variance shall be granted by the Board of appeals without a showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals all the following:
- (1) For each and every permitted use or special permitted use within the zone where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial and is established by competent financial evidence.
 - (2) That the alleged hardship relating to the property in question is unique, and does not apply to 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. Any use variance granted shall be the minimum necessary to address the unnecessary hardship proven by the applicant.

Section 950 Approval of Variances with Conditions

In the granting of variances the Board of Appeals shall have the authority to impose such reasonable conditions as are related to the use of the property, and/or the period of time the variance shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 960 Appeals of a Decision by the Zoning Enforcement Officer (ZEO)

- A. Any appeal from a decision of the ZEO shall be made within sixty (60) days after the ZEO files said decision.

- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Appeals that by reason in the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record.

Section 980 Review and Approval Procedure

Upon receipt of a complete application the ZBA shall:

- (1) Schedule a public hearing within sixty-two (62) days and provide notice of such hearing by publication in a newspaper of general circulation in the town at least five (5) days prior to the date thereof.
- (2) Refer the application to the Clinton County Planning Board, if required, at least five (5) days prior to the hearing. (See Article 10 herein)
- (3) The Board of Appeals shall conduct a public hearing on the matter.
- (4) Within sixty-two (62) days of the final public hearing, the ZBA shall render a decision. Said time period may be extended by mutual consent of the applicant and the Board.
- (5) All decisions shall be in writing, shall be filed with the Town Clerk within five (5) business days of the decision, and a copy thereof shall be proved to the applicant.

ARTICLE 10 - ADMINISTRATION

Section 1000 Zoning Enforcement Officer (ZEO)

The duty of administering and enforcing the provisions of this Law are hereby conferred upon the Zoning Enforcement Officer. He shall be appointed by the Town Board and receive compensation as the Town Board shall determine.

Section 1010 Duties of the Zoning Enforcement Officer

- A. **Administer the Zoning Law.** The Zoning Enforcement officer shall review all applications for building permits and, if the minimum requirements of this law are met, he shall issue a permit. If the applicant's plans do not meet the Zoning requirements, he must deny the permit. The Zoning Enforcement officer may not use discretionary judgment. He must enforce the "Letter of the Law".
- B. **Referral to the Zoning Board of Appeals.** An applicant, after he has been denied a building permit, may appeal the Zoning Enforcement Officer's findings to the Zoning Board of Appeals (ZBA) for an interpretation or variance. Should an appeal be requested the Zoning Enforcement Officer shall notify the Secretary of the ZBA of the request and forward all necessary supporting information.
- C. **Referral to 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 Secretary of the Town Planning Board along with all supporting information.
- D. **Site Zoning Violations.** For any plans, construction, building, use or premise found in violation of this Law, the Zoning Enforcement Officer shall order the responsible party, in writing, to remedy the conditions. He shall have the authority to secure from the Town Justice a stop order to restrain the continuance of the violation.

- E. **Report to Town Board.** A monthly report to the Town Board describing and enumerating actions taken and permits issued shall be given.
- F. **Public Record.** The Zoning Enforcement Officer shall file all permit actions, including all correspondence with regard to violations, with the Town Clerk.

Section 1025 Planning Board

- A. The Town Board may select a Chairman of the Planning Board, or on failure to do so, the Planning Board shall elect a chairman from its own members.
- B. The Planning Board may adopt rules or bylaws for its operation.
- C. The Town Board shall provide an appropriation to the Planning Board to cover necessary expenses including the means for the Planning Board to maintain a written record of its meetings and public hearings.

Section 1026 Powers and Duties of Planning Board.

The Planning Board shall have the following powers and duties with respect to this law:

- A. Review and approval of Special Use Permits in accordance with the standards and procedures set forth herein.
- B. Submittal of an advisory opinion to the Town Board for any proposed amendment to this law.
- C. Submittal of an advisory opinion to the Town Board in any matter relating to planning and zoning.

Section 1027 Meetings of the Planning Board

- A. Meetings shall be held at such meeting times as the Board may determine, or at the call of the chairman.
- B. A quorum shall consist of a majority of its members, but in order to approve a Special Use an affirmative vote of at least a majority of the entire membership shall be required.
- C. The Board shall keep minutes of its proceedings.
- D. All meetings and hearings of the Board shall be public. Every decision or determination shall be in writing, shall be filed in the office of the Town Clerk within five (5) business days, and shall be public record.

Section 1030 Zoning Board of Appeals

- A. The Town Board shall appoint a Chairman of the Zoning Board of Appeals.
- B. The Zoning Board of Appeals may adopt rules or bylaws for its operation.
- C. The Town Board shall provide an appropriation to the Zoning Board of Appeals to cover necessary expenses including the means for the Zoning Board to maintain a written record of its meetings and public hearings.

Section 1031 Powers and Duties of Zoning Board of Appeals

The Zoning Board of Appeals shall have the following powers and duties with respect to this law:

- A. Review and approval of variances to this law.
- B. Hearing of appeals to a decision made by the Zoning Enforcement Officer.
- C. Upon appeal from a decision by the Zoning Enforcement officer, decide any question involving interpretation of any provision of this law, or the location of any district boundary line on the zoning map.

Section 1032 Meetings of the Zoning Board of Appeals

- A.** The Zoning Board of Appeals shall hold meetings at the call of the chairperson, or at the request of four or more members. A minimum of one meeting shall be held every two months.
- B.** The presence of four (4) members shall constitute a quorum for the conduct of business before the board.
- C.** A concurring vote of four (4) members of the board shall be necessary to act on the application for any variance or to decide upon any other matter brought before the board, unless otherwise stipulated in the ordinance.
- D.** All votes of the Zoning Board of Appeals shall be taken by roll call.
- E.** A member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.
- F.** The Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from its own attorney, and require its own attorney to attend its meetings.
- G.** The Zoning Board of Appeals may require the Zoning Enforcement Officer to attend its meetings to present any facts relating to any matter before the Board.
- H.** All meetings of the Zoning Board of Appeals shall be open to the public.
- I.** The Zoning Board of Appeals shall keep minutes of all of its meetings. The Town Board shall provide a secretary for the Zoning Board of Appeals.
- J.** The Zoning Board of Appeals shall make factual record of all its proceedings including the reading of the case, public hearing, deliberation, voting and decisions of the Board. These factual records shall be taken by stenographic and/or tape recorder means and shall be accurate but not necessarily a verbatim transcript but may be in narrative form. The factual record shall be taken by the secretary to the board.
- K.** Meeting shall be held at such meeting times as the board may determine, or at the call of the chairman.
- L.** A quorum shall consist of four (4) members, but in order to reverse a decision of the Enforcement Officer or to authorize a variance, an affirmative vote of a least four (4) members shall be required.
- M.** The Board shall keep minutes of its proceedings showing the vote of each member upon each question.
- N.** All meetings and hearings of the Board shall be public.
- O.** Every decision or determination of the Board of Appeals shall be in writing, and shall be filed in the office of the Town Clerk within five (5) business days and shall be public record.

Section 1040 Referral to the County Planning Board.

- A.** State law requires that certain variances, Special Use Permit approvals, or zoning amendment actions be referred to the Clinton County Planning Board for their review prior to taking final action on the matter. Such actions are those which affect real property within 500 feet of any of the following:
 - (1)** A State or County highway
 - (2)** State or County land where a public building or institution is located.
 - (3)** A State or County owned park or recreation area.
 - (4)** The Town of Schuyler Falls boundary.
 - (5)** The boundary of a farm operation located in an Agricultural District as defined by the Agriculture and Markets Law, except that this part shall not apply to area variances.
- B.** If the County Planning Board does not respond within thirty (30) days from the time it receives a complete application, final action may be taken on the matter without such report. The term "receives" as used in this Section shall mean delivery at least one week in advance of the regularly scheduled County Planning Board meeting.

- C. In the event the County Planning Board disapproves the proposal, or approves it subject to modifications, then the local board may override the county opinion only by a vote of a majority plus one of its members.
- D. The Local board shall send a copy of its' final decision to the County Planning Board within seven (7) days after the local decision is reached. If the decision of the local board is contrary to a County Planning Board recommendation, then the local board shall send a resolution fully stating the reasons for its contrary action.

Section 1050 State Environmental Quality Review (SEQR)

The State Environmental Quality Review Act requires that local government examine the environmental impact of certain actions they permit, fund, or construct. For Zoning Actions reviewed by the Town, the following bodies shall be lead agency, unless otherwise delegated by the Town Board:

Zoning Text Amendments---Town Board
Zoning District Amendment—Town Board
Special Permits—Planning Board
Site Plan Review—Planning Board
Variances—Zoning Board of Appeals

Section 1060 Amendments

- A. The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. Certain amendments require referral to the Clinton County Planning Board as described in Section 1040 herein. The Town Board, by resolution, shall fix the time and place of public hearing on the proposed amendment and shall cause notice to be given as follows.
 - (1) By publishing a notice at least ten (10) days in advance in the official newspaper of the Town.
 - (2) By referring the proposed amendments to each town and village and within 500 feet of the Town of Schuyler Falls boundaries, and to any state park commission whose property lies within the Town or within 500 feet of its boundaries.
- B. In case of a protest against such amendment signed by the owners of twenty (20) percent or more of the area of land included or immediately adjacent to the area affected by such amendment, the Town Board must have a favorable vote of three-fourths of its membership in order to adopt the amendment.

ARTICLE 11 - ENFORCEMENT

Section 1100 Penalties

Any person owning, controlling or managing any such building, structure, land or premises wherein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this law shall be guilty of an offense and subject to a fine or penalty of not more than two hundred fifty dollars (\$250.00) for each such violation. For each 24-hour period such violation continues, every such person shall be deemed guilty of a separate offense. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agency or manager may be considered to be the "person" for the purpose of this section.

Section 1105 Alternative Remedy

In the case of any violation or threatened violation of any of the provisions of this law, or conditions imposed by a zoning permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceedings to prevent such unlawful erecting, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct business or use in or about such premises and to collect a penalty or fine assessed hereunder.

Section 1110 Stop Work Order.

- A. The Town Board for the Town of Schuylers herein grants the Zoning Enforcement Officer the administrative responsibility of determining the first instance whether a violation has occurred and immediately terminating said violation by posting a Stop Work Order on the premises wherein the violation has occurred.
- B. The Stop Work Order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the Stop Work Order must be terminated immediately.

Section 1115 Appeal

Any person found to be in violation as described above may appeal the notice of violation to the zoning Board of Appeals. Such appeal must be in writing and may be made not later than sixty (60) days from the date of the notice. An appeal to the Zoning Board of Appeals shall stay enforcement including the accumulation of fines and penalties from the date such appeal is filed in the office of the Zoning Board of Appeals to the date of determination by the Zoning Board of Appeals.

Section 1120 Misrepresentation.

Any permit or approval granted under this law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstances known, by or on behalf of an applicant, shall be void. This section shall not be construed to affect the remedies available to the Town under Section 1040 A-C of this law.

Section 1125 Actions for Injunction

The town may obtain an action to restrain by injunction any violation of this ordinance or any failure to comply with any of the provisions of this ordinance.

Section 1130 Removal of Violations

Any building or structure erected, or any use conducted without a zoning permit or certificate of compliance, where required, or not in conformity with the provisions of this ordinance may be removed, closed, or halted at once by the Zoning Enforcement Officer with issuance of a stop order, with the assistance, if deemed necessary, of any appropriate Town Officer or employee. Any costs involved with removal (if deemed necessary) shall be paid by the owner of the property that is not in compliance.

Section 1140 Steps in the Enforcement Process

The following procedures may be followed in order to enforce this law.

- (1) Notice of Violation.** The Zoning Enforcement Officer (ZEO) may serve a Notice of Violation on the landowner to inform him that a violation has occurred.
- (2) Stop Work Notice.** The ZEO may serve a Stop Work Order requiring that construction or other activity in violation must stop.
- (3) Voluntary Compliance.** Voluntary compliance may be sought.
- (4) Injunction.** The Town may seek a court order requiring that the activity in violation cease.
- (5) Criminal Justice Proceedings.** The Town may file an Information and Complaint to the local court to initiate court action.

TOWN OF SCHUYLER FALLS ZONING MAP

This page size map is intended for informational purposes only.
See Code Enforcement Officer for official map.

Zone Boundary
Dimensions
Lot Lines

