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DEPARTMENT OF STATE

Town of Gouverneur

Local Law No. 1 of the year 2014

A local law repealing Local Law Number 1 for the year 1996; Local Law Number 1 for the year 2003; and Local Law Number 5 for the year 2009; and providing for a new Land Use and Subdivision Law.

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

Town of Gouverneur as follows:

RESOLVED, that Local Law Number 1 for the year 1996; Local Law Number 1 for the year 2003; and Local Law Number 5 for the year 2009 are hereby repealed, except that this repeal shall not affect the rights or responsibilities or prevent the execution, prosecution or punishment of any person for any act done or committed in violation of said law or section hereby repealed prior to the effective date of this Local Law; and providing for a new Land Use and Subdivision Law.

TOWN OF GOUVERNEUR



BOOK 1: LAND USE REGULATIONS

EFFECTIVE DATE: MAY 2014

Town of Gouverneur

Land Use Regulations

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PART 1 – LAND USE REGULATIONS

ARTICLE I GENERAL PROVISIONS

Section 1. TITLE AND LEGISLATIVE AUTHORITY.

This local law shall be known as the "Town of Gouverneur Land Use Regulations." They are adopted pursuant to Article 2, Sections 10.1(ii)a. (9.a), (11) and (12) of the New York State Municipal Home Rule Law and Section 264 and Section 276 (Subdivision Approval Power) of the New York State Town Law.

Section 2. PURPOSE.

The purposes of this local Law are to:

- A. Provide for planned growth and development of residential, commercial, industrial and other appropriate uses of the land consistent with the economic and social needs of the community.
- B. Preserve the character of the Town.
- C. Promote the health, safety, morals and general welfare of the Town consistent with objectives set forth.

Section 3. PERMITS REQUIRED.

No use or structure shall be established, erected nor land developed until a permit has been issued by the Enforcement Officer, who shall issue such permits in accordance with regulations set forth in this Local Law. No permits shall be required for the erection of fences, natural disaster cleanup, nor for the construction of non-commercial structures of less than 144 square feet of gross floor area.

Section 4. REMOVALS.

Any building or structure erected or use commenced after the effective date of this Local Law must comply with its provisions. Such new buildings, structures or uses which do not conform to the provisions of the Law may be removed or halted after issuance of an injunction by order of the Town Board. Any building made unusable through deterioration, fire or other cause may be removed after issuance of an injunction by order of the Town Board after one month from the notice to the landowner that the Town intends to remove the structure. The cost of removal may be recovered directly from the owner or may be billed concurrently with the Town tax on the property. The cost of removal will be borne directly by the owner.

Section 5. NON-CONFORMING USES, LOTS AND STRUCTURES.

Uses, lots and structures which existed or were commenced prior to the effective date of this Local Law and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions.

- A. Enlargement.** Non-conforming buildings or uses shall not be allowed to enlarge or increase in their non-conformity except within the property boundaries of record at the time of enactment, and in accordance with the standards in effect at the time of application for the District.
- B. Restoration following disaster.** Non-conforming uses or structures damaged by fire or other causes may be restored to no more than their previous degree of non-conformity. Restoration must be commenced within six months of the disaster and completed within one year.
- C. Discontinuance.** Whenever a non-conforming use has been discontinued for a period of 24 continuous months the use shall not thereafter be reestablished and any future use shall be in conformity with these regulations.
- D. Relocation.** Should any non-conforming building be moved for any reason, or for any distance, it shall conform to the requirements of these regulations.
- E. Lots of Record.** Any lot of record at the effective date of Local Law #2-1985

shall be considered as complying with this Local Law with respect to area. No area variance shall be required for construction on a lot of record with respect to lot area provided that such lot does not adjoin a lot held by the same owner. A non-conforming lot shall not be used for more than one dwelling unit except as may predate this Local Law.

Section 6. FEES.

Permit fees shall be paid according to the fee schedule as may from time to time be established by resolution of the Town Board.

Section 7. VIOLATIONS.

- A. Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with any provision of this Local Law shall be guilty of an offense and, upon conviction thereof, shall be subject to a fine of not more than \$250 or imprisonment for a period not more than six (6) months or both unless otherwise provided. Each day a violation is continued shall be deemed a separate offense.
- B. Upon determination by the Enforcement Officer that a violation of this Local Law exists, written 30 day Order to Remedy shall be sent to the owner of the property. The Order to Remedy may be delivered by some other means, or may be attached to the premises of the owner. A copy of the Order to Remedy shall be sent to the Town Board.

Section 8. INJUNCTIONS.

The Town may obtain an action to restrain or enjoin any violation of this Local Law or any failure to comply with any of its provisions.

Section 9. DEFINITIONS.

Words and phrases used in this Local Law shall be defined as follows in this section. Words and phrases which are not defined below shall be defined as in the New York State Uniform Fire Prevention and Building Code. Interpretation of terms and definitions shall be made by the Board of Appeals.

ACCESSORY STRUCTURE OR USE: A structure or use which is incidental to the principal structure or use and which is located on the same premises. Accessory

structures include barns and other agricultural buildings, private automobile garages and sheds, etc.. Accessory uses include occupations conducted within a residence, an apartment over a store, a manager's office in an apartment house, etc..

AGRICULTURE: Farm Operation: the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and/or marketing of crops, livestock and livestock products.

AUTO JUNKYARD: Defined in Section 23A.

ANTENNA: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, and microwave communications. The frequency of these waves generally ranges from 10 hertz to 300,000 megahertz.

BOARDING HOUSE: A dwelling unit where rooms are provided for lodging for a definite period of time and where meals may be provided by the owner or operator.

BUILDING: A wholly or partially walled structure, with a roof, for the shelter of persons, animals or property.

CAMPGROUND: A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation or vacation purposes, and which meets New York State Health Department standards for such facilities.

CERTIFICATE OF COMPLIANCE: Certification by the Enforcement Officer that work proposed by an applicant for a permit has been completed satisfactorily, and/or that the use proposed by the applicant may begin.

CHILD DAY CARE CENTER: A program or facility which is not a residence in which child day care is provided on a regular basis to more than six children.

COMMERCIAL EXCAVATION OR MINE: Extraction of natural materials, operated primarily for gain, not including the occasional sale of small quantities of materials from excavation separated ordinarily for the use of the landowner.

DWELLING (UNIT): One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household.

FACTORY MANUFACTURED HOME (MODULAR HOME) – A structure designed primarily for residential occupancy, constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site.

FAMILY: One or more individuals related by blood, marriage, domestic partnership, legal adoption, or guardianship who live together in a single dwelling unit.

HAZARDOUS SITUATION: Conditions exist on a premises which constitute a threat to the public health and safety, as determined by the Enforcement Officer or by the Town Health Officer.

HOME OCCUPATION: A usual and customary occupation carried out on an accessory basis by the occupant of a dwelling unit in which no more than five employees, including the owner, are employed.

HOUSEHOLD: A person or persons living together under one roof with common access to and use of all living and eating areas in the unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.

KENNEL: A commercial operation to board, breed, raise, groom or train dogs, cats or other household pets that are not owned by the operator.

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

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

LOT: A designated parcel, tract or area of land as may be described as a unit on a deed, plat, map or tax roll listing.

MANUFACTURED HOME: A structure transportable in one or more sections that, in the traveling mode, is 8 feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet minimum, and that was built on or after June 15, 1976, on a permanent chassis and designed to be used as a dwelling with

or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meet all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

MANUFACTURED HOME COURT: A lot intended for the long-term parking of five or more manufactured home dwellings, which may include services and facilities for residents.

MANUFACTURING: Mechanical or chemical transformation of materials into new products through assembly of components, the manufacturing of products, or the blending of materials such as oils, plastics, resins or liquors.

NUISANCE: An interference with the enjoyment and use of property, including smoke, odors, waste materials, radiation, noise, vibration, heat and glare.

PRINCIPAL USE/STRUCTURE: The primary or predominant use of any lot; the structure within which the principal use is conducted.

PUBLIC UTILITY USE: A building or lot used for or in conjunction with the transmission, distribution, or regulation of water, sewer, gas, electric, telephone or other public utility service, provided, however, that in no event, shall a telecommunication tower be considered to be or allowed as a public utility use.

RETAIL: Shall mean a business or commercial, actively involved primarily in the sale of merchandise or stock-in-trade to the public, or establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

SAWMILL: A facility for processing logs into lumber and similar wood products for gain, including debarking, sawing, planning, and millwork, but not including further industrial processing into finished goods such as by joinery and by adding protective and decorative finishes, glass or metal fixtures.

SCRAP COLLECTOR: A scrap collector is any individual, other than a governmental agency, whose primary business is the collection of miscellaneous

scrap for disposal, who may as an incident of such business collect vehicular parts as scrap.

SCRAP PROCESSOR: A scrap processor is any individual to be licensed under Article Six-C of the general business law who purchases material which is or may have been a vehicle or vehicle part for processing into a form other than a vehicle or vehicle part, but who, except otherwise provided by regulation of the commissioner, does not sell any such material as a motor vehicle, trailer or a major component part thereof.

SEWAGE SYSTEM: A System for treatment and disposal of wastes from sanitary drains. Sewage treated and disposed in sewage systems shall not consist of industrial wastes or liquids containing chemicals.

SITE PLAN: Development plan for one or more lots on which is shown the existing and proposed conditions, including natural and made conditions, structures, lighting, drainage, walkways, signs, screening, and ingress and egress.

SMALL DAY CARE CENTER: A program or facility which is not a residence in which child day care is provided to three to six children.

SOIL PERCOLATION TEST: Measure of the rate of movement of water downward through a soil conducted in accordance with the procedures indicated in this Local Law.

STORAGE: Storage of, or shelter for goods, merchandise, products, or vehicles, for gain.

STRUCTURE: An assembly of materials forming a framed construction of component structural parts for occupancy or use, including buildings.

SUBDIVISION: The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other division of land for sale, development or lease. The Gouverneur Subdivision Regulations become applicable upon the creation of a fifth lot of five acres or less within any consecutive three year period.

TELECOMMUNICATION TOWER: A structure on which transmitting and/or receiving antenna(e) are located.

USE: The purpose or activity for which lands or buildings are designed, arranged or intended, or for which lands or buildings are occupied or maintained.

VARIANCE: Written authority from the Zoning Board of Appeals to deviate from the use or area regulations. Variances "run with the land" and are not canceled by a change of ownership. Use variances may be granted by the Board of Appeals for uses not permitted in other zones. Area variances are departures from the dimensional standards in this Local Law. The different standards for use and area variances are in Article VI, Section 32.

VEHICLE DISMANTLER: Individual that purchases and dismantles motor vehicles and trailers for sale of parts and/or scrap.

YARD: Open space located on any lot and measured by the perpendicular distance between a lot line and the nearest point from any building. Front yard measurements are to be made from the street or road center line.

ARTICLE I(A) COMMERCIAL TELECOMMUNICATION TOWERS

Section 1A. PURPOSE

The purpose of this amendment is to promote the health, safety and general welfare of the residents of the Town, to provide standards for the safe provision of telecommunication consistent with application federal and state statutes codes, rules and regulations, and to protect the natural features and aesthetic character of the Town. The Town acknowledges the need, demand and national policy supporting the availability of commercial mobile services to the public while simultaneously recognizing the valid concerns and interests its residents have in the aesthetic enjoyment of their homes and properties. The Town therefore further seeks to encourage the location of commercial mobile service towers, to the extent they are needed, in non-residential areas of the Town and to encourage the shared use of existing and new towers as a means of reducing the overall need for towers in the Town.

Section 2A. APPLICATION OF REGULATIONS

- A. No Telecommunication tower shall hereafter be used, operated, erected moved, reconstructed, changed or altered in the Town without a variance and after approval and issuance of a special use permit by the Town Zoning Board, site plan review and approval by the Town Planning Board, and in conformity with these regulations.

- B. No Telecommunication tower shall hereafter be used, operated, erected, moved, reconstructed, changed or altered within any Resource Protection District, (RP) within the town, provided, however, nothing herein shall prohibit such a telecommunication tower (i) that is accessory to a permitted rural use and which is not erected, constructed, or reconstructed more than thirty-five (35) feet in height at its highest point, or (ii) that was a lawful use existing and occurring prior to the effective date of these telecommunications towers regulations.
- C. Where these regulations conflict with other local laws, ordinances, or regulations of the Town, the more restrictive shall apply, except for tower height restrictions, which are governed by these special standards.

Section 3A. SITE PLAN PROVISIONS.

A. Site Plan

1. Any person who desires to use, operate, erect, move, reconstruct, change or alter a telecommunication tower within the Town shall submit to the Town Planning Board a site plan as described in Section 9 of the Local Law No. 1 of 1996, in addition to any site plan requirements set forth in Section 274-a of the NY Town Law. Such site plan shall show all existing and proposed structures and improvements, including roads, and shall include grading plans for new facilities and roads. The site plan shall also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennae and justification for any land or vegetation clearing required for the installation and maintenance.
2. Additionally, the Town Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this section with particular attention to visibility from key view points within and outside of the municipality as identified in the Visual EAF. The Town Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.

B. Shared Use

1. At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antennae on preexisting structures shall be

considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for share use of existing facilities and use of other preexisting structures as an alternative to new construction.

2. An applicant intending to share use of an existing tower shall be required to document in writing the intent of an existing tower owner to share use. The applicant shall play 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 new towers, the applicant shall be required to submit a written report demonstrating good faith efforts to secure shared use from existing tower owners as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

C. Setbacks

Telecommunication towers and antennae related thereto shall comply with all existing setbacks within the affected zone. Additional setbacks may be required by the Town Planning Board to substantially contain on-site all ice-fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy wire anchors, and to any accessory facilities.

D. Visibility

1. All telecommunication towers and accessory facilities shall be sited to have the least adverse visual effect on the environment as is practical.
2. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be galvanized finish or painted grey above the surrounding tree line, and painted grey, green, or black below the surrounding tree line unless other standards are required by the FAA. In all cases, guyed towers shall be preferable to freestanding structures. Towers should be designed and sited as to avoid, whenever possible, application of FAA lighting and painting requirements.

3. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

E. Existing Vegetation

Existing on site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit use. Clear-cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

F. Screening

Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screen shall be required. For all towers, at least one row of native evergreen scrubs or trees capable of forming a continuous hedge at least ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objective of this subsection.

Section 4A. SPECIAL USE PERMIT PROVISIONS

Any person who desires to use, operate, erect, move, reconstruct, change or alter a telecommunication tower within the Town shall submit to the Planning Board a special use permit application containing all of the information required in section 274-b of the Town Law, all of the information required in Section [3] of this Amendment to Local Law, and a copy of a Visual Environmental Assessment Form (Visual EAF) as described in Section [3(A)] herein. The applicant for such special use permit shall be subject to, and the Zoning Board of Appeals shall apply, the shared use, setbacks, visibility, existing vegetation, screening and access and parking requirements set forth above herein.

Section 5A. AUTHORITY TO IMPOSE CONDITIONS

The Town Planning Board and the Town Zoning Board of Appeals shall each, respectively, have the authority to impose such reasonable conditions and restrictions, as are directly related to, and incidental to the proposed telecommunication tower site plan and special use permit.

Section 6A. ELECTRICAL DISTRIBUTION SUBSTATIONS AND OTHER PUBLIC UTILITY STRUCTURES

In no event shall a telecommunication tower be considered to be, or allowed as, a public utility use.

ARTICLE II LAND USE DISTRICTS

Section 10. ESTABLISHMENT OF DISTRICTS

For the purpose of promoting health, safety, morals, and general welfare in the Town of Gouverneur, the Town is hereby divided into the following districts:

R - Rural District

ID - Intensive Development District

RP - Resource Protection District

Section 11. LAND USE DISTRICT MAP

* Land Use Maps can be viewed and copies obtained at Town Barn

The Rural, Intensive Development and Resource Protection Districts are as shown on the map entitled "Town of Gouverneur -Land Use Districts", which accompanies, and which, with all explanatory matter is hereby made a part of these Regulations.

Section 12. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Land Use Districts map, the following shall apply:

- A. Boundaries indicated as approximately following the center lines of roads, highways or streets shall be construed to follow the center lines.
- B. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- C. Boundaries indicated as approximately following platted lot or property lines shall be construed as following such lot or property lines.
- D. Boundaries indicated as following the boundary of wetlands or the boundary

of flood hazard areas shall be construed to be the official boundary as mapped by the New York State Department of Environmental Conservation and/or the Federal Emergency Management Agency.

- E. Boundaries indicated as approximately following Town or Village limits shall be construed to follow such limits.
- F. Where features existing on the ground are at variance with those shown on the Land Use Districts map, in circumstances not covered by items "a" through "e" above, or on appeal from a decision of the Code Enforcement Officer, the Board of Appeals shall interpret the district boundaries.
- G. Fences intended to mark lot lines within any district shall be placed on the lot lines.

ARTICLE III DISTRICT REGULATIONS

Section 13. RURAL DISTRICT (R)

- A. **Purpose** - The area within this district has been identified as viable for continued agricultural and low density rural residential and outdoor recreational use and is protected from detrimental development because of soil type and susceptibility to seasonal high groundwater and is generally beyond the urbanized areas.
- B. **Lot and Yard Specifications** - The following uses shall require no less than the minimum lot size set forth below. Additionally, in all cases, unless otherwise set forth in these regulations, said use shall be set back 20 feet at the side lot lines and 25 feet at the rear lot line. The set back shall be 75 feet from the center line of any State or County highway or 60 feet from any other road or highway, as measured from the center of the road.
- C. **Permitted Uses** - In general, permits are required for all commercial uses as outlined in Sections 13, 14, and 15. Noncommercial uses generally do not require special use permits but usually do require permits that can be issued by the Code Enforcement Officer, again as outlined in Sections 13, 14, and 15.

Certain uses do not require a permit. They are: Agricultural buildings,

structures less than 144 square feet, window and door replacement, new siding, fences and natural disaster cleanup.

The following uses shall be permitted following the issuance of a permit by the Enforcement Officer:

<u>Use</u>	<u>Minimum Lot Size</u>
1. Agriculture	2 acres
2. Accessory structures or uses	as needed
3. Bed and breakfast	1 acre
4. Charitable institutions and similar uses	1 acre
5. Church, parish house	1 acre
6. Home occupation of an office type with no more than two employees, including the owner. Examples would be attorney, doctor, accountant, tax preparer or consultant, financial consultant.	1 acre
7. Individual Manufactured Homes -- not a MH Court	1 acre
8. One and two family dwellings: With municipal water and sewer Without municipal water and sewer	0.5 acre 1 acre
9. Production and/or sale of horticultural crops, landscaping services, greenhouses.	2 acres

D. Uses Requiring a Special Permit -The following uses are permitted subject to the special permit standards and requirements listed in Article IV. Special Permits are issued by the Enforcement Officer after review and approval by Town Planning Board. The Town Planning Board is empowered to grant special use permits to businesses of like character to those enumerated in Section 13 paragraph D but not so defined.

<u>Use</u>	<u>Minimum Lot Size</u>
1. Animal hospital, kennel, riding stable	3 acres
2. Auction house	2 acres
3. Campground	5 acres
4. Cemetery	5 acres
5. Commercial excavation and mining	
6. Home occupation, profession -- with more than two employees, but no more than five, including the owner.	1 acre
7. Lumber or feed sales and storage	1 acre
8. Manufactured Home Court	3 acres

9. Nursery School	1 acre
10. On premise -- parking of equipment used in soil excavation and removal, and temporary storage of soil, sand, or gravel used in construction.	1.5 acres
11. Professional or business office	1 acre
12. Public park, recreation, golf course	5 acres
13. Public or private utility structure	1 acre
14. Retail store -- not to exceed 5000 square feet	1 acre
15. Salvage operations	2 acres
16. Sawmill--including mill work and lumber storage and sales	3 acres
17. Small engine sales and repair	1 acre
18. Storage	1 acre
19. Telecommunication towers and/or other types of towers	see Section 17[O]
20. Temporary storage of recyclables and equipment, and recycling operations generally	1 acre
21. Used auto sales	1 acre
22. Welding shop	1 acre

Section 14. INTENSIVE DEVELOPMENT DISTRICT (ID)

A. Purpose. -To provide for more intensive residential and commercial uses.

B. Lot and Yard Specifications - The following uses shall require no less than the minimum lot size set forth below. Additionally, in all cases, unless otherwise set forth in these regulations, said use shall be set back 15 feet at the side lot lines and 15 feet at the rear lot line. The set back shall be 75 feet from the center line of any State or County highway or 60 feet from any other road or highway, as measured from the center of the road.

C. Permitted Uses - The following uses shall be permitted following the issuance of a permit by the Enforcement Officer:

<u>Use</u>	<u>Minimum Lot Size</u>
1. Agriculture	2 acres
2. Accessory structures or uses	as needed
3. Bed and breakfast	1 acre
4. Charitable institutions and similar uses	1 acre
5. Church, parish house	1 acre

6. Home occupation of an office type with no more than two employees, including the owner.
Examples would be attorney, doctor, accountant, tax preparer or consultant, financial consultant. 1 acre
7. Individual Manufactured Homes -- not a MH Court 1 acre
8. One and two family dwellings
 - With municipal water and sewer 0.5 acres
 - Without municipal water and sewer 1 acre per family

D. Uses Requiring A Special Permit - The following uses are permitted subject to the special permit standards and requirements listed in Article IV. Special permits are issued by the Enforcement Officer after review and approval by the Planning Board. The Town Planning Board is empowered to grant special use permits to businesses of like character to those enumerated in Section 14 paragraph D but not so defined. Planning Board may establish such additional requirements as necessary.

All those so permitted in the rural district plus the following:

<u>Permitted in ID with special permit</u>	<u>Minimum Lot Size</u>
1. Automobile service and repair, gasoline, auto wash	2 acres
2. Bar or tavern	1 acre
3. Development or research center	2 acres
4. Fire station	1 acre
5. Hotel, motel	2 acres
6. Light industry, manufacturing or assembly	2 acres
7. Manufactured Home Court	3 acres
8. Multi-family dwelling:	
3 to 10 units	
With municipal water and sewer	1 acre plus 15,000 sq. ft. per unit beyond 2 units
11 plus units	
With municipal water and sewer	4 acres plus 10,000 sq. ft. per unit beyond 11 units
With municipal water or sewer, but not both,	
minimum lot size shall be 30,000 sq. ft. per family unit.	
With neither,	minimum lot size shall be 1 acre per family unit.
9. Off Premise signs, Billboards (regulated by the State) See Section 17, N,4	

10. Parking Lot –For profit, municipal, or on separate lot from the business it serves. Total area required will be set by the Planning Board, guided by the formula established in Section 21.
11. Private membership organizations – including VFW, AmVet, American Legion, K of C, etc. 1 acre
12. Professional services–Required area to be set by the Planning Board, depending on the use, traffic volume, parking needed and municipal services available.
13. Public buildings and grounds 2 acres
14. Recreation hall (dance, roller skating, etc.) 2 acres
15. Recreational vehicles, sales, and service 1 acre
16. Restaurants 2 acres
17. Retail mall or complex, shopping plaza 5 acres
18. Retail store -- over 5,000 square feet 2 acres
19. Slaughter house 1 acre
20. Trucking or moving business 1.5 acres

Section 15. RESOURCE PROTECTION DISTRICT (RP)

- A. Purpose** - To protect special or unique natural resources, to promote the use of scenic resources for the pleasure and welfare of the public; and to safeguard people and property against damage due to natural causes such as flooding.
- B. Permitted Uses** - Uses permitted or specially permitted in the other districts are generally severely limited or not allowed in the Resource Protection District. In general, outdoor activities such as canoeing, cross country skiing, hiking, and legal hunting are allowed. Development in the flood hazard areas designated by FEMA is regulated by the Town's Local Law No. 5-1992. Persons considering any use or commercial activity not regulated by the above law should contact the New York State Department of Environmental Conservation.

ARTICLE IV. SPECIAL PERMIT STANDARDS AND REQUIREMENTS

Section 16. GENERAL STANDARDS FOR SPECIAL USES

All special uses are subject to the following general standards and, in addition, those special uses which are listed under §17 shall have additional regulations as stipulated in that section. For the application and review process see Article VI Administration.

A. General Provisions - Special permits are issued by the Enforcement Officer after approval by the Planning Board. Each specific use shall be considered as an individual case.

B. Determination of Necessity - Special permits run with the land and are not issued to individuals. Where a proposed use of a premise would be consistent with existing special permit conditions there is no need for a new special permit even though the specially permitted use may have been discontinued for any period of time or the previous special may have been conditioned to expire under certain circumstances. The Town Planning Board hereby is authorized to make a discretionary determination of consistency. In determining whether a new special permit is necessary, the Planning Board shall review whatever valid special permit(s) may exist for the premises and consider:

1. Whether and to what degree the proposed use is similar in nature to a specially permitted use previously approved for the premises;

2. Whether the proposed use meets all conditions of an existing special permit.

In order for the Planning Board to determine that no new special permit is required, it must make a written finding that all existing conditions would be met by the proposed use.

C. Required Site Plan - A site plan for the proposed use shall be submitted with an application for a special permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of these Regulations. Required submissions are listed in Article VI.

D. Standards Applicable to all Special Uses

1. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district; and the location, nature, and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. The Planning Board may establish

reasonable standards for any requested special permit in order to accomplish these goals.

2. With any proposed use, the Planning Board may require a larger or smaller lot size as the nature and scale of the proposed use warrants.
3. Lot size, site design and special conditions shall insure that operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, odors, glare, vibrations, or flashing lights, than would be the operations of any permitted use. Screening shall be required where deemed appropriate by the Planning Board.
4. Water supply and sewage disposal shall comply with Article V of these Regulations and the New York State Uniform Fire Prevention and Building Code.

E. Waivers

Where the Planning Board finds, due to the special circumstances of a particular location or use, that meeting a particular requirement of these regulations is not requisite in the interest of the public health, safety, and general welfare, it may waive such requirements subject to appropriate conditions. In granting waivers, the Planning Board shall impose such conditions as will substantially meet the objective of the requirements so waived.

Section 17. PERMITTED SPECIAL USES - SPECIFIC STANDARDS

A. Agriculture - In either the Rural or the Intensive Development (ID) District the following standards shall be met for agriculture operations:

1. Minimum lot size shall be 2 acres
2. Farm structures shall meet the yard dimensions of an accessory use and be located at least 200 feet from any adjacent residential use or property which would permit a residential use. This distance shall be measured starting from the main access of the farm structure to the main access of the adjacent residence.

B. Animal Hospital, Riding Stables, Kennel

1. Minimum lot size shall be three (3) acres in either the ID or Rural District.
2. All structures shall be located at least 200 feet from any adjacent property on which a residential use would be allowed. This distance shall be measured starting from the main access of the Animal Hospital, Riding Stable, or Kennel to the main access of the adjacent residence.

C. Cemetery, Recreation Area, Nursery School, Campground

1. The proposed use will not interfere with the established character of the neighborhood nor the peaceful enjoyment of adjoining residential uses. In particular, this shall mean that traffic, light, dust, odor and noise likely to be generated by such facility will not unduly interfere with adjoining uses.
2. The location and arrangement for ingress and egress shall be so designed as to minimize traffic congestion and hazard.
3. Adequate and suitably located off-street parking shall be provided in accordance with the requirements of these Regulations.
4. Such site amenities and landscaping as are needed to maintain or improve the visual character of the area and to provide a buffer between any adjoining use requiring such consideration shall be provided as required by the Planning Board.

D. Commercial Excavation and Mining

1. Regulated by the New York State Mined Lands and Reclamation Law.

E. Development or Research Center, Manufacturing, Lumber or Feed Sales/Storage, Welding Shop

1. Minimum lot size shall be 2 acres. The Planning Board may require a larger minimum lot area if necessary to safely accommodate the nature and scale of the proposed use.
2. All structures shall be located at least 100 feet from any adjacent residential use or property which would permit a residential use. This distance shall be measured from the main access of the structure to the main access of the adjacent residence. The Planning Board may require

screening from adjacent properties, such as solid fencing, trees or shrubs, as needed.

3. There shall be no on-premises disposal of wastes.

F. Gasoline Station, Garage, Auto Wash, Automobile Service and Repair

1. The minimum lot area shall be 2 acres.
2. Lot frontage on any street shall be at least 150 feet.
3. Such use shall not be located within 200 feet of any lot occupied by a residence, school, hospital or religious institution. Measurement shall be made between the nearest respective lot lines.
4. Bulk fuel shall be stored at least 50 feet from any property line.
5. No exterior storage of dismantled vehicles, vehicle parts or salvage materials shall be permitted for a period more than 10 days.
6. No exterior storage of disabled vehicles shall be permitted for more than 30 days.

G. Multi-family Dwelling

1. Multi-family housing or dwellings designed for more than two families are permitted in the Intensive Development District only if the units are serviced by the Town or Village sewer system or if adequate sewage treatment can be provided on-site to accommodate the number of persons who will reside in the dwellings. The maximum gross density allowable for multi-family dwellings shall not exceed the standards in Section 14 of Article III. Such dwellings must meet fire safety and Department of Health standards.
2. Applications submitted for special permit approval shall include specific plans for sewage disposal, water supply, storm drainage, landscaping and lighting.
3. Adequate off-street parking shall be provided in accordance with the requirements of Article V, Section 21, of these Regulations.

H. Home Occupation/Profession

1. The home shall continue to appear as a residence.*
2. Not more than two employees other than the inhabitants of the dwelling unit shall be engaged in such Home Occupation/Profession.
3. The Home Occupation/Profession shall not cause a significant increase in traffic in the vicinity.
4. No offensive noise, vibration, glare, fumes, odors or electrical interference shall be produced.
5. Adequate off-street parking shall be provided in accordance with the requirements of Article V, Section 21, of these Regulations.

I. Hotel, Motel, Restaurant, Bar, Tavern

1. Minimum lot size shall be 2 acres in the Intensive Development District. The Planning Board may require a larger minimum lot area if necessary to accommodate the nature and scale of the proposed use.
2. Such use shall be adequately fenced or screened from any adjacent residential property and lighting shall be directed away from adjacent uses.
3. Ingress and egress shall be designed to minimize traffic congestion and adequate off-street parking shall be provided in accordance with Article V of these Regulations.

J. Manufactured Home as Accessory Uses

1. In the Rural (R) and Intensive Development (ID) Districts a manufactured home may be located on an individual lot as an accessory dwelling unit, subject to the following restrictions:
 - a. The manufactured home shall be located in conformance with the yard and parking requirements of the zoning district.
 - b. The manufactured home shall have an adequate supply of water and a sewage disposal system. Both systems shall satisfy the

recommended standards of the New York State Department of Health for individual water and waste disposal systems.

- c. The exterior of the accessory manufactured home and the parcel of land on which it is located shall be maintained in a neat, orderly and presentable condition.
2. A manufactured home may be located as an accessory dwelling unit for a caretaker, watchman or security guard on a non-residential lot. The Planning Board may impose conditions on the location of such manufactured home to protect neighboring uses.

K. Manufactured Home Court

Manufactured Home Courts may be located in either the Rural or the Intensive Development (ID) District subject to the specific requirements of this subsection.

1. A manufactured home court shall have a minimum lot size of 3 acres.
2. Within the manufactured home court, minimum site area for individual manufactured homes shall be 5,000 square feet. Within the individual site, yard requirements shall be as follows;
 - front yard 30 feet
 - side yard (each) 15 feet
 - rear yard 15 feet
3. **Sanitary Facilities** - If a municipal sewage treatment system is not available, enough additional land shall be made available to provide adequate sewage disposal, either for individual manufactured home sites or groups of manufactured homes in a clustered system. Both the water supply and the sewage disposal system must be approved by the New York State Department of Health and the New York State Department of Environmental Conservation, as required by law.
4. **Utility Installations** - All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulations of the New York Board of Fire Underwriters and the local utility company. Whenever possible, electrical transmission and other

utility lines shall be placed below the ground. The metal frame of the manufactured home must be electrically grounded.

5. **Fuel Tanks** - Fuel tanks shall be placed at the rear of the manufactured home and at a distance at least five (5) feet from any exit and shall have a safety shut-off at the tank. In addition, liquid propane tanks shall be located in accordance with New York State Regulations.
6. **Roadways** - No individual manufactured home within a manufactured home court shall be without road access to an existing street or road. There shall be no dead-end streets in any court, except that a 100 feet outside diameter, cul-de-sac turn around may be provided if needed. All interior roadways must be at least thirty (30) feet in width and have at least a gravel surface at least twenty (20) feet in width with 12 inches in depth of compacted gravel. The operator of the park shall be responsible for keeping all roadways well drained and in good repair. The Code Enforcement Officer shall have authority to require such measures as he may deem practicable to keep roadways and driveways in good operating condition for the purpose of ensuring safe access to each dwelling unit.
7. **Off-Street Parking** - Two off-street parking spaces shall be provided for each manufactured home lot in the manufactured home court outside the 30 foot interior roadway width. The manufactured home court must otherwise comply with off-street parking requirements as set forth elsewhere in these regulations. (see Article V, Section 21)
8. **Recreation Area** - Open space equal to 10 percent of the land area suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed manufactured home court.
9. **Improvements** - The bottom portion of the manufactured home shall be enclosed with a metal, wood or other suitable "skirt", properly ventilated, within sixty (60) days after location in the manufactured home court. Notification of such requirement shall be the responsibility of the manufactured home court operator, for owner-occupied units. Tie-downs are required for all units.
10. **Sidewalks, lighting and landscaping** shall be in keeping with surrounding development, the unique features of the site, and the health and safety of

the occupants of the manufactured home court as determined by the Planning Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the proposed manufactured home court.

11. **Certification** - Prior to installation in a manufactured home court manufactured homes must bear a certifying seal that the unit meets standards in effect at time of manufacture. Installation of units not bearing such a seal is prohibited.

L. Public or Private Utility

1. Such facilities shall not be located on a roadway of predominantly residential use unless no other site is available, and shall be so located as to necessitate minimal travel of service vehicles over such roadways.
2. Adequate fences, barriers and other safety devices shall be provided to provide protection and screening for adjacent uses, as specified by the Planning Board.

M. Salvage Operations

1. A salvage operation shall have a minimum lot size of 2 acres.
2. Adequate fences, barriers and other safety devices shall be provided to provide protection and screening for adjacent uses, as specified by the Planning Board.

N. Signs: Including Off Premise and Billboards

In considering applications for sign permits, the Planning Board will determine whether the proposed signs meet the following standards.

1. **They must:**
 - a. be neat.
 - b. be functional.
 - c. be dark sky compliant. All exterior lighting must be mounted at the top of the sign, and use fixtures with fully recessed bulbs and shields to cast directional lighting.
 - d. must not create a distraction or traffic hazard.
 - e. meet the following additional requirements:

2. A free standing, on premise sign shall be allowed having a maximum of one hundred (100) square feet in the message area, per side, excluding the framing, and shall have a minimum of eight (8) feet and a maximum of twenty-five (25) feet from the surface of the land beneath the sign, when warranted due to potential visibility concerns.
3. Building mounted signs shall be permitted at a ratio of two square feet for every lineal foot of building frontage, for each business.
 - a. Signs mounted on a building perpendicular to the mounting surface shall be at a maximum height of 25 feet. A minimum of 8 feet must be maintained under the sign so as not to obstruct visibility of vehicular or pedestrian traffic.
 - b. Signs mounted on a building wall (parallel with mounting surface) have no height or ground clearance requirement.
4. Billboards and other off-premise signs
 - a. Advertising signs clearly visible from Routes 11, 58, and 812 must comply with State Department of Transportation regulations. Permits are issued by the DOT.
 - b. The closest point of the sign and/or supporting structure must be a minimum of ten (10) feet from the highway right-of-way but in no case closer than fifty-five (55) feet from the established center line of the road or highway. The overall height of an off premise sign must be limited to thirty (30) feet from ground level with a minimum of eight (8) feet clearance beneath the sign. Also, the width of the strip of land required for placement of a sign must be a minimum of ten (10) feet more than the height of the sign on each side of the sign. This is so that if the sign should blow down, it will not fall on a neighboring parcel. The depth of the parcel must be ten (10) feet beyond the furthest edge of the sign from the road right-of-way.
5. The following signs are exempt from this local law:
 - a. Flags, emblems or insignia of a nation, state, municipality, service organization or school may be displayed without a permit.
 - b. Handbills, posters, flyers, banners, announcements or advertisements

of special sales or events shall not require a permit. All such temporary signs shall be removed within seven (7) days from the date relating to their original purpose or thirty (30) days following their date of placement, whichever occurs first. No sign shall be attached to any fence, utility pole, tree or any natural feature of the landscape without the permission of the owner. Removal shall be the responsibility of a person, business, or organization referenced on the sign.

- c. An exempt sign may be no larger than 40 square feet per side and include the date it was posted.

6. Maintenance

The owner, individual or entity responsible for or having control of the erection and/or maintenance of the sign shall be responsible for keeping the sign from becoming in substantial disrepair. A sign shall be considered to be in substantial disrepair if the materials used in its construction have disintegrated, rusted or otherwise changed in form, if the borders of the sign have become detached or if the material within the borders has similarly become detached or suffered vandalism, including graffiti, substantial tearing, discoloration or other damage, whether or not caused by the elements or a third source of any nature. Additionally, the sign will be found in disrepair if the means by which it is secured are determined to have weakened to any degree or otherwise pose a danger to the residents in the reasonable opinion of the Code Enforcement Officer. If the CEO makes a determination that a sign is in disrepair, as aforesaid, the CEO shall direct the owner or the individual having an interest in said sign to comply. If compliance is not forthcoming within thirty (30) days, the Board and/or its designee shall have the right to remove the sign and collect the cost thereof, including reasonable attorney's fees, from the owner or the individual having an interest therein.

7. Removal

- a. Any sign for a business, service or activity no longer in existence at a location shall be removed within 3 months from the date of the discontinuation of the business service or activity.
- b. Any wall, surface or other area from which any sign is removed shall be restored so that no remnant of the sign is visible.

O. Telecommunication and/or other towers

The lot shall be so sized and the tower so placed on the lot that the distance from the tower to the lot line in any direction shall be at least equal to one and one-half (1 ½) times the height of the tower.

ARTICLE V MISCELLANEOUS

The following additional, miscellaneous provisions are generally applicable in any Land Use District of the Town.

Section 18. HEIGHT OF BUILDINGS

Height of buildings is not explicitly limited by these Regulations. Height may be regulated as part of a special permit, where height regulation achieves a purpose of such special process.

Section 19. REDUCED LOT AREA

No lot shall be so reduced in area that any required open space will be smaller than that prescribed in the regulations for the district in which the lot is located.

Section 20. VISIBILITY AT INTERSECTIONS

On a corner lot in any residence district no fence, wall, hedge or other structure or planting will be more than 42 inches in height above the surface of the road shall be erected, placed or maintained within the triangular area formed by the intersecting street lines at points which are thirty (30) feet distant from the point of intersection measured along said street lines.

Section 21. OFF-STREET PARKING AND LOADING

A parking space shall be not less than nine (9) feet by twenty (20) feet, exclusive of access ways and driveways. All principal buildings and uses shall provide adequate off-street parking in accordance with the standards listed below. These standards are the minimum requirements. The Planning Board may require a greater number of parking spaces if the nature and scale of a proposed use warrants such provision.

- A.** One and two-family dwelling, manufactured home: two (2) parking spaces for every dwelling unit.
- B.** Multiple-family dwelling: one (1) space for every bedroom.
- C.** Home occupation: one (1) parking space for every full time employee (excluding the owner) plus one (1) space for every 300 square feet of space devoted to the use.
- D.** Hotel, motel: 1.25 spaces for every guest room.
- E.** Restaurant, bar, tavern: one parking space for every full time employee during the largest shift and one parking space for every three seats used by customers.
- F.** Retail store, professional or business office: one (1) parking space for every 300 square feet of business area.
- G.** Church, theater, club or other area of public assembly: one (1) space for every three seats. Clubs serving food and beverages will be required to meet the standards for restaurants/taverns.
- H.** Lumber, feed sales and storage, heating, plumbing, electrical supplies and repairs, development or research center, and other such industrial, warehouse, wholesale or bulky retail uses: three (3) parking spaces for every 1,000 square feet of business area.
- I.** Light industry, manufacturing or assembly: one (1) parking space for every full time employee during the largest shift and one (1) space for every 300 square feet used for retail space.
- J.** Municipal building, library, charitable institutions, and similar uses: one (1) parking space for each full-time employee (including faculty) plus 1 for every 3 seats in areas of public assembly.
- K.** Riding stables, animal hospital, kennel: one (1) space for each employee plus a minimum of six additional spaces for client and/or customer parking.
- L.** Unspecified uses: to be determined by the Town Planning Board.

Section 22. SCREENING FOR NON-RESIDENTIAL USES

In any case where a commercial or industrial use shall be contiguous to and abut upon any residential use, the Planning Board shall require screening and dark sky compliant lighting on the commercial or industrial property.

Section 23. DISPOSAL OF JUNK, WASTE OR REFUSE

No land shall be used for the open storage, dumping or disposal of refuse, whether or not used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition except as provided for in Section 23A.

Temporary storage of such materials is permitted within buildings or in solidly screened areas not less than 100 feet from any public street, road, residence, or building used by the public for a period not to exceed one year. No private land area shall be used for final disposition of any solid waste.

Section 23A. AUTO JUNKYARDS:

Auto junkyards are regulated by the Town Board, not by the Planning Board. Regulations of Auto Junkyards are those set forth in the New York State General Municipal Law §136 in conjunction with the following Town Regulations;

A. Legislative intent -

It is declared that the unrestrained accumulation of junk motor vehicles is a hazard to health, safety and welfare of citizens of the Town necessitating the regulation, restraint and elimination thereof. At the same time, it is recognized that the maintenance of junk yards as hereinafter defined, is a useful and necessary business and ought to be encouraged when not in conflict with the express purposes of this section.

B. Definitions -

For the purpose of this section, "junk yard" shall mean any place of storage or deposit, whether in conjunction with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts there from, for the purpose of reclaiming for use some or all of the materials therein, whether metal glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term junk yard

shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for re-melting purposes only.

C. "Motor vehicle"

Shall mean all vehicles propelled or drawn by power other than muscular power and originally intended for use on public highways.

D. Requirement for operation or maintenance.

No person shall operate, establish or maintain a junk yard until he :

- (1) has obtained a license to operate a junk yard business and
- (2) has obtained a certificate of approval for the location of such junk yard.

E. Application for license and certificate of approval.

Application for the license and the certificate of approved location shall be made in writing to the Town Board, accompanied by a certificate from the local Zoning Board, or the Planning Board if no Zoning Board exists, that the proposed location is not within an established district restricted against such uses or otherwise contrary to the prohibitions of such zoning ordinance or local or State law. The application shall contain a description of the land to be included within the junk yard.

F. Hearing -

A hearing on the application shall be held within the municipality not less than two nor more than four weeks from the date of the receipt of the application by the legislative body. Notice of the hearing shall be given to the applicant by mail, postage prepaid, to the address given in the application and shall be published once in a newspaper having a circulation within the municipality, which publication shall be not less than seven days before the date of the hearing.

G. License requirements -

At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain the junk yard. In considering such application, it shall take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junk yard, to any record of convictions for any type

of larceny or receiving of stolen goods, and to any other matter within the purposes of this section.

H. Location Requirements -

At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the location of the junk yard. In passing upon same, it shall take into account, after proof of legal ownership or right to such use of the property for the license period by the applicant, the nature and development of surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering; and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of other causes.

I. Aesthetic considerations -

At the hearing regarding location of the junk yard, the governing board may also take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection the governing board may consider collectively the type of road servicing the junk yard or from which the junk yard may be seen, the natural or artificial barriers protecting the junk yard from view, the proximity of the proposed junk yard to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junk yard.

J. Grant or Denial of Application; Appeal -

After hearing the governing board shall, within two weeks, make a finding as to whether or not the application should be granted, giving notice of their finding to the applicant by mail, postage prepaid, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued to remain in effect until the following April first. Approval shall be personal to the applicant and not assignable. Licenses shall be renewed thereafter upon payment of the annual license fee without hearing, provided all provisions of this chapter are complied with during the license period, the junk yard does not become a public nuisance under the common law and the applicant is not convicted of any type of larceny or the receiving of stolen goods. The determination of the governing board may be received under article seventy-eight of the Civil Practice Law and Rules.

K. License fees. -

The annual license fee shall be paid at the time the application is made and annually thereafter in the event of renewal. In the event the application is not granted, the fee shall be returned to the applicant. The town, in addition to the license fee, may assess the applicant with the costs of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto and may make the license conditional upon payment of same.

L. Fencing -

Before use, a new junk yard shall be completely surrounded with a fence at least eight feet in height which suitably screens said area. The screen shall be of wood or other materials sufficient to totally screen the junk yard from view and the fence shall further have a suitable gate which shall be closed and locked except during the working hours of such junk yard or when the applicant or his agent shall be within. Such fence shall be erected not nearer than fifty feet from a public highway. All motor vehicles and parts thereof stored or deposited by the applicant shall be kept within the enclosure of the junk yard except as removal shall be necessary for the transportation of same in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts shall be accomplished within the enclosure.

Where the topography, natural growth of timber or other considerations accomplish the purposes of this chapter in whole or in part, the fencing requirements hereunder may be reduced by the legislative body, upon granting the license, provided, however, that such natural barrier conforms with the purposes of this chapter.

M. Established Junk Yards -

For the purposes of this section the location of junk yards already established shall be considered approved and the owner thereof deemed suitable for the issuance of a license. Within sixty days from the passage of this section, however, the owner shall furnish the governing board the information as to location which is required in an application, together with the license fee, and the governing board shall issue him a license valid until the next April first, at which time such owner may apply for renewal as herein provided. Such owner shall comply with all other provisions of this section including the fencing requirements set forth in subdivision L of this section.

N. Notwithstanding any of the foregoing provisions of this section, no junk yard, hereafter established, shall be licensed to operate if such yard or any part

thereof shall be within five hundred feet of a church, school, hospital, public building or place of public assembly.

- O.** This local law shall be enforced by the Town of Gouverneur Building Code and Enforcement Officer and such other representative as the town may designate.
- P.** Violators of any of the portions of this section shall be guilty of an offense punishable by a fine not exceeding One Hundred Dollars (\$100.00) and each week that such violation is carried on or continues shall constitute a separate violation.

Section 24. SEWAGE DISPOSAL SYSTEMS

Construction, alteration, repair or extension of any facility or part of a facility intended or used for disposal of residential sewage must comply with Appendix 75-A of the New York State Sanitary Code Administrative Rules and Regulations. Non-residential sewerage systems must comply with "Standards for Waste Treatment Works Institutional and Commercial Sewerage Facilities." Appendix 75-A and "Standards for Waste Treatment Works" are hereby adopted by the Town of Gouverneur. A permit is required for the foregoing activities prior to commencement of work, and a certificate of compliance must be issued prior to use. The following additional regulations apply:

- A.** It shall be unlawful for any person to use or maintain any individual sewage disposal system that is not in good operational order, is a source of pollution to any of the surface waters of the State, permits the seepage of sewage to ground water, or interferes with the enjoyment or use of neighboring properties.
- B.** It shall be unlawful for any person to abandon the use of a septic tank or seepage pit, unless at the time of such abandonment, they are filled with clean, granular soil or inert, free-flowing, dense material.
- C.** It shall be unlawful for any person to use an individual sewage disposal system for disposal of waste chemicals, petroleum derivatives or hazardous or toxic materials generally.

Section 25. MANUFACTURED HOMES

Manufactured homes may be located on individual lots or parcels of land where

permitted, subject to the specific requirements of this subsection. It is the intent of this Local Law to recognize the manufactured home as an alternative source of affordable housing. However because manufactured homes may present special problems which are uncharacteristic of conventional housing, the location and maintenance requirements of this subsection are designed to insure that manufactured homes are safe and compatible with surrounding uses.

A. A manufactured home may be located on individual sites in districts if they meet all of the following standards:

1. The manufactured home shall be occupied only as a single family residence.
2. Prior to installation on a lot in the town manufactured homes must bear a certifying seal that the unit meets structural, electrical, and health and safety standards in effect at the time of installation. Installation of units not bearing such a seal is prohibited. Non-certified units located within the Town prior to the effective date of this ordinance may not be re-located beyond the borders of a lot of record. Relocation of a pre-existing unit to a new lot is considered equivalent to a relocation from outside the Town.
3. The manufactured home shall have an adequate supply of potable water and a sewage disposal system which meets the requirements of Article V, Section 24.
4. The manufactured home shall be located in conformance with all the area requirements.
5. The manufactured home stand shall be improved to provide adequate support for the placement and anchoring of the manufactured home in accordance with generally accepted standards. The stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. The stand shall inhibit the ponding of water under and around the home.
6. Tie-downs are required for all units. (Reference New York State Residential Code)
7. Skirting is required for all units.

Section 26. VACANT, DANGEROUS OR UNSAFE BUILDINGS OR STRUCTURES

A. Dangerous or Unsafe Buildings or Structures

1. A building or structure which is in imminent danger to life and safety as a result of structural instability, fire, explosion or other hazardous situation, shall be made safe and secure or demolished and removed by the owner thereof within 90 days.
2. The occupants of any such building or structure shall vacate the premises forthwith. No person shall use or occupy such building or structure until it is deemed safe and secure by the Code Enforcement Official.
3. Except for the owner, no person shall enter premises which have been ordered vacated unless authorized to perform inspections, repairs, or to demolish and remove such building or structure.

B. Vacant Building or Structures

1. Every person owning or having charge or control of any building which has been vacant for over 60 days shall remove all combustible waste and refuse therefore and lock, barricade, or guard continuously all windows, doors and other openings in the building to prohibit entry by unauthorized persons.
2. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, a placard of condemnation shall be posted on the premises and the structure shall be secured.

Section 27. STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

- A.** The State Environmental Quality Review Act requires that local governments examine the environmental impact of all actions they permit, fund, or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by reference.
- B.** All "Type I" actions (8 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.

- C. For zoning actions that are subject to review, the following bodies shall be SEQR lead agency, unless otherwise delegated by the Town Board.

1985 Text and Map AmendmentsTown Board

Auto JunkyardsTown Board

Special PermitsPlanning Board

VariancesBoard of Appeals

- D. If in the opinion of the SEQR local lead agency, after review of the Environmental Assessment Form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement. Review, notice and action on the EIS shall be conducted according to Part 617.

ARTICLE VI ADMINISTRATION AND ENFORCEMENT

Section 28. PERMIT APPLICATION REQUIREMENTS

Required plans and data to be submitted in accord with the procedures as outlined in these Land Use Regulations shall be prepared according to the following;

A. Building/Use Permit; Special Use Permit

1. Site Plan - A minimum of two (2) copies and such additional copies as the Enforcement Officer may specify, to scale, to include:
 - a. Location map showing boundaries and dimensions of the parcel or tract of land, contiguous properties, and any easements or public rights-of-way.
 - b. Existing features of the site including existing land use, land and water areas, existing buildings and water or sewer systems immediately adjacent to the site, and surface drainage characteristics.
 - c. The proposed location and arrangement of the use and any buildings or installations on the site.

- d. Sketch of any proposed building or structure, including exterior dimensions and elevations of front, side and rear view.
- 2. Accompanying Data - To include the following:
 - a. Application and required fee, if any.
 - b. Name and address of applicant and any professional advisors.
 - c. Written authorization of owner if applicant is not the owner of the property in question.
 - d. Description of materials and method of installation for any equipment or installation for which the permit is being sought.
 - e. Results of any required on-site investigation including percolation test, where applicable.
 - f. Results of water test indicating a safe, potable water supply.
- 3. Special Considerations - to include, where applicable:
 - a. Such additional information, data and analysis as is required on any application form prepared by the Town, or as the Planning Board, Enforcement Officer, Town Board or Board of Appeals may specify in the administration and enforcement of these Regulations.

Section 29. PERMIT APPLICATION REVIEW PROCEDURES

- A. Notification of Determination - The Enforcement Officer shall review the application and shall issue or refuse to issue the applied for Building/Use Permit, or advise the applicant of any required additional information or referral required within ten (10) working days of receipt of the application. Notice of refusal to issue any permit shall be given to the applicant in writing and shall state the reasons for said refusal. Approval of the application shall be indicated by issuance of the Building/Use Permit.
- B. Duration of Validity - A Building/Use Permit issued under these Regulations shall be valid for a period of one (1) year from the date of issuance and shall thereafter be deemed null and void if no activity has been started. Special

permits that have resulted in some serious preparation or are in motion run with the land and remain valid.

Section 30. CERTIFICATE OF COMPLIANCE

- A. Certificate Required** - No project or action required to obtain a Building/Use Permit above shall be occupied, opened, put into operation or be deemed complete and approved until a Certificate of Compliance shall have been issued by the Enforcement Officer.
- B. Application** - Application for a Certificate of Compliance shall be made coincidental with any application for a Building/Use Permit. Such application shall be valid for the duration of the validity of the Permit.
- C. Notification of Project Completion** - Upon completion of any project or action for which a Building/Use Permit and Certificate of Compliance are required, it shall be the responsibility of the applicant to immediately notify the Enforcement Officer of such project completion.
- D. Notification of Determination** - The Enforcement Officer shall inspect each project or action for which a Certificate of Compliance is required before issuing such Certificate. A Certificate of Compliance shall be issued only if the proposed use of the building, system or land conforms to the provisions of these Regulations and to the application based on which the Building/Use Permit was issued. Issuance of the Certificate or written notification of refusal to issue the same and the reasons therefore are to be accomplished within ten (10) working days from the date of notification of project completion.

Section 31. SPECIAL USE PERMITS

On application, the Planning Board may authorize the Enforcement Officer to issue a Special Use Permit for any use for which approval of the Planning Board is required by these Regulations. The process for consideration of a Special Use shall be as follows:

- A.** The nature and content of an application for a Special Use Permit shall be as set forth in Article VI, Section 28 of this Code. The Enforcement Officer shall determine the completeness of any application and shall notify the applicant within ten (10) working days of the date of submission if such application is incomplete or deficient in any way, and shall further specify the deficiencies.

- B.** The Planning Board may schedule and hold a public hearing with five days published public notice within sixty two (62) days of the date of submission of a complete application. It shall then render its decision within sixty two (62) days of the date of hearing. These respective time frames may be extended by mutual written agreement between the applicant and the Board. If no public hearing is held, the Planning Board's decision is due within sixty two (62) days after application.
- C.** Notification of the Planning Board's decision to authorize or deny the Permit and the reasons therefore will be given in writing to the Enforcement Officer, a copy filed with the Town Clerk within five (5) working days of the date of the Board's decision and a copy of the Board's determination furnished to the applicant by the Town Clerk.
- D.** Special use permit applications for projects located within the County Planning Board jurisdictional area must be referred prior to final action. The process is explained in Section 34.

Section 32. BOARD OF APPEALS

- A.** A Board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Town Board. Two members of the Board of Appeals shall also serve on the Town Planning Board. The Town Board shall designate the Chairman of the Appeals Board. The Board of Appeals shall prescribe such rules for the conduct of its affairs as may be necessary to carry out its duties under these Regulations. In particular, the Board shall conduct itself according to the following:

 - 1.** Meetings - All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as a majority of the members of the full Board may determine. All meetings of the Board of Appeals shall be open to the public.
 - 2.** Records - The Board shall keep minutes of its proceedings, including its examinations, findings and official actions and shall record the vote of each member upon every question put to vote or, if absent or failing to vote, indicating such fact. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decisions of the Board and the findings of fact on which the decision was based, and an

appropriate record of every official determination of the Board shall be on file in the office of the Town Clerk.

3. **Voting Requirements** - The concurring vote of a majority of the full membership of the Board of Appeals shall be required to constitute an official action by the Board.
4. **Eligible Applicant or Appellant** - An application or appeal to the Board of Appeals may be initiated by any person or party aggrieved under, or with legitimate interest in, these Regulations including the Town and its officials. An appeal for an interpretation or variance may be made only after a determination and notification of action taken by the Enforcement Officer or other body of original jurisdiction, except where such appeal is instituted by an official to the Town and except as authorized by New York State Town Law subsection 274-b.3 for special use permits and 277.6 for subdivisions.

B. Powers and Duties

The Board of Appeals shall have all the powers and duties prescribed by law and by these Regulations. In particular, the powers of the Board of Appeals are as follows:

1. **Interpretation** - To decide any question involving the Interpretation of any provision of these Regulations, including determination of the exact location of any zoning district boundary or any other determination made in the administration or application of these Regulations. Such interpretation shall be considered and rendered by the Board only upon application or appeal following a determination made by the Enforcement Officer.
2. **Use variances**
 - a. The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
 - b. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such

unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

1. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 2. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 3. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 4. that the alleged hardship has not been self-created.
- c. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area Variances

- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
- b. Application for area variance: Notwithstanding any provision of law to the contrary, where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to section two hundred sixty-seven-b, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.
- c. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted,

as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 3. whether the requested area variance is substantial;
 4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
 5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- d. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

C. Procedure

1. The Board of Appeals shall act in strict accordance with the procedures specified by law and by these Regulations and shall be in accord with the following:

- a. **Application** - All appeals and applications made to the Board of Appeals shall be in writing, in the form prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Regulations involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted. Such appeal shall be taken within sixty (60) days of the date of notification of the determination which is being appealed. The Enforcement Officer shall transmit to the Board all of the records concerning the case which is being appealed.
- b. **Notification and Public Hearing** - The Board of Appeals shall fix a reasonable time for a public hearing in connection with an appeal or application and shall give public notice thereof by publication in the official paper of a notice of such public hearing at least five (5) days prior to that date; and shall, at least five (5) days before such public hearing, mail notice thereof to the applicant or appellant and to the adjacent land owners.
- c. **Referrals** - Where any appeal for variance involves lands within five hundred (500) feet of an adjoining municipality, State or County property on which there is a building or institution or right-of-way, the appeal shall be referred to the St. Lawrence County Planning Board and acted upon in accord with the requirements of the application provisions of Section 239 of the General Municipal Law.
- d. **Decision and Notification**- Within sixty-two (62) days from the date of any public hearing, the Board shall render a determination on any appeal and notify the applicant in writing within five (5) working days of the date of determination. Every decision of the Board of Appeals shall be by resolution. The Board of Appeals shall notify the Enforcement Officer, Town Clerk and Planning Board of the action taken on any application before the Board with respect to an interpretation or variance.

Section 33. AMENDMENT

- A. The Town Board may on its own motion, on petition, or on recommendation of the Planning Board or Board of Appeals, amend these regulations pursuant to the applicable requirements of law.

- B. All proposed amendments affecting real property shall be referred to the Planning Board for a report and recommendation. The Planning Board shall submit its report within thirty (30) days after receiving a full statement of such referral. If the Planning Board fails to report within the required time, the Town Board may take action without such report.
- C. Any proposed amendment governed by Section 239 of the General Municipal Law shall be referred to the St. Lawrence County Planning Board. See Section 34.
- D. Before any amendment, there shall be a public notice and hearing thereon as provided by law. Notice of the hearing shall be published in a paper of general circulation at least five (5) days prior to the hearings.
- E. After the public hearing, and referral to the Planning Board, a majority vote of the membership of the Town Board shall be required to amend these Regulations. In the case of a protest against such change signed by the owners of 20% or more of the land area included in the proposed change, such amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the Town Board.

Section 34. REFERRAL TO THE COUNTY PLANNING BOARD

Section 239-m of General Municipal Law requires that certain zoning actions be referred to the County Planning Board prior to final action by the Town Planning Board, Zoning Board of Appeals, or Town Board. Section 239-n requires the same referral before taking action on certain subdivisions.

A. The referral requirement applies to:

1. Any zoning amendment that would change the district classification of or the regulations applying to real property lying within a distance of 500 feet to:
 - the boundary of any village or town;
 - the boundary of any existing or proposed County or State park or other recreation area;
 - the right-of-way of any existing or proposed County or State road or Highway;

- a farm operation located in an Agricultural District;
 - the existing or proposed right-of-way of any stream or drainage channel for which the County has established channel lines;
 - the existing or proposed boundary of any County or State owned land on which a public building or institution is situated; or
2. Any special permit, site plan or variance, or any subdivision affecting real property within such distance of 500 feet; or
 3. Any special permit, site plan, use variance or subdivision applying to real property lying within a distance of 500 feet from the boundary of a farming operation within a St. Lawrence County Agricultural District.
- B.** The County Planning Board has 30 days after receiving a full statement within which to make a recommendation to the local Board having jurisdiction. Upon receipt of the County Planning Board recommendation, or upon expiration of the 30 day period, the local Board may take final action. If the County Planning Board disapproves the referral or recommends modification, the local Board shall not act contrary except by a majority plus one vote of the full membership.
- C.** The local Board of jurisdiction must report the results of its action within seven days to the County Planning Board.

Section 35. ENFORCEMENT, APPEAL AND COURT REVIEW:

- A.** Enforcement - These Regulations shall be administered by a person called the "Enforcement Officer," designated by the Town Board, who shall not grant any permit or certificate where any proposed project or installation would be in violation of any provision of these Regulations. The Enforcement Officer shall establish procedures and make inspections as are necessary to carry out his duties in the administration and enforcement of these Regulations. Further, the Enforcement Officer shall prepare and submit a written record and report of all official actions, including permits and certificates issued and denied, to the Town Board on a monthly basis or as otherwise directed by the Town Board with copies transmitted to the Planning Board and Board of Appeals.
- B.** Citizen Complaint - Any resident, property owner or other person of legitimate interest may file with the Enforcement Officer a written signed complaint against any alleged violation of these Regulations. It shall be the duty of the

Enforcement Officer to investigate such alleged violation and to report to the Planning Board and Town Board in a timely manner, which report shall be filed and be part of the public record of the Town.

- C. Notification and Correction - Any building or use which does not comply with these Regulations shall be so recorded by the Enforcement Officer and a report thereof filed with the Town Board. The Enforcement Officer, at the direction of the Town Board, shall give official written notice to this effect to the owner of record. The owner shall initiate measures to correct such noncompliance within thirty (30) days from the date of notification. If within this (30) day period application is not made to initiate a process for correction and if thereafter such correction is not pursued according to an agreed-upon timetable and to the satisfaction of the Town Board, the Town Board shall institute proceedings to compel compliance, civil and/or criminal and assess such penalties as are provided for herein.
- D. Appeal - All appeals for relief from the application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals whose duties and procedure for consideration of appeal are as set forth in Section 32 of these Regulations.
- E. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Town Board or any official instrument of the Town in the administration of these Regulations may apply to have the decision reviewed in the manner provided by Article Seventy-Eight of the Civil Practice Law and Rules, provided the proceedings is commenced within thirty (30) days after the filing of the decision in the office of the Town Clerk. Costs shall not be allowed against the Town unless it appear to the Court that the Town or its representatives acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 36. INTERPRETATION

- A. Interpretation - Terms and words used herein are defined in Article I, Section 9 and Section 23A of these Regulations. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinance, the most restrictive or that imposing the highest standard shall govern.

- B. Invalidity** - No approval, permit or certificate authorized or granted by an official of the Town in contradiction to the provisions of these Regulations shall vest any rights or interest to the recipient irrespective of any action taken or obligation incurred in reliance on such authorization, nor shall the Town be liable for same under any such invalid authorization.
- C. Liability** - Nothing in these Regulations including the issuance of a Building/Use Permit, Certificate of Compliance or Special Permit shall be construed to insure or in any way guarantee any building, structure, improvement or installation against defect, failure or other shortcoming, and the Town shall not be liable for same.

PART II

ARTICLE VII ENACTMENT

SECTION 37. SEPARABILITY.

Should any section or provision of the regulations contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

SECTION 38. EFFECTIVE DATE.

"The TOWN OF GOUVERNEUR LAND USE AND SUBDIVISION REGULATIONS" shall become effective immediately upon filing with the New York State Secretary of State.

Effective Date: This Local Law shall be effective upon the date of filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

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

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

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2014 of the Town of Gouverneur was duly passed by the Town Board on May 13, 2014, in accordance with the applicable provisions of law. X

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

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

3. (Final adoption by referendum.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 20 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 20 , in accordance with the applicable provisions of law.

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

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__ above.

(Seal)

Joan M. Hall - TC
Clerk of the County legislative body, City, Town or Village
Clerk or officer designated by local legislative body.
Joan M. Hall
Date: 5/13, 2014

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

STATE OF NEW YORK)
).ss
COUNTY OF ST. LAWRENCE)

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

[Signature]
Henry J. Leader, Esq.
Town Attorney
Town of _____ Gouverneur
Date: May 16, 2014



State of New York Department of State
Attn: Linda Lasch, Principal Clerk
State Records & Law Bureau
41 State Street
Albany, New York 12231-0001

FILED
STATE RECORDS
JUN 02 2014
DEPARTMENT OF STATE

**Re: Town of Gouverneur
Local Law No. 1 of 2014**

Dear Ms. Lasch:

The Town of Gouverneur attorneys forwarded to you Local Law Number 1 for the year 2014 for filing under cover letter dated May 16, 2014. The law sent to you contained a typographical error. In that regard, we enclose herewith a corrected second page of the law with the request that you replace the corrected page in the law previously sent to you.

Thank you for your courtesy.

Sincerely,

Joani Hall. TC

Joani Hall, Town Clerk

Enclosures

RECEIVED
STATE RECORDS
JUN 02 2014
DEPARTMENT OF STATE

TOWN OF GOUVERNEUR

FILED
STATE RECORDS

JUN 02 2014

DEPARTMENT OF STATE



BOOK 1: LAND USE REGULATIONS

EFFECTIVE DATE: MAY 2014