



**TOWN OF
FORESTPORT
SITE REVIEW
LAW**

JULY, 1986

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE 1 - TITLE	1
ARTICLE 2 - PURPOSE	1
ARTICLE 3 - SCOPE	1
ARTICLE 4 - DEFINITIONS	1
ARTICLE 5 - USE REGULATIONS	1
Section 5.1 Permitted Uses	1
Section 5.2 Uses Requiring Site Plan Review	2
ARTICLE 6 - GEOMETRIC REGULATIONS	5
Section 6.1 Lot Development	5
Section 6.2 Minimum Lot Area	5
Section 6.3 Frontage Requirements	5
Section 6.4 Setback Requirements	5
Section 6.5 Stream Setbacks	5
ARTICLE 7 - PARKING AND LOADING	6
Section 7.1 New Land Use Activities	6
Section 7.2 Existing Land Use Activities	6
Section 7.3 Location	7
Section 7.4 Yard Setbacks	7
Section 7.5 Joint Use of Parking Facilities	7
Section 7.6 Off-Street Loading Facilities	7
ARTICLE 8 - NON-CONFORMING SITUATIONS	7
Section 8.1 General Restrictions	7
Section 8.2 Lots of Less Than Required Dimensions (Lots of Record)	8
ARTICLE 9 - SUPPLEMENTARY REGULATIONS	8
Section 9.1 Signs	8
Section 9.2 Disposal of Solid Waste	8
Section 9.3 Disposal of Construction and Demolition Debris	9
Section 9.4 Establishment of a Junkyard	9
Section 9.5 Individual Mobile Home and Mobile Home Courts	10
Section 9.6 Trailer/Recreational Campsites	14
Section 9.7 Sanitation	16
Section 9.8 Flood Hazard Areas	19
Section 9.9 Wetlands	19
Section 9.10 SEQR	20
Section 9.11 Mining	20
Section 9.12 Storage and Handling of Hazardous Materials	20

	<u>Page</u>
ARTICLE 10 - ADMINISTRATION AND ENFORCEMENT	20
Section 10.1 Permit Required	20
Section 10.2 Enforcement Officer	21
Section 10.3 Fees	21
Section 10.4 Violations and Penalties	22
Section 10.5 Authority of Town Officials and Boards	22
Section 10.6 County Referrals	23
ARTICLE 11 - AMENDMENTS	23
ARTICLE 12 - INTERPRETATION	24
ARTICLE 13 - CONFLICTING PROVISIONS REPEALED	24
ARTICLE 14 - VALIDITY	24
ARTICLE 15 - EFFECTIVE DATE	24
APPENDIX A Definitions	25
APPENDIX B Site Plan Review Procedure	32
APPENDIX C Classifications For Fresh Surface Waters	33
APPENDIX D Simplified Site Plan	34

TOWN OF FORESTPORT
SITE REVIEW LAW

ARTICLE 1 - TITLE

The official title of this law shall be known and may be cited as the Town of Forestport Site Review Law.

ARTICLE 2 - PURPOSE

The purpose of this local law is to:

1. Provide for the controlled growth of residential, commercial, and industrial uses of land consistent with the economic and social needs of the community, and provide for the continuation of existing land use within the context of such requirements.
2. Protect the unique character of the communities' natural resources.
3. Promote the health, safety, and general welfare of the Town.
4. Be aware of and consistent with the goals and policies common to adjacent communities.

ARTICLE 3 - SCOPE

This law shall apply to any and all development in the Town of Forestport.

ARTICLE 4 - DEFINITIONS

The words and terms used in this law shall be defined as in Appendix "A", which is hereby made a part of this law. Terms not defined herein shall be as defined in the most current edition of Webster's Dictionary.

ARTICLE 5 - USE REGULATIONS

Section 5.1 - Permitted Uses

Permits for the following uses, located outside of the Special Flood Hazard Areas established and designated by the Federal Emergency Management Agency (FEMA), shall be issued by the Enforcement Officer when the applicant has satisfactorily met the requirements in this local law:

1. Single family and two-family residences
2. Individual mobile homes and seasonal camps
3. Agricultural structures and uses
4. Home occupations
5. Professional residence offices
6. Accessory structures for above uses

Section 5.2 - Uses Requiring Site Plan Review

- A. Authority: Pursuant to the authority delegated in accordance with Section 274-a of the Town Law of the State of New York, the Town Board hereby authorizes the Town Planning Board to review and approve site plans.
- B. Applicability: Before starting development of structures or uses included in the following list, the developer shall submit a site plan together with any supporting data for review and approval in accordance with the standards and procedures set forth in this local law and any applicable administrative regulations. No permit shall be issued by the Enforcement Officer, except upon authorization by and in conformity with an approved site plan after review and approval by the Town Planning Board.
- C. Activities Requiring Site Plan Approval: All land use activities included on the following list shall require site plan approval by the Town Planning Board:
1. Any use involving the alteration of three (3) or more acres of land excluding customary agricultural uses such as pasturing and crop raising.
 2. Mobile Home Parks
 3. Travel Trailer Parks
 4. Campgrounds
 5. All non-residential uses
 6. Conversion of any building into a three or more family dwelling
 7. Any Type 1 action as defined under Article 8 of the Environmental Conservation Law, "State Environmental Quality Review Act", Part 617 of Title 6.
 8. Any development within a designated floodplain or wetland.
 9. Any residential subdivision as defined by this Local Law.
- D. General Procedures for Planning Board Review and Approval: All applications for site plan approval shall be filed in writing with the planning board. The planning board may schedule a public hearing on the application to be held within ~~forty-five (45)~~ days from the date it is filed. Public notice of all such hearings shall be published in the official newspaper of the Town at least 5 days prior to the hearing date. A final decision shall be made within ~~forty-five (45)~~ days of the filing of the applicaiton unless a public hearing is held, in which case a final decision shall be made within ~~forty-five (45)~~ days of the hearing unless extended by mutual consent of the applicant and the planning board. All decisions shall be filed in the office of clerk and a copy mailed to the applicant. Appeals from any determination of the planning board under this section shall be made within 30 days and in accordance with the provisions of ARTICLE 78 OF THE CIVIL PRACTICE LAW AND RULES OF THE STATE OF NEW YORK. Refer to APPENDIX B - SITE PLAN REVIEW PROCEDURE for a schematic of overall process. * = 62 day
1. Application Requirements - Applications shall consist of the following, unless specifically waived by the Planning Board:
 - A. Two copies of a site plan, drawn to scale, to include where applicable:

- 1) Location map showing boundaries and dimensions of the parcel or tract involved, identification of contiguous properties, and any easements or public rights-of-way.
 - 2) Existing features of the site including existing land and water areas, existing buildings and water or sewer systems on or immediately adjacent to the site.
 - 3) Delineation of proposed location and arrangement of buildings or installation on the site.
 - 4) Grading and drainage plan, showing existing and proposed contours.
 - 5) Location and design of all parking and truck loading areas, showing ingress and egress.
 - 6) Sketch of any proposed building or structure, including exterior dimensions and elevations of front, side and rear view.
 - 7) Provisions for pedestrian access.
 - 8) Location of outdoor storage, if any.
 - 9) Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
 - 10) Location of fire and other emergency zones, including the location of any fire hydrants.
 - 11) Location, size, and design of all proposed signs.
 - 12) Location and proposed development of all buffer areas, including existing vegetative cover.
 - 13) Location and design of outdoor lighting facilities.
 - 14) Designation of the amount of building area proposed for retail sales or similar commercial activity.
 - 15) Description of the methods of securing water and sewage disposal and location, design, and construction materials of such facilities.
- B. Accompanying data, to include the following:
- 1) Application form and fee.
 - 2) Name and address of applicant and any professional advisors.
 - 3) Authorization of owner if applicant is not the owner of the property in question.
 - 4) Results of any required on-site investigation including percolation test, where applicable.
 - 5) For all new or substantially improved structures within the flood hazard area, the elevation in relation to sea level of the lowest habitable floor (Including basement), and the elevation to which the structure is floodproofed if it has been or will be floodproofed.
 - 6) General landscaping plan.
 - 7) Estimated project construction schedule.
 - 8) Completed Environmental Assessment Form.
- C. Any additional information as the Planning Board may reasonably require to assess the proposed project, consistent with the intent and purpose as stated in these pages and sections of the law, including identification of any state or county permits required for the project's execution.
Refer to Appendix D - SIMPLIFIED SITE PLAN for an example of the abovementioned site plan.

D. Review Criteria

1) The criteria for review by the Planning Board shall include, but not necessarily be limited to, the following:

- a. adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic control;
- b. adequacy and arrangement of pedestrian traffic access and circulation walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
- c. location, arrangement, appearance and sufficiency of off-street parking and loading;
- d. location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
- e. adequacy of stormwater and drainage facilities;
- f. adequacy of water supply and sewage disposal facilities;
- g. adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
- h. in the case of multi-family dwellings, the adequacy of usable open space for play areas and informal recreation;
- i. protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
- j. adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
- k. special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

2) Additional Criteria - In addition, the following criteria must be met:

- a. Distance between principal buildings -
 - The minimum distance between buildings on one lot in all cases shall be equal to the height of the taller at the point of closest proximity.
 - In no case shall any point on any building be less than 10 feet from any point on any other building.

b. Lot Coverage -

- Maximum lot coverage for all development shall not exceed 50% of the gross land area.

ARTICLE 6 - GEOMETRIC REGULATIONS

Section 6.1 - Lot Development

All lots and structures shall be developed in accordance with the standards set forth herein. Unless specifically authorized by the planning board under the provisions of this local law pertaining to site plan approval, no individual lot will be improved with more than one principle structure together with such accessory and secondary structures as are necessary and incidental to the use and enjoyment of such property. No part of any yard or other open space required for the purpose of complying with the provisions of this local law shall be included as part of a yard or open space required for any other structure.

Section 6.2 - Minimum Lot Area

The minimum lot area for all uses within the town shall be as follows:

1. For uses with public water and sewer - 15,000 sq. ft.
2. For uses with either public water or public sewer - 20,000 sq. ft.
3. For uses with neither public water or public sewer - 40,000 sq. ft.

Section 6.3 - Frontage Requirements

1. For lots served by either or both public water or public sewers, minimum frontage shall be 100 feet.
2. For lots with neither public water or sewer, minimum frontage shall be 200 feet.

Section 6.4 - Setback Requirements

In order to promote fire and traffic safety, all principle buildings shall be setback the following distances:

- SEE AMENDMENT**
1. from the center line of any public road - 50 feet.
 2. from side lot lines - 25 feet.
 3. from rear lot lines - 25 feet.

Section 6.5 - Stream Setbacks

All structures shall be setback one hundred (100) feet from the bank of any creek or stream designated by the NYS Department of Environmental Conservation as being better than 'D' quality. Refer to Appendix C - CLASSIFICATIONS FOR FRESH SURFACE WATER for an explanation of meaning of stream designations. In the event that compliance with this requirement would result in a hardship, the Town Board, following a public hearing, may permit a variance of this setback requirement. Such variance shall be the minimum necessary to permit a reasonable utilization of the site. However, the Town Board shall not allow any variance of this requirement until such time as the applicant receives the

necessary permits required by the NYS Department of Environmental Conservation and if it is determined that such a variance would result in a degradation of the water quality of such creek or stream.

ARTICLE 7 - OFF-STREET PARKING AND LOADING

Section 7.1 - New Land Use Activities

Uses established after the effective date of this local law shall provide off-street parking and loading in accordance with the following standards:

Dwellings	1 space for each dwelling unit
Motel, Hotel, Rooming house	1 space for each guest room
Retail store or bank	1 space for every 300 sq. ft. of floor space
Club or restaurant	1 space for every 100 sq. ft. of floor space
Office	1 space for every 400 sq. ft. of floor space
Church or Temple	1 space for every 3 seating spaces in main assembly room
Theatre or other place of assembly	1 space for every 5 seating spaces
Industrial/manufacturing use	1 space for each 3 employees on the maximum working shift
Wholesale, storage, freight terminal	1 space for each employee on maximum working shift. Parking area shall not be less than 25 percent of the building floor area.
Home Occupation	Off-street parking space for all customers, patients, clients and residents
Funeral Home	10 spaces for each reposing room
Schools	
Elementary	2 spaces for each classroom
Secondary	4 spaces for each classroom

Section 7.2 - Existing Land Use Activities

Existing uses are subject to the following:

1. Existing spaces shall not be reduced below the minimum requirements of this Article.
2. Change in existing uses shall require more or fewer spaces as follows:

- a. if the use needs more spaces than the original, spaces equal to the difference shall be provided
 - b. if such change results in a reduction, existing spaces may not be reduced below the number required for the new one
3. Existing uses which do not comply with the provisions of this Article shall not be considered nonconforming because of such noncompliance.

Section 7.3 - Location

Parking spaces accessory to a principle use shall be located on the same lot as the principle use, except as provided for by Section 7.5.

Section 7.4 - Yard Setbacks

No parking spaces shall be located within five (5) feet of any side or rear lot line, except in driveways.

Section 7.5 - Joint Use of Parking Facilities

Parking spaces for any use may be jointly utilized by any other use provided that:

1. There will exist no substantial conflict in principle hours or periods of peak demand of the uses for which the joint space is provided.
2. Such spaces shall not be located further than 500 feet from any of the principle uses which they serve.
3. A parking covenant is executed.

Section 7.6 - Off-Street Loading Facilities

On-premise loading spaces shall be provided in accordance with the provisions set forth in this Section:

1. Off-street loading facilities shall be provided for each commercial or industrial establishment with a minimum of 5000 sq. ft.
2. Each loading berth shall be at least 10 feet by 50 feet in size and have a minimum clear height providing access to the street of 14 feet.
3. Off-street loading facilities shall otherwise be subject to the provisions applicable to parking spaces.

ARTICLE 8 - NONCONFORMING SITUATIONS

Section 8.1 - General Restrictions

The preexisting use of property which would not comply with the provisions of this local law may be continued to be used, altered, repaired, and maintained, except that where any of the following changes occur.

1. Enlargement or expansion of any structure or lot which results in additional floor space, lot area, cubic feet, or the use of additional air space or sub-surface space.
2. The improvement of a nonconforming lot with any structure.
3. Any nonconforming structure which is abandoned for a period in excess of five years may not be reestablished without written authorization of the Town Board.

Section 8.2 - Lots of Less Than Required Dimensions (Lots of Record)

Any lot with an area less than that required by this local law may be used for any purpose permitted by this local law, provided that all other regulations shall be complied with, and provided further that said lot was held under separate ownership at the time of the adoption of this law and the owner thereof owned no adjoining land which could be combined with said lot to meet the dimensional requirements.

If complying with the yard requirements of this Law would only permit the construction of a residential structure of less than twenty-four (24) feet in width, the Town Board may waive these requirements following the filing of an application for such waiver and a public hearing. At that time, the Town Board shall determine reasonable yard requirements to permit the utilization of the lot.

ARTICLE 9 - SUPPLEMENTARY REGULATIONS

Section 9.1 - Signs

The following regulations shall apply to all permitted signs:

1. On-premises advertising and identification are permitted as follows:
 - a. Commercial and industrial signs - One two-dimensional sign identifying the commercial and industrial use of their sites, not exceeding 32 square feet on a surface and limited to wording for that establishment, its principle purpose or service.
 - b. Farm and resident occupation signs - one two-dimensional sign identifying the resident's occupation or farm at its site not exceeding 6 square feet on a surface and limited to wording for that establishment, its principle purpose or service.
 - c. No sign may project into the public right-of-way.
 - d. No sign will have flashing lights or moving parts.
2. Off-premises advertising signs are permitted as follows:
 - a. The maximum size of any advertising sign shall be fifty (50) square feet and if illuminated, the light shall not be directed toward any public highway or adjacent residence.
 - b. Any advertising sign shall be located at least (50) feet from the edge of the pavement of the nearest street or highway. No such sign shall be erected or established within two hundred feet of any street or road intersection, or of any dwelling.
3. Directional Signs
 - a. No sign shall project into the public right-of-way.
 - b. No signs shall have flashing lights or moving parts.
 - c. No sign shall be larger than 32 square feet in surface.

Section 9.2 - Disposal of Solid Waste

A. General Requirements:

1. No site or facility for the disposal of solid waste shall be established or permitted hereafter that does not meet the design and operation requirements of 6 NYCRR Part 360, Solid Waste Management Facilities
2. Prior to the establishment of any sanitary landfill, as defined herein, the owner/operator of such a use must obtain an operation permit from the Town Board. Such operation permit shall be subject to any and all conditions prescribed below and any other requirements the Board may deem necessary to adequately protect the health and safety of the public.

B. Permit Conditions:

1. No sanitary landfill operation permit will be issued by the Town Board prior to the applicant obtaining a valid operation permit from the New York State Department of Environmental Conservation pursuant to the requirements of 6 NYCRR Part 360, Solid Waste Management Facilities.
2. No sanitary landfill shall be sited within 1,000 feet of any existing residential, school, hospital, church, or similar type of use.
3. All applications for permits to operate a sanitary landfill shall be subject to the provisions of this Local Law.

Section 9.3 - Disposal of Construction and Demolition Debris

A. General Requirements

1. Prior to the establishment of any debris landfill, as defined herein, the owner/operator of such a use must obtain an operation permit from the Town Board. Such operation permit shall be subject to any and all conditions prescribed below and any other requirements the Board may deem necessary to adequately protect the health and safety of the public.

B. Permit Conditions

1. No debris landfill shall be sited within 1,000 feet of any existing residential, school, hospital, church, or similar type of use.
2. All applications for permits to operate a debris landfill shall be reviewed and approved pursuant to the provisions of this Local Law.

Section 9.4 - Establishment of a Junkyard

A. General Requirements

1. Prior to the establishment of any junkyards, as defined herein, the owner/operator of such a use must obtain an operation permit from the Town Board. Such operation permit shall be subject to any and all conditions as prescribed below and any other requirements the Board may deem necessary to adequately protect the health and safety of the public.

B. Permit Conditions

1. No junkyard shall be sited within 1,000 feet of any existing residential, school, hospital, church, or similar type of use.
2. All applications for permits to operate a junkyard shall be subject to the provisions of Section 136, General Municipal Law, Local Junkyard Licensing Procedures.
3. All applications for permits to operate a junkyard shall be reviewed and approved pursuant to the provisions of this Local Law.

Section 9.5 - Individual Mobile Homes and Mobile Home Courts

Mobile Homes:

- A. All mobile homes located or installed after the effective date of this regulation or its amendment shall comply with the State Code for Construction and Installation and Standards, Rules and Regulations for Mobile Homes, effective January 15, 1974, and as it may be amended.
- B. A Permit shall be required for any addition or alteration to the mobile home and such Permit shall include a provision for removing the structural addition, unless a Certificate of Compliance is granted therefore, at such time as the mobile home may be removed or relocated.
- C. An approved metal, wood or other suitable skirting or framing, properly ventilated and attached shall enclose that area from the bottom of the floor line of the mobile home to the ground. In addition, to provide safety from fire and wind hazard, all mobile homes not placed upon a permanent closed foundation set below the front line, shall be anchored. Anchors shall be of such design as to withstand 120 mile per hour winds.

Mobile Home Courts:

- A. All proposed mobile home courts shall be subject, and developed according to the Section 5.2 Site Plan Review Procedure of this regulation.
- B. All existing mobile home courts of record shall comply with the provisions of this regulation whenever any addition, expansion or alteration of the use or operation is proposed, and they shall be required to obtain an initial and annual operating license. Existing courts shall comply in every regard with minimum standards for health, sanitation and cleanliness.
- C. A mobile home court shall have a minimum lot size of five (5) acres.
- D. Within the mobile home court the minimum distance between individual mobile homes shall be thirty (30) feet. This minimum distance shall be maintained with regard to any additions, and/or structures, and/or any projection from the main building, except that unenclosed steps, awnings and one storage building not to exceed ten (10) feet wide by ten (10) feet long by eight (8) feet high per mobile home are exempt from this thirty-foot minimum requirement.

E. Replacement of mobile homes in existing parks will only be permitted where existing clearance limits are maintained or the thirty (30) foot minimum requirement is met, whichever is less.

F. Sanitary Facilities

1. Water and Sewer - All water supply and sewage disposal systems will comply with those standards set forth in Section 9.7 and the plans shall be approved by the State Department of Health or Department of Environmental Conservation as is applicable.

2. The following shall comply in every regard with those standards set forth in Section 9.7 of this Law.

- a. Storm and Surface Drainage
- b. Garbage and Refuse Disposal

G. Utility and Fuel Installations

1. All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulations of the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground.

2. Liquefied petroleum gas systems designed and installed in conformity with NFPA 58, Storage and Handling of Liquefied Petroleum Gases, are deemed to meet the requirements of this Ordinance.

3. Equipment for flammable liquids designed and installed in conformity with NFPA 30, Flammable and Combustible Liquids Code, is deemed to meet the requirements of this Ordinance.

H. Roadways

1. All internal roadways within a mobile home court shall have a paved or stone course maintained in a dust free manner, the minimum width of which shall be twenty-two (22) feet for two-way traffic and fifteen (15) feet for one-way traffic.

2. There shall be no dead-end streets in any court.

3. No mobile home shall be located within twenty (20) feet of any internal roadway or within fifty (50) feet from the boundaries of any public street or highway.

I. Off-Street Parking

1. A minimum of two off-street parking spaces shall be provided for each mobile home lot in the mobile home court outside the required road and shoulder area.

J. Recreation Area

1. An open space area of up to ten (10) percent of the total land area suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed mobile home

court. No such open space area shall be placed in any designated floodplain or wetland.

K. Improvements

1. Each mobile home owner-tenant shall be required to screen the area between the ground and the bottom of the mobile home with a suitable 'skirt', properly ventilated, within ninety (90) days after location in the mobile home court. Notification of such requirement shall be the responsibility of the mobile home court operator.

L. Records

1. Each mobile home within the mobile home court shall bear a readily identifiable number.
2. Each mobile home court shall contain an office on the premises in which shall be maintained a book recording the names of each household head, and the mobile home number.
3. The court owner or his agent shall notify the Town Clerk in writing when a mobile home is moved from its location in the court.

M. Permits

1. No mobile home court shall be established in the Town until a Permit has been applied for and granted in compliance with this regulation. All permits for the establishment of a mobile home court shall be approved in accord with Section 5.2, Site Plan Review process.
2. Application for a Permit for the establishment of a mobile home court shall include all information required in Section 5.2, and in addition,
 - a. A site plan to scale showing elevations, the layout of the court, individual mobile home lots, the roadway system, parking areas, water supply, sewage disposal and recreation area.
 - b. A complete statement describing the proposed method of sewage disposal, water supply, electric, utility and other services.
 - c. Approval by the County or State Health Department with regard to matters under their jurisdiction.
3. The court owner or operator shall not allow a replacement mobile home to be installed without first obtaining a Permit approved by the Planning Board.

N. License

1. The court owner shall not permit occupancy of any mobile home in the court, until a license to operate has been issued.
2. After such time that all conditions, specified for the establishment of the mobile home court, have been met and have been approved by the Planning Board, the Enforcement Officer shall issue an initial operating license.

3. All licenses shall be effective until December 31 of the calendar year of their issuance. An application for a renewable operating license shall be made to the Town Clerk at least thirty (30) days prior to expiration date of the previous license. Upon recommendation of the Enforcement Officer, the Town Board shall authorize or deny such license in accord with the requirements set forth in this Section.
4. A temporary license to operate may be requested by the court owner prior to completion of the court. The Enforcement Officer may, upon approval of the completion portion, issue a temporary operating license for a specified number of mobile homes. The Enforcement Officer may from time to time reissue the temporary operating license increasing the number of mobile homes specified, which may be occupied.
5. All temporary licenses shall be effective until December 31 of the calendar year of their issuance. An application for renewing a temporary license shall be made to the Town Clerk at least thirty (30) days prior to expiration date of the previous license. Upon recommendation of the Enforcement Officer, the Town Board shall authorize or deny such license in accord with the requirements set forth in this Section.
6. Licenses shall not be transferred or assigned and become void upon the transfer or change of ownership of the property.
7. Revocation - If the Town Board upon inspection finds that such mobile home court is not being maintained in a clean and sanitary condition or that such mobile home court is not being conducted in accordance with the provisions of this regulation, it shall serve upon the holder of such license or the person in charge of such mobile home court an order in writing, directing that corrective action with regard to the conditions therein specified be started within five (5) days after the service of such order and completed within thirty (30) days. If after the expiration of such period, such conditions remain unchanged, or are not corrected in accordance with the order of the Board, the Board shall serve notice in writing upon such license holder or the person in charge of such mobile home court requiring the holder of such license to appear before the Town Board at a time and place to be specified in such notice, and show cause why such license should not be revoked. The Town Board may after a hearing, revoke such license if the holder has violated the regulations applicable to such mobile home court or has violated any of the provisions of this regulation. Upon the revocation of such license, the premises shall forthwith cease to be used for the purpose of a mobile home court and all occupants shall be removed therefrom.
8. Permits - A Permit will be obtained for any structural addition or alteration to any mobile home within a mobile home court - except for a self-contained storage or service building not to exceed ten (10) feet in length by ten (10) feet in width by eight (8) feet in height - and such Permit shall include a provision for removing the structural addition at such time as the mobile home may be removed or relocated.

Section 9.6 - Trailer/Recreational Campsites

- A. Trailer or recreational campsites shall be subject to and developed according to the Site Plan Review procedures set forth in Section 5.2 of this regulation.
- B. All existing trailer/recreational campsites of record shall comply with the provisions of this regulation whenever any addition, expansion or alteration of the use or operation is proposed and they shall be required to obtain an initial and annual operating license. In addition, existing campsites shall comply in every regard with minimum standards for health, sanitation and cleanliness.
- C. A trailer/recreational campsite shall have a minimum lot size of five (5) acres.
- D. Sanitary Facilities
 - 1. Water and Sewer - All water supply and sewage disposal systems will comply with those standards set forth in Section 9.7 and the plans shall be approved by the County or State Health Department before any Permit is issued. Each campsite will contain adequate and suitably located rest room facilities which will include, where appropriate:
 - a. toilet and urinal closets
 - b. lavatory or washing sinks
 - c. bath or shower stalls

The number and type of each shall be determined by the Planning Board as part of their recommendation to the Town Board. In addition, a dumping station will be provided for those travel trailers which have self-contained toilet facilities.
 - 2. The following shall comply in every regard with those standards set forth in Sections 9.7.
 - a. Storm and Surface Drainage
 - b. Garbage and Refuse Disposal
- E. Roadways and Parking
 - 1. Access roads shall be a minimum of eighteen (18) feet wide for two-way traffic and twelve (12) feet for one-way traffic. There shall be no dead-end streets in any campsite.
- F. Improvements
 - 1. An open space area of up to ten (10) percent of the total land area suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed trailer/recreational campsite. No such open space area shall be placed in any designated floodplain or wetland.

G. Permits

1. No trailer/recreational campsite shall be established in the Town until a Permit has been applied for and granted in compliance with this regulation. All permits for the establishment of a trailer/recreational campsite shall be approved in accord with Section 5.2, Site Plan Review process.
2. Applications for a Permit for the establishment of a trailer/recreational campsite shall include all information required in Section 5.2, and in addition:
 - a. A site plan to scale, showing elevations, the layout of the campsite, individual travel-trailer spaces, the roadway system and water and sewer system.
 - b. A complete statement describing the proposed methods of sewage disposal, water supply and restroom, wash and bathing facilities and any other utility services.
 - c. Approval by the County or State Health Department with regard to matters under their jurisdiction.

H. License

1. The campsite owner shall not permit the occupancy of any site until a license to operate has been issued. After such time that all conditions specified for the establishment of the campsite have been met and have been approved by the Planning Board, the Enforcement Officer, will issue an initial operating license.
2. All licenses shall be effective until December 31 of the calendar year of their issuance. An application for a renewable operating license shall be made at least thirty (30) days prior to the expiration date of the previous license. Upon recommendation of the Enforcement Officer, the Town Board shall authorize or deny such license in accord with the requirements set forth in this Section.
3. Licenses shall not be transferred or assigned and become void upon transfer or change of ownership of the property.
4. Revocation - If the Town Board upon inspection finds that such trailer/recreational campsite is not being maintained in a clean and sanitary condition or that such trailer/recreational campsite is not being conducted in accordance with the provisions of this regulation, it shall serve upon the holder of such license or the person in charge of such trailer/recreational campsite an order in writing directing that corrective action with regard to the conditions therein specified be started within five (5) days after the service of such order and completed within thirty (30) days. If after the expiration of such period such conditions remain unchanged, or are not corrected in accordance with the order of the Board, the Board shall notice in writing upon such license holder or the person in charge of such trailer/recreational campsite requiring the holder of

such license to appear before the Town Board at a time and place to be specified in such notice and show cause why such license should not be revoked. The Town Board may after a hearing, revoke such license if the holder has violated the regulation applicable to such trailer/recreational campsite or has violated any of the provisions of this regulation. Upon the revocation of such license, the premises shall forthwith cease to be used for the purpose of a trailer/recreational campsite and all occupants shall be removed therefrom.

Section 9.7 - Sanitation

- A. General - The requirements and standards set forth in this Section are minimum criteria and wherever any applicable State or County standard shall make additional requirements or establish a higher or more restrictive standard, such additional or more restrictive standard shall govern.
- B. Water Supply
1. Potable water from an approved source shall be available at all times in any residential building or dwelling unit and in every building in which plumbing fixtures are installed. Water supply systems shall be installed and maintained so as to provide a supply of water to plumbing fixtures and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily and in a manner that will preclude the possibility of contamination.
 2. All new construction containing plumbing fixtures shall be connected to a public water supply system wherever possible and when such connection may be made lawfully thereto.
 3. Any individual or private system or well shall be located at least one hundred (100) feet distance from any tile field or seepage pit, and five (5) feet from any lot line.
- C. Sewage Disposal
1. Plumbing fixtures shall be drained to a sewage drainage system and such system shall be connected to a public sewer or to an adequate and approved system of sewage disposal.
 2. All new construction containing plumbing fixtures shall be connected to a public sewage disposal system wherever possible and when such connection may be made lawfully thereto.
 3. Where an individual sewage disposal system is necessary, it shall be so located, installed, and maintained as to insure the reception and disposal of sewage and other waste without creating a health hazard or nuisance resulting in obnoxious odors or unsightliness, and shall further not be discharged into or on the ground or any waterway until first rendered harmless through subjection to proper treatment.

4. In particular the sludge, discharge or other material pumped or removed on a commercial basis from any septic tank or sewage pit shall be disposed of in a place and in such manner as are approved by the Town Board and in accordance with any applicable State or County requirements, after a Permit has been applied for and granted for this purpose. No dumping, release or discharge of such septic tank effluent shall be permitted in the town until the above Permit has been obtained.
5. Any individual sewage disposal system shall be designed, located, installed and maintained according to the following procedures:
 - a. Site Investigation - An investigation of the site including soil and subsurface conditions will be conducted by or for the owner, builder or developer prior to the installation of any individual sewage disposal system. Such inspection shall determine that:
 - 1) Site conditions are such as to provide adequate drainage of surface water;
 - 2) Subsurface conditions are such as to permit the proper installation of any tile field or seepage pit pursuant to NYS Department of Health standards as contained in the handbook entitled, "Waste Treatment Handbook, Individual Household Systems".
 - 3) Stabilized percolation rates of less than sixty (60) minutes can be expected in the area where the proposed disposal system is to be located;
 - 4) There is at least ten (10) feet of soil above solid rock formations where both an individual water supply and sewage disposal system are proposed.

Where these conditions cannot be met or where there is substantial doubt on the part of the Enforcement Officer that they could be met, an additional thirty (30) day review period will be allowed to permit review by the Planning Board (and whatever professional assistance they might require) in order to determine if improvements can be made, and if so, what needs to be done in order to render the land developable.

- b. Design, Size and Location of the System
 - 1) Only wastes from plumbing fixtures shall be connected to the sewage disposal system. Surface and subsurface water, including roof, cellar, yard, or road run-off shall not only be excluded from the disposal system, but shall be disposed of so they in no way affect the system;
 - 2) All individual disposal systems shall be designed on the basis of 250 gal./bedroom/day. No septic tank shall have a liquid capacity of less than 750 gallons.

- 3) The house sewer extending from the outer foundation wall to the septic tank shall be constructed of four- or six-inch diameter tight-jointed pipe approved by the Enforcement or Sanitation Officer. The sewer shall be laid on a firm foundation at a minimum grade of one-quarter inch ($\frac{1}{4}$ ") per foot without any bends;
- 4) Septic tanks must be water tight and constructed of durable materials not subject to excessive corrosion, decay, frost damage or cracking and shall have a minimum liquid depth of four feet. Metal septic tanks where used must conform to Commercial Standard 177-62 of the U.S. Department of Commerce. In addition:
 - a) the top of the tank shall be below finished grade with a suitable soil cover and be provided with a suitable manhole.
 - b) pre-cast tanks shall be placed on a bedding of sand or gravel for proper bearing.
- 5) Tile fields shall not be constructed under driveways and shall be located at least one hundred (100) feet from any source of individual or ground water supply, twenty (20) feet from the foundation walls and twenty (20) feet from any property line, and in addition, shall wherever possible:
 - a) be constructed in accord with the dimensions and contour of the lot.
 - b) be connected to the septic tank outlet or distribution box with open jointed tile or perforated pipe on a bed of crushed stone or washed gravel at least six (6) inches in depth and at a grade not greater than one sixteenth ($\frac{1}{16}$ ") inch per foot nor less than one thirty second ($\frac{1}{32}$ ") inch per foot.
 - c) be covered with two (2) inches of crushed stone and a suitable membrane to keep out the earth backfill.
 - d) consist of the following required number of lineal feet:

Percolation Rate	Trench Width(ft)	2 Bedrooms or 300 gpd	3 Bedrooms or 450 gpd	4 Bedrooms or 600 gpd	5 Bedrooms or 1,000 gpd
0-5 Minutes	2	125	187	250	416
6-7	2	150	225	300	500
8-10	2	167	250	333	556
11-15	2	188	281	375	625
16-20	2	214	321	429	714
21-30	2	250	375	500	833
31-45	2	300	450	600	1000
46-60	2	333	500	667	1111

- 6) Where conditions are such that compliance with these standards would work an unusual hardship or where conditions render compliance an impossibility, upon application, a particular standard may be waived or adjusted by the Town Board in accord with the provisions of the regulation provided that the intent and purposes of this Section and the health and well-being of the community are not violated or jeopardized.
- 7) Notification will be given to the Enforcement Officer when the required installations have been made and before they are covered over in order that he may properly inspect them. Such inspection and official notification will be made within ten (10) days.

D. Surface Drainage

1. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools.
2. Storm drainage shall be conveyed to an adequate and approved system of storm water disposal where available. Storm drains shall not discharge onto the sidewalk, street or adjacent property in such a manner as to create a nuisance or hazard.

Section 9.8 - Flood Hazard Areas

All activity in those areas shown on the Flood Hazard Boundary map for the Town of Forestport, published by the Federal Emergency Management Agency, shall conform to the revised regulations of the National Flood Insurance Program published in 44 CRF Section 60.3, which are adopted herein by reference.

Section 9.9 - Wetlands

All activities in or adjacent to those areas shown on the NYS Department of Environmental Conservation Wetlands Map shall be required to be reviewed and approved by the NYS Department of Environmental Conservation prior to the issuance of any permit by the Town.

Section 9.10 - SEQR

Certain activities occurring within the Town and subject to the provisions of this Local Law may be subject to the State Environmental Quality Review process (SEQR). The Town Planning Board should identify the type of action an activity is according to the SEQR regulations. Depending on a number of factors the activity may be classified a TYPE I or an UNLISTED action. In making this determination, the Planning Board should consult Part 617 of Article 8 of the Environmental Conservation Law (New York). The Planning Board should review the Environmental Assessment Form (EAF) submitted by the applicant and make a determination of environmental significance.

If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed with the Planning Board. An application is not complete, and therefore, the review clock does not start, until a determination of no significance has been made or until a final environmental impact statement has been completed.

Section 9.11 - Mining

No person shall mine more than one thousand (1000) tons of material from the earth within one calendar year without applying for a permit from the Department of Environmental Conservation, as required by Title 27 of Article 23 of the Environmental Conservation Law.

Section 9.12 - Storage and Handling of Hazardous Materials

No use for any period of time shall discharge across the boundaries of the lot wherein it is located toxic or noxious matters in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property of others. No person shall engage in storage, transportation, treatment or disposal, including storage at the site of generation, of hazardous wastes without obtaining a permit from the Department of Environmental Conservation and complying with the requirements of Article 27, Title 9 of the Environmental Conservation Law.

ARTICLE 10 - ADMINISTRATION AND ENFORCEMENT

Section 10.1 - Permit Required

No building shall be erected, moved, structurally altered, added to, enlarged, or a change in its use effected, or a change in the use of a property and no excavation for any building shall be begun unless and until a Building Permit for such action has been issued by the Enforcement Officer.

Applications for Building Permits shall be submitted on a form or forms provided by the Town Clerk or Site Review Officer. Each application shall set forth the purpose for which the building is intended to be used and a general description of the structure to be erected, and shall be accompanied by a plot plan showing the dimensions of required yards, floor elevations and street and lot grades. The Enforcement Officer may require such additional information, other than that called for on the application form, as may reasonably be needed for him to determine if the proposed building, its use, and the use of the land are in conformity with the provisions of this Law.

The building permit when signed and issued by the Enforcement Officer shall be posted conspicuously on the premises facing the street or road where the permit authorizes the work to be done.

A building permit for a conforming use shall expire in twelve (12) months unless the construction authorized by such permit shall have been started and vigorously prosecuted during that time. The Enforcement Officer may extend the building permit upon request, if in his judgement, the facts in the particular situation warrant such extension. Construction shall be initiated within six (6) months of the date of issuance of the permit. Failure to do so shall nullify the permit.

The Enforcement Officer shall inspect the site at the commencement of the initial site work. This inspection should always precede completion of any major foundation work which would effectively commit the construction to a precise location. At this time, the Enforcement Officer shall substantiate full compliance with the building permit application and the Law.

Section 10.2 - Enforcement Officer

This law shall be enforced by the Enforcement Officer, who shall be appointed by the Town Board. He shall issue permits only in strict compliance with this law. Where there is a disagreement with any determination made by the Enforcement Officer as hereinabove referred to, an application may be filed by either the Enforcement Officer or other interested party with the Board of Appeals. It shall be the mutual responsibility of the permit applicant and the Enforcement Officer to arrange for inspection of the premises prior to issuing of permits. The Enforcement Officer shall issue or refuse to issue such permits all within a reasonable time.

No building permit shall be issued except in compliance with the provisions of this Law and any amendment thereto. Application for Building Permits shall be filed in the office of the Planning Board.

The office of Enforcement Officer is hereby established. The Enforcement Officer shall be appointed by the Town Board to serve at its pleasure. It shall be his duty to enforce the provisions of this Law and of all rules, conditions and requirements adopted or specified pursuant to the same. The Town Board may appoint one (1) or more Deputy Enforcement Officers to exercise any or all of the duties of the Enforcement Officer.

The Planning Board shall maintain files, open to the public, of all applications for building permits along with plans submitted therewith.

The Planning Board shall also maintain records, open to the public, of every complaint of a violation of the provisions of this Law as well as action taken as a result of such complaints.

Section 10.3 - Fees

~~A fee of twenty dollars (\$20.00) shall be paid to the Enforcement Officer for each building permit prior to issuance. A fee of twenty dollars (\$20.00) shall~~

SEE AMENDMENT

also be paid to the Enforcement Officer for issuance of a permit for the construction of a new septic system. A ten dollar (\$10.00) fee shall be required for the issuance of a permit for the construction of a new dry well or field.

Section 10.4 - Violations and Penalties

Whenever a violation of this Law occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Enforcement Officer. Upon the receipt of a written complaint, the Enforcement Officer shall record the complaint in his files, conduct an investigation, and issue his findings in writing. If the Enforcement Officer finds that any of the provisions of this Law are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Enforcement Officer shall file copies of any notice of violation with the Town Clerk and the Town Attorney.

Any person or corporation, whether as owner, or lessee, agent or employee, who shall violate any of the provisions of this Law or who fails to comply with any order or regulation made thereunder; or who erects, alters, moves, or uses any building or uses any land in violation of any detailed statement of plans submitted by him and approved under the provisions of this Law, shall be guilty of an offense and upon conviction shall be punished by a fine not exceeding \$250.00 or imprisonment not exceeding six (6) months, or both, in accordance with the provisions of Article 16 of the Town Law and any amendments thereto and any other statutes relating thereto.

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Law, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such building, structure, or land.

The building permit when signed and issued by the Enforcement Officer shall be posted conspicuously on the premises facing the street or road where the permit authorizes the work to be done.

The Enforcement Officer shall inspect the site at the commencement of the initial site work. This inspection should always precede completion of any major foundation work which would effectively commit the construction to a precise location. At this time, the Enforcement Officer shall substantiate full compliance with the building permit application and the Ordinance.

Section 10.5 - Authority of Town Officials and Boards

The general administration of this local law shall be divided among the Enforcement Officer, Planning Board and Town Board. Such bodies may adopt regulations designed to govern the procedures to be followed for the submission of all applications within their respective authority, including the development of administrative forms and submission of documents.

Section 10.6 - County Referrals

Pursuant to Section 239-l and 239-m of the General Municipal Law of the State of New York, any proposal requiring site plan approval for real property within a distance of 500 feet from:

1. Any municipal boundary, or
2. The boundary of any existing or proposed county or state park or other recreation area, or
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway, or
4. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated

shall be referred to the Oneida County Planning Department, which shall have 30 days in which to report its recommendations to the Planning Board. Failure of the County Planning Department to report within 30 days may be construed to be approval by the Department. If the County Planning Department disapproves the proposal, the Planning Board shall not act contrary except by a vote of a majority plus one of its full membership and after adoption of a resolution fully setting forth the reasons for such contrary action. The Planning Board must report its action to the County Planning Department within seven (7) days of such action.

ARTICLE 11 - AMENDMENTS

1. The Town Board may on its own motion from time to time amend, supplement, repeal or change the requirements established by this regulation pursuant to law.

Amendment of the SITE REVIEW LAW may be subject to the State Environmental Quality Review Process (SEQR). The Town Board should identify the type of action the activity may be. To make a decision, the Board should consult "Planning Board Technical Memo 6" and if necessary Part 617 of Article 8 of Environmental Conservation Law (New York).

It is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement is completed.

2. The Planning Board may, by resolution, propose amendments to the Town Board suggesting a change or repeal of specific portions of the regulation. Within thirty (30) days from the time such resolution is filed with the Clerk, it shall be the duty of the Board to hold a public hearing on such proposed amendment.
3. Referral of Proposed Amendments to the Town Planning Board - All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its

report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

4. Hearing on Proposed Amendment - Before any amendment, supplement or change in the regulation occurs, there shall be a public notice and hearing thereon as provided by law. Such hearing shall be held by the Town Board.
5. Adoption of Amendment - After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the SITE REVIEW LAW, except as described below.
6. Whenever 5% of the registered voters of the municipality shall present a petition duly signed and acknowledged to the Town Board requesting an amendment, supplement, or change of the regulations in this local law, it shall be the duty of the Town Board to vote upon such petition within 90 days after the filing of the same by the petitioners with the Town Clerk. Such amendment shall not be passed except by the favorable vote of three-fourths of such Board.

ARTICLE 12 - INTERPRETATION

1. A conflict between the requirements of this law and those of any other law, ordinance, rule, regulation, statute or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirement or higher standard.
2. In particular, nothing herein shall obviate the necessity of complying with any and all regulations of the Adirondack Park Agency with respect to those lands within the Town of Forestport which lie within the boundaries of the Adirondack Park.

ARTICLE 13 - CONFLICTING PROVISIONS REPEALED

1. All ordinances, laws, or parts of ordinances or laws in conflict with the provisions of this law are repealed, rescinded and annulled.

ARTICLE 14 - VALIDITY

1. Should any section, clause, or provision of this local law be declared by the courts to be invalid, the same shall not effect the validity of this law as a whole or any part thereof other than the part so declared to be invalid and only to the extent of such invalidity.

ARTICLE 15 - EFFECTIVE DATE

This law shall be effective upon filing with the Secretary of State.

APPENDIX A - DEFINITIONS

Accessory Structure - A detached building or structure which is of secondary importance to the principal structure of the parcel, and which is not used for human occupancy.

Accessory Use - A use customarily incidental and subordinate to the principal use, and which is located on the same level with such principle use.

Agriculture - The raising of crops, animals or animal products, limited forestry, the selling of products grown on premises, and other commonly accepted agricultural operations which have a gross annual sales greater than \$10,000. Incidental mechanical processing and sale of products grown on the premises are included in the definition.

Alteration - Any change to a structure which is not merely a repair or replacement of an existing part, or any change which would:

- a. enlarge or diminish the livable floor area of the structure or any part thereof;
- b. change the number of dwelling units contained in any structure;
- c. cause a change in the location or height of the exterior walls or roof of the structure;
- d. move the structure from one position to another.
- e. change any exit or entry facilities; or
- f. change or rearrange the structural parts of the structure such as, bearing walls, beams, girders, or columns.

Basement - A story partly underground but having at least one-half of its height measurment above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet or if used for business or dwelling purposes.

Building - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

Building Area - The total ground area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

Building Coverage - The portion of the plot or lot area covered by a building.

Building Height - Vertical distance from the mean natural grade at the foundation to the highest peak of the roof.

Building Line - A line parallel with the front, side and rear property lines, respectively, beyond which a structure may not extend as determined by this ordinance.

Cellar - A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissable number of stories.

Commercial Use - Any use involving the sale, rental, or distribution of goods or services, either retail or wholesale.

Conservation - The protection or management of open land in a natural state. The definition may include management practices such as supplementary clearing and replanting, stream channel maintenance, and erosion control.

Construction and Demolition Debris - Wastes resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes including but not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, paving material and tree and brush stumps.

Debris Landfill - A disposal site utilized exclusively for the deposition of construction and demolition debris as defined herein. At no time, however, shall anything of a hazardous nature, as defined herein, be allowed.

Development - Any activity other than agriculture or conservation activity which materially affects the existing condition of land or improvements, including but not limited to:

- a. Excavation or deposit of earth or other fill, including alterations in the banks of any stream or body of water.
- b. Construction, reconstruction, alteration or demolition of any improvements.
- c. Dumping or storing any objects or materials whether mobile, liquid, or solid.
- d. Starting any use of land, or improvements, and every change in land use type or intensity.
- e. Starting any noise, light, smoke or other emission and every change in its type or intensity.

Directional Signs - Off-site signs for the sole purpose of indicating directions to business and other establishments within the town.

Driveway - That space or area of a lot which is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street. Such space or area shall be a minimum of nine (9) feet in width and a maximum of twenty (20) feet in width. In no instance shall motor vehicles be parked/stored within any required front/rear/side yard except in this designated space or area.

Dwelling - A building or portion thereof, but not a Mobile Home, designed or used for residential occupancy. The term "dwelling" shall not be construed to mean a motel/hotel, rooming house, hospital or other accommodation used for more or less transient occupancy.

Dwelling Unit - One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete, independent living facility for one (1) family and which includes permanent provisions for sleeping, eating, cooking and sanitation.

Dwelling, Multi-Family - A residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground.

Dwelling, Single Family - A residential building containing only one (1) dwelling unit not occupied by more than one (1) family.

Dwelling, Single Family Attached - A group of two (2) or more single family dwelling units which are generally joined to one another by a common party wall, a common floor-ceiling and/or connecting permanent structure such as breezeways, carports, garages, or screening, fences or wall, whether or not such group is located on a single parcel or ground or on adjoining individual lots. Each unit shall have its own outside entrances(s); architectural facades or treatment of materials shall be varied from one group of units to another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one (1) feet.

Dwelling, Single Family Detached - A single family dwelling unit which is entirely surrounded by open space or yards on the same lot.

Enforcement Officer - An individual designated by the Town Board to represent them in matters pertaining to this local law.

Family - One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

Floodplain - Any area adjacent to a water body which is subject to inundation from high water and/or wave action, and subject at a minimum to a one percent chance of flooding in any given year. All areas designated as "Special Flood Hazard" zones by the Federal Insurance Administrations Official Map for the town shall be considered as floodplain areas. Further determination of the extent or existence of floodplains shall be based on the best available information including but not limited to: U.S. Army Corps of Engineers floodplain studies, USDA Soil Conservation Service studies, soils, vegetation, hydrologic, and geologic data.

Garbage - Putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

Hazardous Waste - A solid waste which appears on the State list or satisfies the criteria promulgated by the Commissioner of the Department of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law and, until, but not after, the promulgation of such list land criteria, a solid waste or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or biological characteristics may:

- i. cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- ii. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. The department shall make the final determination as to whether or not a solid waste is hazardous in accordance with its regulations and guidelines.

Home Occupation - An occupation or a profession which:

- a. is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and
- b. is carried on by a member of the family residing in the dwelling unit; and
- c. is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
- d. which conforms to the following additional conditions:
 - The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
 - No more than three persons shall be employed in the Home Occupation.
 - There shall be no exterior display, no exterior sign (except a sign not over two (2) square feet in area), no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.
 - No offensive glare, vibration, smoke, dust, odors, heat or traffic congestion shall be provided either directly or indirectly.

Hotel or Motel - A building or group of buildings where transient guests are lodged for hire, but excluding rooming houses.

Industrial Use - Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity.

Junkyard - Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered and inoperative motor vehicles, no longer in condition for legal use on the public highways, are held for a period of more than thirty days, whether metal, glass, fabric or otherwise, for the purposes of disposing of the same or for any other purposes. Such term shall also be applied to any operation which involves otherwise handling or arranging, for sale, resale, storage, or disposal or otherwise of bodies, engines, or parts of motor vehicles, or of any other secondhand or used property, which, taken together, equal in bulk two or more motor vehicles, of whatever material it is composed, including but not limited to household appliances, farm equipment, and other machinery not intended for future use.

Junk Vehicle - Any motor vehicle, trailer or semi-trailer which is inoperable and which by virtue of its condition cannot be economically restored. In addition any vehicle may be presumed to be a junk vehicle when:

1. valid license plates are not displayed or license plates have been expired for more than sixty (60) days; or
2. valid state inspection stickers, as required for the use of the vehicle are not displayed or have been expired for more than sixty (60) days; or
3. the vehicle remains in an inoperable condition for more than ninety (90) days.

Lot - A defined parcel of land considered as a unit, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses.

Lot Area - The total horizontal area included within the lot lines. No part of any area within a public right-of-way may be included in the computation of the lot area.

Lot-of-Record - A lot which is part of a subdivision recorded in the office of the County Clerk, or is a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Frontage - The portion of the lot abutting upon a street or road.

Mobile Home - A dwelling unit with all of the following characteristics:

- 1) designed for long-term occupancy, and containing sleeping accommodations, flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside system;
- 2) designed to be transportable after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels;
- 3) arriving at the site where it is to be occupied as a dwelling unit, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like;
- 4) designed for removal to and installation or erection on other sites.

A mobile home may include one (1) or more units, separately towable, which when joined together shall have the characteristics as described above. For the purpose of this regulation, a mobile home shall not be deemed a Single Family Detached dwelling unit.

Mobile Home Park - Any plot of ground which has been planned or improved for placement of mobile homes for non-transient use and upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

Modular Home - A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing, trees and other prefabricated sub-elements incorporated into a structure at the site. For the purpose of this regulation, a Modular Home shall not be deemed a Mobile Home.

Non-conforming Lot - A tract of land lawfully existing at the time of enactment or amendment of this local law which does not conform to the dimensional regulations of this law.

Non-conforming Situation - Use of a building or of land that does not comply with the regulations contained in this law, but which existed legally on the effective date of this law.

Open Dump - The consolidation of random wastes from one or more sources at a central disposal site which does not comply with the provisions of a 6 NYCRR Part 360, Solid Waste Management Facilities.

Person - Any individual, corporation, partnership, association, trustee, or other legal non-government entity.

Permit - Written authorization issued by the enforcement officer for the establishment of any land use or structure.

Parking Space - The minimum area required for parking one automobile, which in this law is held to be an area nine feet wide and twenty feet long, not including the driveway.

Public Notice - Notice of a scheduled public hearing published in the official town newspaper once at least five (5) days prior to the date of such hearing.

Sanitary Landfill - A land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards and meets the design and operation requirements of 6 NYCRR Part 360, Solid Waste Management Facilities.

Setback - The distance from lot lines to the nearest ~~outside wall of the principle and secondary structures.~~ ^{SEE AMENDMENT}

Sign - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Solid Waste - All petruscible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form.

Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision - The division of any parcel of land into two ~~or more lots,~~ ^{into two (2) lots} blocks or sites for purposes of development, with ~~or without roads,~~ ^{SEE AMENDMENT} including resubdivision and planned developments of permanent residences and associated facilities.

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel or recreational uses.

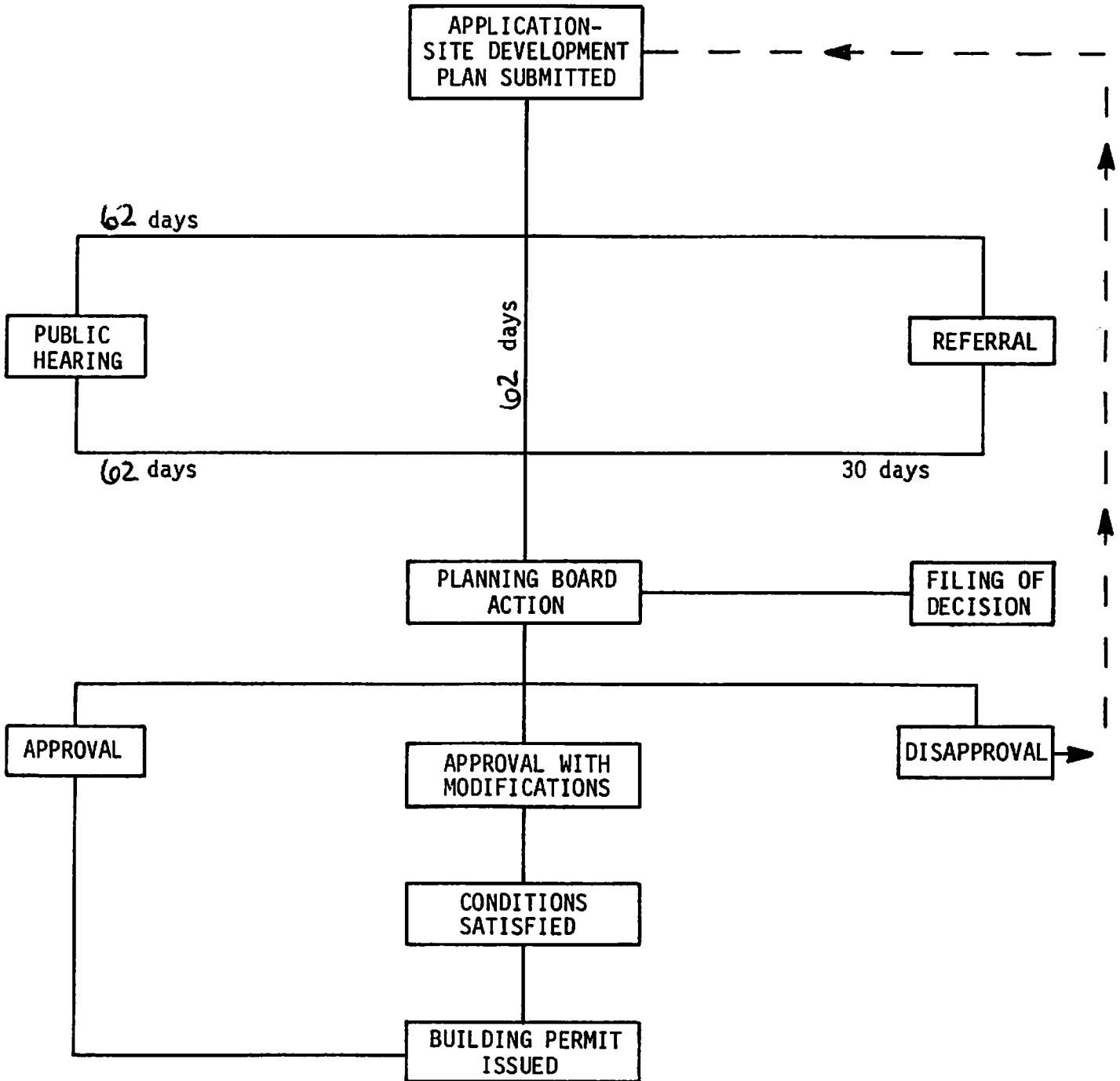
Travel Trailer Park - Any plot of ground upon which two or more travel trailers, pickup coaches or similar recreational vehicles and/or tents occupied for dwelling or sleeping purposes for transients are located.

Yard, Rear - An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps and unenclosed balconies not extending more than six (6) feet from the rear of the building, except as otherwise provided in this law. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side - An open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for steps and as otherwise specified in this law.

Wetland - Any area where water is at or near the surface of the ground each year, thus promoting the formation of hydric soils or hydrophytes.

APPENDIX B
SITE PLAN REVIEW PROCEDURE



APPENDIX C

CLASSIFICATIONS FOR FRESH SURFACE WATERS

CLASS "AA"

Best usage of waters. (1) Source of water supply for drinking, culinary or food processing purposes if subjected to approved disinfection treatment, with additional treatment if necessary to remove naturally present impurities. (2) Other uses may include, but are not limited to: fishing; propagation, survival and growth of fish, other aquatic life and wildlife; primary and secondary contact recreation, except where prohibited by Watershed Rules and Regulations as promulgated by the State Commissioner of Health or other regulations.

CLASS "A"

Best usage of waters. (1) Source of water supply for drinking, culinary or food processing purposes if subjected to approved treatment equal to coagulation, sedimentation, filtration and disinfection, with additional treatment if necessary to reduce naturally present impurities. (2) Other uses may include, but are not limited to: fishing; propagation, survival and growth of fish, other aquatic life and wildlife; primary and secondary contact recreation, except where prohibited by Watershed Rules and Regulations as promulgated by the State Commissioner of Health or other regulations.

CLASS "B"

Best usage of waters. Primary and secondary contact recreation; fishing; propagation, survival and growth of fish, other aquatic life and wildlife and any other uses, except as a source of water supply for drinking, culinary or food processing purposes.

CLASS "C"

Best usage of waters. Fishing; propagation, survival and growth of fish, other aquatic life and wildlife; secondary contact recreation and any other uses, except as a source of water supply for drinking, culinary or food processing purposes and primary contact recreation.

CLASS "D"

Best usage of waters. Secondary contact recreation; fish passage; source of industrial cooling process water supply; and any other usage, except for fishing, propagation, survival and growth of fish, other aquatic life and wildlife, primary contact recreation, source of water supply for drinking, culinary or food processing purposes.

APPENDIX D

SIMPLIFIED SITE PLAN

