

**TOWN OF SANFORD
BROOME COUNTY, NEW YORK**

**LAND USE MANAGEMENT LOCAL LAW
#1 - 1992**

FILED 12/07/1992

AMENDED: LOCAL LAW #3-1996
LOCAL LAW #1-1997
LOCAL LAW #2-1997
LOCAL LAW #2-1999
LOCAL LAW #1-2004
LOCAL LAW #3-2004
LOCAL LAW #1-2005
LOCAL LAW #1-2006
LOCAL LAW #2-2006

Revised to: April 17, 2006

Town of Sanford Land Use Management Local Law #1 -1992

TOWN OF SANFORD, NEW YORK

LAND USE MANAGEMENT LOCAL LAW #1 - 1992, WITH AMENDMENTS

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<u>Note:</u>	Amendments by Local Laws:
*	Amended by Local Law #3 - 1996
*2	Amended by Local Law #1 - 1997
*3	Amended by Local Law #2 - 1997
*4	Amended by Local Law #1 - 2003
*5	Amended by Local Law #3 - 2004
*6	Amended by Local Law #1 - 2005

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ARTICLE I: TITLE, ENACTING CLAUSE, PURPOSES **APPLICATION OF REGULATIONS**

Section 101. Title

This Local Law #1 may be known and cited as the "Land Use Management Local Law of the Town of Sanford, Broome County, N.Y."

Section 102. Enacting Clause

The Town Board of the Town of Sanford in the County of Broome of the State of New York hereby ordains, enacts and publishes as follows:

Section 103. Purposes

- A. The purposes of this Local Law and the Land Use Management District and regulations herein set forth and outlined on the Land Use Management Map are to provide for the orderly growth of the Town, to encourage the most appropriate use of land, to protect and conserve the value of property, to prevent the overcrowding of land, and to promote the health, safety and general welfare of the public. The purposes are also based upon the comprehensive plan dated May, 1992 and submitted to the Town Board.
- B. *⁶ The provisions of the Lake Protection Overlay Zone, as set forth herein and particularly in Section 526, are intended to protect the unique and sensitive natural environment of the lake shore areas adjacent to Oquaga Lake in the Town of Sanford. Its purpose is based on the recognition that:
 - i) The economic and environmental well being and health, safety, and general welfare of the Town is connected with the preservation of its lake shoreline areas;
 - ii) The shoreline zone has unique physical, biological, economic, and social attributes;
 - iii) Future land development and redevelopment should not be conducted at the expense of these attributes;
 - iv) Property values will be enhanced when the natural features of the shoreline zone are preserved;
 - v) Pollution, impairment or destruction of the shoreline area and waters of the lake should be prevented or minimized.

Section 104. Application of Regulations

Except hereinafter provided, no building or structure shall be erected, moved, altered, or expanded, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located.

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ARTICLE II: DEFINITIONS

For the purpose of this Local Law, certain terms and words are defined as follows:

ACCESSORY USE OR BUILDING: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

ADMINISTRATIVE OFFICER: The person duly designated by the Town Board to administer and enforce this Local Law.

ADULT USES: See Article IX.

AGRICULTURE: Shall mean the use of land for agricultural purposes including farming, dairying, horticulture, floriculture, and animal and poultry husbandry and such accessory uses incidental to the normal agricultural activities.

AIRPORT: A tract of land or water that is maintained for the landing and departure of airplanes together with facilities to shelter, repair and supply of airplanes and the comfort of passengers.

ALTERATION: Any change, rearrangement, or addition to a building other than repairs, and any modification in construction.

AUTOMOBILE: A wheeled automotive vehicle designed for transportation primarily and commonly propelled by an internal combustion engine.

BAR: Establishments licensed to sell alcoholic beverages for on premises consumption.

BASEMENT OR CELLAR: A story underground or partly underground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than half the total distance from floor to ceiling. (See Cellar)

***BED & BREAKFAST (B&B) ESTABLISHMENT:** A private, owner-occupied residential dwelling that makes available five (5) or fewer sleeping units for overnight accommodations to transient paying guests, with or without the inclusion of one (1) morning meal per paying guest as part of the accommodations provided. * Added by LL 2-2006; 4/17/06

BLOCK: The length of a street between two intersections.

BOARDING HOUSE: A dwelling occupied by one family with three or more boarders, roomers or lodgers in the same household, who are lodged with or without meals and in which there are provided such services as are incidental to its use as a temporary residence for part of the occupants. A rooming house shall be deemed a boarding house.

BOAT HOUSE: A building or structure used exclusively for the use or storage of boats and equipment used in connection therewith, whether on the property, shoreline, or over the water.

BUILDING: Any structure having a roof supported by columns or by walls.

BUILDING, ACCESSORY: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

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BUILDING AREA: The total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings exclusive of uncovered porches, terrace and steps. All dimensions shall be measured between exterior faces of walls.

BUILDING FRONT: That plane or planes directed to the street or determined by the Board of Appeals to be the front.

BUILDING FRONT LINE: The line parallel to the front lot line transecting the point in the building face which is closest to such lot line.

BUILDING, FRONT LINE OF: The line of that face of the building nearest to the front line of the lot. This face shall include bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof.

BUILDING HEIGHT: The vertical distance from the mean finished grade as measured along the front wall of a building to the highest point of the building.

BUILDING LINE: A line passing through that point on a building or structure, including projections, nearest a stated lot line and parallel to such lot line.

BUILDING, PRINCIPAL: A building in which the principal use of the lot, on which it is located, is conducted.

CAMPING UNIT: See Travel Trailer.

CAR WASH: Motor vehicle laundries.

CELLAR OR BASEMENT: A story more than one-half the volume of which is below the adjoining finished grade surrounding it.

CEMETERY: An area used or intended for the interment of the deceased.

CENTERLINE: A line equidistant from two opposite sides or boundaries.

CLINIC: An office building used by more than one member of the medical profession, for the out-patient diagnosis, treatment and care of human ailments.

CLUBHOUSE, MEMBERSHIP: Includes YMCA, YWCA, fraternity, sorority, lodge, religious and similar membership clubs which may have dormitory accommodation on the premises.

CLUB, PRIVATE: A building or use catering exclusively to its members and their guests for recreational or athletic purposes, or not operated primarily for gain or profit.

COMMUNITY CENTER: Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, church, not operated primarily for gain or profit.

CONTRACTOR'S YARD: Building and other construction material and storage of equipment for the intent, not of abandonment and in good repair.

COVERAGE: That percentage of lot area covered by the building area.

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DOCK: Any structure or fixed platform built on floats, columns, open timber, piles or similar open-work supports, or cantilevered structures anchored to the shore including piers and wharfs and designed to provide access from the shore to the water for swimming, boating or other recreational or commercial uses, including but not limited to boat slips and berths. All structural descriptions provided above which are placed on the waterside of the mean high water mark shall be defined as a dock.

DORMITORY: A building used for housing such as fraternity, sorority, nurses' home.

DRIVESTRIP: The traveled portion of a street, or road, including shoulder where provided.

DRIVEWAY: Land used by vehicular traffic as access to, and situated on, the property or lot.

DWELLING, ONE FAMILY: A detached building containing one dwelling unit.

DWELLING, TWO FAMILY: A detached building containing two dwelling units.

DWELLING, MULTIPLE: A building or portion thereof containing three or more dwelling units.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one (1) family.

EFFICIENCY APARTMENTS: A housekeeping unit designed for a family unit of two people and limited to one bedroom.

ELECTRICAL DISTRIBUTION SUBSTATION: A location with or without a building having equipment designed to receive energy from a high-voltage distribution supply system, so as to convert it to a form suitable for local distribution.

ELEVATION: A point on and measured along a perpendicular vertical plane from a given point above or below it.

ENCLOSED: Shall mean that structure or structures protected from the elements by means of walls other than fences.

ENCLOSED MANUFACTURING INDUSTRIES: Shall mean that manufacturing, processing, fabricating or repair establishment that is not in violation of the Zoning Ordinance.

ENCLOSED SERVICE AND REPAIR: Shall mean that service and repair intended for the maintenance of machinery and equipment that is not in violation of the Zoning Ordinance.

- FAMILY:**
- a) any number of individuals related by blood, marriage or adoption, and their domestics and servants, if any, living and cooking together on the premises, as a single housekeeping unit.
 - b) not more than two (2) persons, living and cooking together on the premises as a single housekeeping unit though not related by blood, marriage or adoption, or
 - c) more than (2) persons not related by blood, marriage, or adoption, living together on the premises as a functional family unit subject to the issuance of a special permit by the Town Board of Appeals

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FLOOR AREA, GROSS: Shall be the total area of all floors within the exterior walls of the building.

FLOOR AREA, HABITABLE: The floor area of rooms in a dwelling unit used for bedrooms, living rooms, dining rooms, and kitchens.

FREIGHT OR TRUCKING TERMINAL: A plot of land or structure intended for the dispatching, trans-shipment, storage and receiving of cargo and material, together with its necessary services to maintain itself and its function.

GARAGE, ATTACHED: A garage having a wall or a portion thereof common to a principal building.

GARAGE, PRIVATE: An enclosed space for the storage of motor vehicles, provided that no business, occupation or service is conducted for profit therein.

GARAGE, PUBLIC: Any garage available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, painting, servicing or equipping motor vehicles.

GASOLINE STATION: Any building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which mayor may not include facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs to vehicles.

GRADE, FINISHED: The completed surfaces of ground, lawns, walks, paved areas, and roads brought to grades as shown on plans or designs related thereto, or in existence at the time the certificate of occupancy is issued.

GRADE, MEAN FINISHED: The mean finished grade is the average grade level of the ground measured at the front wall of the building.

*⁵GUEST QUARTERS: Any structure, or portion thereof, which is detached from the main dwelling unit on a parcel, which contains one or more bedrooms, whether or not bathrooms or kitchens are present. Guest quarters shall constitute a principal use for purposes of this Law.

HOME OCCUPATION: Any use involving only the employment of persons residing on the premises and customarily conducted entirely within a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOSPITAL: A place for the in and out patient diagnosis, treatment of human ailments, which includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged.

HOTEL: A building containing rooms which are used, rented or hired out to be occupied for sleeping purposes and where a general kitchen and dining room may be provided within the building or in an accessory building.

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JUNK YARD: Any business or activity involving the use of premises outside a building, which includes the collection, storage, burning, dumping, recycling, disassembling, salvaging, sorting or otherwise handling or arranging for sale, resale, storage or disposal or otherwise of bodies, engines, or parts of autos, or of any other second-hand or used property of whatever material it is composed or any other waste material of wood, paper, cloth, cardboard, plastics, metal, stone, cement, or otherwise, whether or not conducted for profit.

LIVING AREA: That area comprised of enclosed living accommodations within a residence, exclusive of basements, garages, open porches, patios and awning overhangs.

LOADING SPACE: Any off-street space at least twelve feet wide and forty feet long, which is used for the temporary location of one licensed motor vehicle, not including access driveway, and having direct access to a street alley.

LOT: A parcel of land occupied or capable of being occupied by a building or other use of land and having common ownership.

LOT AREA: The total area within the property lines excluding any part lying within the boundaries of a public street, or proposed public street.

LOT CORNER: A lot situated at the intersection of two (2) or more public streets or highways.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT FRONTAGE: The horizontal length of a front lot line.

LOT LINE, FRONT: A lot line which abuts and is a common boundary with a right-of-way. In case of corner lots, the front lot line shall be determined as the common boundary with the shortest street line.

LOT WIDTH: The horizontal length of the front building line.

MEAN HIGH WATER LEVEL: The approximate average high water level for a given body of water at a given elevation, determined by reference from survey information provided by the United States Geological Service (USGS).

MEDICAL OFFICE: Includes medical, dental and clinical offices for the diagnosis and treatment of human ailments.

MOBILE HOME: A one-unit dwelling which has the following distinguished characteristics (includes manufactured housing):

- a) Manufactured as movable or portable dwelling for year-round occupancy and for installation on a concrete foundation, or a mobile home stand, or piers, with or without a basement or cellar.
- b) Designed to be transported on its own chassis and wheels and connected to utilities after placement on a stand, foundation or piers.
- c) May contain parts that can be folded, collapsed, telescoped when being towed and expanded later to provide additional living space.

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MOBILE HOME LOT: A plot of land for rent within a mobile home park on which one mobile home may be located.

MOBILE HOME PARK: A parcel of land under single or joint ownership, which is improved for the placement of mobile homes for non-transient use and which is offered to the public for the placement of two or more mobile homes.

MODULAR HOME: A housing unit constructed off site consisting of more than one segment and designed to be permanently anchored to a foundation and to become a fixed part of the real estate.

MORTUARY, FUNERAL HOTEL: A building intended for the preparation, exhibit, and visitation of a deceased person prior to burial.

MOTEL: A building containing rooms which are rented or hired out as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and a bathroom.

MOTOR VEHICLE: Any device in, upon or by which any person or property is or may be transported upon a public street or highway, except such as are operated exclusively by human power.

MOTOR VEHICLE SALES SHOWROOM: An enclosed establishment for the display and sale of new and used motor vehicles, trailers, mobile homes, and boats (and shall not include open display or storage of such vehicles).

MUNICIPAL BUILDINGS: Includes government buildings, municipal community hall, fire house, public works building.

NON-CONFORMING USE: A use of land or of building or portion thereof, lawfully existing on the effective date of this ordinance or subsequent amendment thereto, which does not conform to the uses permitted in the district in which it is located.

NON-RESIDENTIAL LAND USE: All uses of land and buildings except for dwelling purposes.

NOXIOUS MATTER: Material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects upon the psychological, social, or economic well being of individuals.

NURSING HOME: Any building where persons are housed and furnished with meals and nursing or convalescent care.

OFFICE BUSINESS: Includes all business, professional, banking, finance, real estate, medical, dental, clinical, governmental and utility service company offices.

OWNER: The person or persons holding title or an interest in the property.

PARKING SPACE, OFF-STREET: Any area having appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

PERSON: Shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

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PERSONAL SERVICES: Includes beauty parlors, shoe repair and shoe shine shops, photographic studios, laundromats, laundry and dry cleaning establishments, and business providing similar services of a personal or a personal nature.

PLANNED SHOPPING CENTER: Shall consist of a grouping of compatible uses, designed and developed as a unit under single ownership or unified control.

PROFESSIONAL: A person who is duly licensed under the New York State Education Law.

PROFESSIONAL RESIDENCE-OFFICE: A residence in which the occupant has a professional office such as an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, professional engineer, or psychologist, which is clearly secondary to the dwelling use for living purposes and/or does not change the residential character thereof.

PUBLIC ASSEMBLY USE: Includes auditorium, theater, public hall, school hall, meeting hall, church and temple or other places of public meeting.

PUBLIC UTILITY FACILITY: A building, structure, pole, overhead or underground lines, mains, easements, rights-of-way or lot used for or in connection with the transmission, distribution or regulation of water, gas, electric, telephone, or other public utility service by a municipal corporation or by a corporation subject to regulations by a state and/or federal regulatory agency.

QUARRY: Land used for the purpose of extracting stone, sand, gravel, clay, lime or top soil, or other natural material of a similar nature, for sale or use as a commercial operation.

RECREATION, INDOOR: Includes indoor bowling alley, theater, pool hall, ice and roller skating rinks, gymnasium, table tennis hall, swimming pool, hobby workshop and similar places of indoor commercial recreation.

RECREATION, OUTDOOR: Includes yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, outdoor recreation stadium and skiing facility.

REFUSE: All putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial or industrial wastes.

RELIGIOUS INSTITUTION: Includes church, temple, parish house, convent, seminary, and retreat house affiliated with a recognized religious organization.

RESIDENTIAL USE: Includes one-family dwelling, two-family dwelling, multiple-family dwelling, and professional residence-office.

RESTAURANT: Establishment for the sale and on-premises consumption of food and beverages, including alcoholic beverages.

RETAIL STORE: Includes enclosed restaurant, café, shop and store for the sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free-standing retail stand, gasoline service and automobile repair service, new and used car sales and services, trailer and mobile home sales and service.

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ROOM, HABITABLE: In any dwelling unit, the rooms used for normal occupancy by persons such as bedrooms, living room, dining room and kitchen.

SANITARY LANDFILL: A method of refuse disposal performed by depositing refuse in a natural or man-made depression or trench, compacting it to its smallest practical volume, and covering it with compacted earth in a systematic and sanitary manner as to render the filled land free from health and nuisance problems. Permission for disposal of hazardous materials subject to review by the Broome County Health Department.

***² SAWMILL:** Any permanent building, site, or place used for milling or cutting of timber into dimensional lumber, whether finished or unfinished.

SCHOOL: Includes parochial, private and public schools, nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishment.

SERVICE AREA: Includes those parts of any lot which are used primarily to provide access for servicing the use on the lot, including land used for delivery of goods, storage and collection of wastes and provision for maintenance.

SIGN: A structure, building or part thereof, or device attached thereto, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. A sign does not include the flag or insignia or any nation, state or city; nor any political, educational, charitable, philanthropic, religious advertising campaign, provided that such advertising shall not be displayed for a period exceeding thirty days.

SIGN. ADVERTISING OR BILLBOARD: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.

SIGN. BUSINESS: A sign which directs attention to a business, profession, commodity, service or entertainment conducted or provided upon the same lot, including "For Sale" and "For Rent" signs relating to the lot on which they are displayed.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

SIGN, GROUND: A sign erected on a free standing frame, mast or pole located in or on the ground.

SIGN, ILLUMINATED: Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any sources which is intended to cause such light or reflection.

SPECIAL USE PERMIT: Permission or approval granted by the Board of Appeals in accordance with Article VI in situations where provision therefor is made by the terms of this Local Law.

STABLE: A building in which horses and other domesticated animals are housed for public or private use, remuneration, hire or sale.

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STORAGE, ENCLOSED: Enclosed buildings used for the keeping of goods, wares, supplies or equipment.

STORAGE, OPEN: Land used for the keeping of goods, wares, supplies, or equipment.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite interior walls are not more than two (2) feet above the floor of such stories.

STREET: A road or highway maintained by state or municipal authority; the word street includes all drivestrips, malls, sidewalks and other appurtenances located within the right-of-way boundaries of a street.

STREET BOUNDARY: That common property line between a public right-of-way and the non-highway property abutting it.

STREET, CENTERLINE: A line midway between and parallel to two street frontage property lines.

STREET, FRONTAGE: Those lot lines which abut a public street.

STREET GRADE: The officially established grade of the upon which a lot fronts. If there is no officially established grade, the existing grade of the shall be taken as the street grade.

STREET LINE: The right-of-way line of a street as dedicated by a deed or record. Where the width of the street is not established, the street line shall be considered to be twenty-five feet from the center of the street.

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

SWIMMING POOL: Any artificial body of water designed with a water impervious lining, having a depth at any point greater than two feet, used or intended to be used for swimming or bathing, and constructed or installed of permanent materials other than earth in or above the ground out-of-doors.

TEMPORARY RESIDENCE: Any habitable unit which is not the occupant's legal address for a period not to exceed ten (10) months.

THEATER: A building or part of a building devoted to the performing arts.

THEATER, DRIVE-IN: Open land with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, to patrons seated in automobiles or on outdoor seats.

TOURIST HOME OR BED AND BREAKFAST: A dwelling in which overnight accommodations are provided for transient guests for compensation.

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TRAVEL TRAILER: Includes any vehicle used as sleeping or living quarters, mounted on wheels or on supports and includes an automobile trailer or travel trailer equipped with living or sleeping facilities, a house car, a vehicle which is customarily self-propelled, towed by an automobile or truck and is used for carrying goods, property, machinery, boats, camping equipment, or as an office, and is capable of being transported on public roads.

TRAILER PARK: Shall mean any site, lot, field, or track of ground upon which two or more trailers are placed, and shall include any building, structure, tent, vehicle or enclosure used or intended to be used as a part of the equipment of such park.

TREE, SHADE: Includes trees such as maple, oak, sycamore, fir, spruce, hemlock, birch, ash, tulip, maidenfern, linden, locust, alder, dogwood, magnolia, chestnut, hawthorn, which are at least ten feet in height, and at least two inches in diameter measured at a point six inches above finished ground level.

TRUCK: A wheeled vehicle designed for transport of goods and materials primarily and commonly propelled or towed by means utilizing an internal combustion engine.

USE: The specific purpose for which land, building or structure is designed, intended, arranged, used or maintained.

USE, ACCESSORY: A use of land, including improvements necessary thereto, customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

USE, PERMITTED: Any use specifically allowed in the district, excluding illegal uses.

VACANT LOT: A parcel of land having no building or other structure or facilities thereon.

WAREHOUSE: Includes warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT: The area extending across the full width of a lot and lying between the front lot line of lot and the front building line of the principal building.

YARD, REAR: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

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ARTICLE III. ESTABLISHMENT OF LAND USE MANAGEMENT DISTRICTS

Section 301. Land Use Management Districts

For the purpose of this Local Law, the Town of Sanford is hereby divided into the following districts:

	District	Abbreviations	Section
A)	Residential	R	401
B)	Residential Multiple	RM	402
C)	Agricultural-Residential	A-R	403
D)	Mobile Home District	R-MH	404
E)	Commercial	C	405
F)	Special	S	406
G)	Limited Industrial	L-I	407
H)* ⁶	Lake Protection Overlay	LPO	526

Section 302. Land Use Management District Map

- A. The Land Use Management Districts are shown, defined and bounded on the map accompanying this Local Law entitled "Official Land Use Management District Map-Town of Sanford," which with all explanatory matter thereon is hereby made by this Local Law. The Land Use Management District Map dated May, 1992, as amended, shall be on file in the Office of the Town Clerk.
- B.*³ Local Law #1 - 1992, the Land Use Management Local Law of the Town of Sanford, be and hereby is amended by Local Law #2-1997 as follows:
The Land Use Management Map referenced in Section 302 is hereby amended by changing the Land Use Management District designation of the property located at 108 Shaver Hill Road, Tax Map #187.03-1-18 from "Residential" to "Agricultural-~~Residential~~".
- C.*⁶ The Lake Protection Overlay District includes all land surrounding Oquaga Lake and extending to the centerline of Oquaga Lake, Hanson, and Golf Course Roads, which surround Oquaga Lake. This boundary extends across all underlying zoning districts.

Section 303. Interpretation of Land Use Management District Boundaries.

Where uncertainty exists with respect to boundaries of any land use management district as shown on the Land Use Management District Map, the following rules shall apply:

- A) Questions concerning exact location by the district boundary lines shall be resolved by the Board of Appeals.
- B) Where district boundaries are indicated as approximately following the center lines of streets, railroad lines, or streams, such center lines shall be construed to be such boundaries.

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- C) Where district boundaries are indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.
- D) Where district boundaries are indicated that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto and such distances therefrom as indicated on the Land Use Management District Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Land Use Management District Map.

ARTICLE IV. LAND USE MANAGEMENT DISTRICT REGULATIONS

The following schedules of land use management districts define the requirements for each land use management district in the Town of Sanford, Broome County, N.Y.

SECTION 401	RESIDENTIAL
SECTION 402	RESIDENTIAL (R) AND RESIDENTIAL MULTIPLE (RM)
SECTION 403	AGRICULTURAL (A-R) (2-pages)
SECTION 404	MOBIL HOME (R-MH) (1 page)
SECTION 405	COMMERCIAL -C (3 pages)
SECTION 406	SPECIAL (S) (2 pages)
SECTION 407	LIMITED INDUSTRIAL (L) (2 pages)

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ARTICLE V. SUPPLEMENTARY REGULATIONS

Section 501. Supplementary Regulations

The provisions of this Local Law shall be subject to such additions, modifications, or exceptions as provided herein by the following.

Section 502. Special Parking and Loading Requirements

- A) The Planning Board may require off-street parking and loading spaces for any use if they find that for any particular use minimum spaces are not sufficient for the safety and general welfare of the public.
- B) All parking and loading spaces shall be on the same lot as the building, except that with the approval of the Planning Board and upon issuance of a special use permit by the Board of Appeals, parking spaces may be provided by the applicant on other property, provided such land lies within four hundred (400) feet of an entrance to the principal building.
- C) Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time, except for churches, theaters or assembly halls.
- D) Where any non-residential district or use abuts a residential district or use, the parking space and loading space shall be no closer than twenty-five (25) feet to the property line abutting the residential district.
- E) Lighting used to illuminate off-street parking and loading areas shall be indirect or diffused and installed so as not to reflect direct rays upon adjoining property.

Section 503. Accessory Uses

A) Garages

*⁴(1) For purposes of this Local Law, an attached garage or detached garage or carport shall be deemed a part of the principal building and regulated as such.

(2) No garage shall be designated to accommodate more than three (3) vehicles in any Residential District, nor more than two (2) vehicles per residential unit in any Residential-M District.

B) Outbuildings, storage sheds, greenhouses, and all similar accessory use buildings.

Each lot in a Residential or Special district may have one (1) of the above such accessory use building detached from the principal structure for private use, subject to any more specific regulations set forth in this law.

C) Fences, Walls, and Hedges

Fences, walls, and hedges are permitted within any required yard subject to any more specific regulations set forth in this law.

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Section 504. Signs

No signs or billboard shall be permitted on any district except as specifically permitted herein as follows in Sections 505-508.

Section 505. Signs - Residential and Agricultural Districts

- A) Permitted signs when located on the immediate property subject to the following limitations:
 - 1) One (1) sign not exceeding six (6) square feet in area may advertise the real property or any part thereof upon which said sign is located as for sale or rent.
 - 2) One (1) sign for a church, institutional, recreational or other public use, provided such sign shall not exceed sixteen (16) square feet in area.
- B) Signs necessary for the protection of a public utility installation or necessary to the public welfare, not exceeding four (4) square feet in area.
- C) One (1) sign identifying any non-residential building or use permitted in residential districts, not exceeding six (6) square feet in area.
- D) General Regulations - Residential and Agricultural Districts: Each sign permitted in any residential and agricultural district shall conform to the following:
 - 1) A sign shall not be located closer than eight (8) feet to any lot line.
 - 2) A ground sign shall not be constructed to a height greater than six (6) feet from the ground.
 - 3) Roof signs shall be prohibited.

Section 506. Signs - Commercial and Industrial Districts

- A) Permitted Signs - When located on the immediate property subject to the following limitations:
 - 1) Signs permitted under Section 505
 - 2) One (1) identifying sign not larger than one (1) square foot for each linear foot of frontage occupied by the establishment, advertising a business, a profession or activity conducted on the premises, but not to exceed 325 square feet per sign.
 - 3) A directory sign provided that it announces only services offered within the buildings located on the premises whereon the sign is located, not exceeding ten (10) square feet in area.

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B) General Regulations - Commercial and Industrial Districts

Business signs shall be permitted in Commercial and Industrial Districts subject to the following restrictions:

1) Ground Signs

- a) No business sign shall be located within three (3) feet of any lot line
- b) No advertising sign shall be located within thirty (30) feet of any front lot line, or within fifteen (15) feet of any other lot line, if a corner lot, it will comply with front yard regulations
- c) No ground sign shall be erected exceeding thirty (30) feet in height from the ground

2) Roof signs

- a) No roof sign shall be erected closer than three (3) feet to any outside building wall
- b) A roof sign shall be securely fastened
- c) A roof sign, including supports and braces shall be constructed entirely of nonflammable material
- d) No portion of a roof sign shall be located less than three (3) feet above roof level
- e) No portion of a roof sign shall exceed the building limitation set forth for the district in which it is located.

3) Projecting signs

- a) A projecting sign shall be double faced. The area of neither face shall not exceed total of fifty (50) square feet
- b) No projecting sign except marquees shall overhang a public sidewalk or highway
- c) No projecting sign exceeding ten (10) square feet in area on either face of fifty (50) pounds in weight shall be attached to a frame building or the wooden framework of a building
- d) Except as permitted in subparagraphs 3, projecting signs shall be attached to masonry walls by (i) galvanized expansion bolts at least three-eighths (3/8) inch in diameter or (ii) by bolts extending through the wall with metal washers or platens of adequate size on the inside of the wall
- e) The distance measured between the faces of any projecting sign shall not exceed eighteen (18) inches.

4) Wall signs

A wall sign shall not project beyond the end or top of the wall to which it is attached.

5) Only ground signs shall be allowed for each lot or parcel within a commercial district.

Section 507. Other Provisions Regulating Signs

Signs shall comply with the following:

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- A) Billboards are not permitted in any district except as provided in Section 505 and Section 506
- B) Flashing, oscillating or revolving signs are not permitted
- C) Signs may be illuminated by a steady white light, provided that the light does not shine directly onto other properties
- D) No attached sign shall extend with a street line, unless the street line is also a building line, in which case it may extend over the street line for a distance not exceeding one foot
- E) Back to back signs may be counted as one sign with one face
- F) Signs shall be located in such a manner as not to restrict vision and impair safety.

Section 508. Non-Conforming Signs

All legal non-conforming signs may remain. However, any changes or modifications shall be in conformity with these regulations.

Section 509. Areas

A) Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

B) Required Area or Yards

No space necessary under this Local Law to satisfy the area, yard or other open space requirements in relation to any building or use, whether now or subsequently built or occupied, shall be counted as part of a required open space in relation to any other lot or building.

Section 510. Yards

A) Projection in Yards

Every part of a required yard shall be open from its lowest part to the sky unobstructed, except for the ordinary projections of sills, cornices, pilasters, chimneys, eaves, balconies, and ornamental features, provided that no such projections may extend more than three (3) feet into any required yard.

B) Obstruction of Vision

In all districts, on a corner lot, within the triangular area formed by the intersection of two (2) street property lines and a third line joining them a point twenty-five (25) feet away from their intersection, there shall be no obstruction to vision between the height of two (2) feet and the height of ten (10) feet above the grade of the connecting line. The grade of the connecting line is determined by the grades of its intersections with the street centerlines.

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C) Porches

Any open or enclosed porch shall be considered a part of the building in the determination of the size of yard or lot coverage.

D) Fire Escapes

Open fire escapes may extend into any required yard not more than four (4) feet six (6) inches.

Section 511. Extraction of Quarried Stone

A) The removal of less than 1,000 tons of quarried stone for sale over a period of twelve successive months, except when incidental to the construction of a building on the same premises shall meet the following requirements:

- 1) All surface drainage existing or developing by or through the excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, roads, culverts or bridges. All provisions to control natural drainage water shall meet with the approval of the Town Highway Superintendent.
- 2) No excavation, blasting, or stock piling of materials shall be located within two hundred (200) feet of any of the roads, bridges or culverts without the approval of the Highway Superintendent.
- 3) No power-activated sorting machinery shall be located within three hundred (300) feet of any roads, bridges, or culverts, without the approval of the Highway Superintendent, and all such machinery shall be equipped with satisfactory dust elimination devices.
- 4) Excavation slopes in excess of two (2) to one (1) grade, from the 25 foot center of the road right-of-way shall not be permitted. A one (1) foot vertical and two (2) feet horizontal grade shall be adequately fenced when the vertical rise exceeds four (4) feet. Adequacy of the fence shall be determined by the Highway Superintendent.
- 5) Extension of an existing non-conforming operation shall not be permitted.
- 6) If at any time a stone quarry is in violation of the above regulations, it shall be the responsibility of the landowner to return the parcel of land to an acceptable condition as determined by the Code Enforcement Officer which may include but is not limited to requiring the landowner to fill in holes and pits, remove mounds of stone and/or dirt, grade the land and take other steps required to protect the public health, safety and welfare.

B) The removal of 1,000 tons or more of quarried stone for sale over a period of twelve successive months must comply with Title 27 of the Environmental Conservation Law of the State of New York.

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Section 512. Gasoline and Motor Vehicle Service Stations

No gasoline or motor vehicle service station lot shall be located within three hundred (300) feet of any lot occupied by a school, hospital, library or religious institution. Measurement shall be made between the nearest respective lot lines. All service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than fifty (50) feet, nor closer to any street property line than twenty-five (25) feet. No building or structure shall be located closer than ten (10) feet to any side or rear lot line. No signs shall extend beyond the pumps.

Section 513. Septic Tanks and Cesspools

Where in the opinion of the Planning Board a public sanitary sewer main is not reasonably accessible, other proper provisions shall be made for the disposal of sanitary waste. Individual septic tanks may be permitted in the case of lots of not less than one acre.

- A) No such septic tanks shall be permitted in swampy areas with a seasonal or permanent high water table, or in areas that are subject to flooding.
- B) All septic tank installations shall conform to the requirements of the Broome County Health Department.

Section 514. Motor Vehicle Storage in All Districts

In any district, not more than two (2) unlicensed motor vehicles (excluding farm equipment) may be parked or stored on any parcel of land in the front, side or rear yards, unless such motor vehicles are stored or parked in a completely enclosed structure. The term motor vehicle shall be defined in the same manner as stated in the Vehicle and Traffic Law of New York State.

Section 515. Number of Principal Uses

There shall be only one (1) principal use on a lot in ~~Agricultural-Residential~~ (A-R), Residential (R), Special (S), and Lake Protection Overlay (LPO) Districts.

Section 516. Fences to Excavation

Excavations with slopes exceeding one (1) to two (2) degrees shall be protected from encroachment by a fence at least five (5) feet in height.

Section 517. Building Coverage, Open Porches, Carports and Garages

In determining the percentage of building coverage of a lot or the size of yards, porches or carports open at the sides but roofed, and all principal and accessory buildings shall be included.

Section 518. Fences

- A. In any Residential or Lake Protection Overlay district any fence or wall except a retaining wall or a building wall permitted by this Local Law shall not exceed six (6) feet in height when erected within any open area, unless that portion of the fence or wall which exceeds six (6) feet contains openings of fifty (50) percent or more of the area of the portion of the fence or wall above six (6) feet high. Barbed wire fencing shall not be permitted except in agricultural districts.

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Section 519. Height Exceptions

Except within five thousand (5,000) feet of an aircraft landing strip, nothing herein contained shall be interpreted to limit or restrict the height of church spires, cupolas, bell and clock structures.

Section 520. Height Exceptions by Special Use Permits

No radio or television towers, water or cooling towers, gas holder, elevator bulkhead, chimney, fire or observation towers, or essential public utility structures or similar structures in excess of sixty (60) feet may be erected unless reviewed by the Planning Board and after issuance of a special use permit by the Board of Appeals.

Section 521. Construction Approved Prior to Adoption or Amendment to Local Law

Nothing herein contained shall require any change in plans or construction of a non-conforming building for which a building permit has been issued.

Section 522. Issuance of a Permit for Construction of a Pond

No man-made pond shall be constructed until a pond permit has been issued by the Code Enforcement Officer. All applicants shall submit the following:

- A) Name, address and telephone number of the applicant.
- B) The proposed location of the pond including the name of the road and the tax map number of the parcel of land.
- C) A plot plan showing the size and location of the pond including the following:
 - 1) the size of the pond and the estimated gallons of water in the pond;
 - 2) the distance of the pond from the road; and
 - 3) the type and location of drainage ditches and overflow channels.
- D) The applicant must show that approval of the Department of Environmental Conservation has been obtained or that such approval is not required.
- E) The application must be submitted to the Town Highway Superintendent and he must approve the pond prior to issuance of the permit.

Section 523. Non-Conforming Uses, Buildings and Structures

The lawful use of any building or land existing at the time of the enactment or amendment of this Local Law may be continued, although such use does not conform with the provisions of this Local Law.

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A) Temporary Uses and Structures

Temporary permits may be issued by the Board of Appeals for a period not exceeding one (1) year, for nonconforming uses incident to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one (1) year.

B) Discontinuance

When a non-conforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Local Law.

C) Change of Use

No non-conforming use shall be changed to other than a conforming use for the district in which it is situated. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.

D) Restoration

A non-conforming building damaged by fire or other similar acts of God may be repaired or rebuilt provided that the non-conformity shall not be increased and that construction starts within a period of one (1) year from the date of the damage.

E) Extension

A non-conforming use, building or structure shall not be extended, expanded or enlarged.

***⁶SECTION 524. Site Plan Review**

A building permit shall not be issued for any of the uses in the Schedule of Regulations which require site plan review until a site plan for such lot or plot has been duly approved by the Planning Board in accordance with the following procedures.

Even if a site plan review is not required pursuant to the Schedule of Regulations herein, site plan review shall be required prior to the issuance of a building permit for any use in a Commercial, Limited Industrial, or Lake Protection Overlay District.

SECTION 524.1 Submission of Site Plan

Prior to the issuance of a building permit, a site plan for such lot or tract as a scale of 1"=50' or a scale less to the inch, prepared by an architect, landscape architect, civil engineer, surveyor, land planner or other competent person, (unless, in view of the specific nature of that application, preparation by such a professional is expressly waived by the Planning Board) including thereon the following information shall be submitted to the Town Planning Board for approval:

- a. Preliminary architectural or engineering plans including elevations showing the use, location and dimensions of proposed building and open spaces.
- b. A site plan showing the location of buildings, location and dimensions of driveways, driveway intersections with streets, parking areas and maneuvering areas.

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- c. A storm drainage and grading plan for analysis of proposed handling of surface water runoff and erosion control, including, where applicable under State or Federal Requirements, a Storm Water Notice of Intent and a Storm Water Pollution Prevention Plan.
- d. A plan showing utilities and utility easements including method of sewage disposal in detail. If a private disposal system is used, plans for the system shall bear the stamped approval of the Broome County Health Department.
- e. Plans for all signs to be erected including dimensions, elevations and sign locations.
- f. A landscape plan, prepared by a professional landscape architect or other competent person employed by a commercial garden center, showing landscaping to be installed and maintained in front, side and rear yards as developed, including shade trees, deciduous shrubs, evergreens, defined areas of well-kept grassed areas and ground cover. All such landscaping, grassed areas and ground cover areas shall be maintained in a healthy growing condition at all times.
- g. Plan of lighting of any interior roadway, driveway, parking area, and off-street loading area.
- h. In all cases where the Planning Board shall deem it advisable to determine whether or not the facility will be in conformation with the applicable performance standards or other provisions of this ordinance, the Planning Board shall require adequate testing procedures and shall utilize expert assistance at the expense of the applicant.

SECTION 524.2 Site Plan Action

The Town Planning Board shall review said site plan and additional information and shall approve, approve with modifications or disapprove said site plan with regard to achieving without limitations thereto the following objectives:

- a. A harmonious relationship between such uses and uses located in adjacent districts as reflected in the Comprehensive Plan.
- b. The maximum safety of vehicular access and egress from the site to existing and prospective streets and highways.
- c. The maximum adequacy of interior circulation and parking facilities with particular attention to vehicular and pedestrian safety.
- d. The adequacy of transitional landscaping and setbacks in regards to achieving maximum compatibility and protection to adjacent property.

Any approval of site plan review by the Planning Board pursuant to this article shall be valid only for so long as the premises which are the subject of site plan approval are used for the specific use and purposes stated in that application; therefore, if at any future time the applicant or a successor in interest, assignee or lessee shall wish to dedicate the premises to any other use, he shall make a new application for site plan review in accordance with the provisions of this section. Should any previously approved site plan activity be discontinued for a period of more than 180 consecutive days (except for ~~businesses~~ uses that typically close on a seasonal basis), such prior site plan approval shall lapse, and an application shall be made for re-issuance of said approval prior to the reopening of said activity.

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SECTION 524.3 Building Permit

Building permits shall be issued by the Enforcement Officer in cases where site plan approval is required only after receipt of approval from the Planning Board. The Planning Board shall transmit the application with its written finding to the Enforcement Officer within 75 days. A failure to act within 75 days of the receipt of the application will permit the Enforcement Officer to act without the Planning Board=s recommendation.

- a. Changes B an applicant wishing to make any changes in a duly reviewed site plan shall make application for a new building permit.
- b. In the event that an applicant fails to obtain a building permit within one year of site plan approval, the site plan approval of the Planning Board shall be null and void.

SECTION 524.4 Standards

The Town Planning Board shall apply the standards listed for each applicable District and the objectives of Section 524.2 to determine that the requirements of this section are met.

~~*²SECTION 525. Sawmills.~~ A special use permit shall be required for the operation of a sawmill in an Agricultural-~~Residential~~ or Limited Industrial District, pursuant to the requirements set forth in Sections 605-610. In addition to the general requirements specified in Sections 606 and 607, which are applicable to all special use permit requests, the following specific requirements for a sawmill shall be complied with unless such requirements are modified by the Planning Board in the special use permit review process.

- A) Any sawmill proposed for use in an Agricultural-~~Residential~~ District shall conform to the following requirements:
 - 1) No mill yard site shall be located within 1000 feet of any school, hospital, religious institution or library.
 - 2) Notification of any proposed sawmill location shall be given to all properties within one-quarter mile of the proposed mill yard prior to the public hearing required under '605(8).
 - 3) An appropriate buffer strip of no less than 500 feet shall be provided between the mill yard and any abutting residential property. Said buffer strip should preferably be wooded.
 - 4) In order to mitigate noise impact on neighboring properties, the mill operator shall:
 - a. Maintain EPA-approved mufflers in proper and working condition at all times for all vehicles used on-site during operation;
 - b. Limit all on-site manufacturing operations to Monday - Saturday, 6:00 a.m. to 7:00 p.m. No truck operation or deliveries shall occur after 9:00 p.m.

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- 5) If within one year after commencement of sawmill operation, the Town Clerk receives bona fide complaints filed by near-by land owners, the Zoning Board shall analyze the complaints to determine if noise impacts are significant. If the Board determines that the noise impacts are significant, the Board shall provide certified notification to the mill operator. Upon receipt of such certified notification from the Board, the mill operator shall develop, within 45 days of such notification, a noise control program acceptable to the Board. (The mill operator shall be allowed to continue operations during this period).

Upon Board approval of the noise control plan, the plan shall be implemented within 60 days or such other reasonable time as the Board may specify.

The Board reserves the right to hold a public hearing prior to requiring additional noise control measures.

- 6) Changes in hours of operations, installation of additional equipment, substantially increased wood production, or construction of additional structures shall require Board approval.
- 7) In addition to the standard requirements for Site Plan Review, any applicant shall submit certain additional information with their application. A worksheet will be provided by the Office of Code Enforcement.
- 8) Extension of an existing non-conforming operation shall not be permitted.
- B) In addition to the special use permit requirements, all saw mills proposed for location in a Limited Industrial District shall conform to the requirements set forth in subparagraphs (A)(4), (A)(5) and (A)(7) of this section.

Additionally, the Board may, in its discretion, require conformance to the requirement set forth in subparagraphs (A) (1), (A) (2) , (A) (3), (A) (6), or (A)(8) of this section."

*⁶SECTION 526 LAKE PROTECTION OVERLAY DISTRICT.

526.1 ALLOWABLE USES

- A. Properties that fall within the Lake Protection Overlay District, as described in this Law, and shown on the zoning districts map shall comply with the standards set forth in this section regulating activity within the Lake Protection Overlay District. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district.
- B. In the event that regulations imposed by this ordinance conflict with regulations of an underlying zoning district, the regulations established by this ordinance shall prevail to the extent of the conflict and no further.

526.2 REQUIREMENTS TO RECEIVE SITE PLAN APPROVAL

Prior to the issuance of any building permit, and prior to any building construction, reconstruction, alteration, earth moving or removal of vegetation within the Lake Protection Overlay District, all of the following criteria must be met:

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- i) A Site Plan application meeting the requirements outlined in Section 524 and Section 526.4 shall be submitted to the Code Enforcement Officer for review and approval by the Town Planning Board;
- ii) Site Plan Approval shall be withheld pending verification that the applicant has received all required county, state or federal permits.
- iii) This ordinance is intended to supplement the New York State Department of Environmental Conservation=s (DEC) authority over the review of applications and issuance of permits for construction activities. If a permit or approval has been issued by the DEC for a building, structure, or any grading, filling, earth moving, clearing, or removal of vegetation within the jurisdiction and scope of DEC regulations set forth above, a copy of such permit shall be filed with the Code Enforcement Officer, and such permit or approval shall be attached to and made a condition of performance for any permit issued under this Section.

526.3 SETBACK REQUIREMENTS

(Section 526.3 amended by LL 1-2006; 4/11/06 - new language is underlined)

- A. All structures proposed to be built within the Lake Protection Overlay (LPO) District shall be set back according to the requirements below, except for the following uses: pump houses, recreational docks at approximate water level, storm water and erosion control devices, movable picnic tables and benches, and stairways and walkways. For purposes of this section, fences, boathouses, sheds, garages, storage units, and cabanas shall all be included in the definition of a structure.
- B. No structure shall be allowed within 35 feet of ordinary high water mark.
- C. Where the imposition of the above setback precludes the location of a dwelling, other primary structure or any other structure within the meaning of this section, the applicant may request an area variance for relief of the setback requirement. The Town=s Zoning Board of Appeals shall review each application in accordance with Article VI of this Law. In considering any variance pursuant to this section, the Zoning Board of Appeals shall take into consideration each of the standards listed in '526.4(A) of the LUMLL, and shall grant the variance only upon a determination that those factors are impacted by the proposed project to the minimum extent possible.
- D. **No variance shall be granted for any use or structure in violation of the intent and purpose of this Article.**

526.4 SITE PLAN APPROVAL STANDARDS

- A. In addition to Site Plan Review Standards set forth elsewhere in this Law, the following standards shall be considered by the Town Planning Board when reviewing any Site Plan submission in the Lake Protection Overlay District:
 - i. The Site Plan shall demonstrate that the impact to fish, birds, wildlife and native vegetation is minimized by preserving natural habitat.
 - ii. The Site Plan shall demonstrate that erosion and sedimentation shall be prevented, and that the risk of structural loss due to future changes in lake levels is minimized.

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- iii. The Site Plan shall demonstrate that the natural character and aesthetic value of the shoreline is maintained by minimizing the visual impact of the development.
- iv. Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance.
- v. All structures shall be located to maintain an open and unobstructed view to the waterfront from adjacent properties, roadways and pedestrian ways, to the maximum extent possible.

B. Site Plan Data Required

In addition to the site plan information required pursuant to Section 524.1, any application for Site Plan Review in a Lake Protection Overlay District shall contain the following additional information:

- i. A perimeter line which encompasses all proposed activities, and identifies the location and extent of the Lake Protection Overlay District boundary, together with all rights of ways and easements which may be affected by the project.
- ii. A detailed description of outdoor lighting. All lighting fixtures must direct light downward and prevent spillover of lighting to adjacent properties. Use of exterior lighting continuously during nighttime hours shall be discouraged.
- iii. A plan for controlling traffic to the lakefront, detailing construction and maintenance of paths, stairs or boardwalks.
- iv. If applicable, a grading Plan that delineates areas of cut and fill, and identifies changes in topography and drainage. If the area to be graded exceeds 2,500 square feet the applicant shall submit a map showing the existing contours of the site and finished contours to be achieved by grading. Contours shall be sufficiently detailed to define the topography over the entire site (generally at two-foot intervals).
- v. Detailed drawings and descriptions of all temporary and permanent soil erosion and sedimentation control measures, and bank stabilization.
- vi. Detailed visual analysis, containing photographs of the existing views and photo simulation showing the completed project from various vantage points.
- vii. Detailed drawings delineating areas to be cleared of vegetation before and during development activities, with area calculations and descriptions of the vegetation to be removed, and detailed drawings and descriptions of proposed vegetation restoration for those same areas.

C. Any application for Site Plan Review in the Lake Protection Overlay District shall be immediately forwarded to the Oquaga Lake Improvement Association.

D. Due notice, referral to the appropriate agencies and a public hearing shall be conducted on each application for a site plan review in a Lake Protection Overlay District, in accordance with the notice and procedural provisions set forth in sections 605-607 of this Article.

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526.4 MISCELLANEOUS REGULATIONS

- A. No structures, other than docks, shall be allowed to extend over the water. Docks shall be subject to the requirements set forth in Section 526.5.
- B. The use of Pesticides and Lawn Fertilizers shall not be permitted in the Lake Protection Overlay District.
- C. Maximum building heights for single-family detached dwellings shall not exceed thirty-five (35) feet.
- D. Accessory structures shall not exceed a maximum height of fifteen (15) feet.
- E. Outdoor storage of boats and equipment shall be adequately buffered using trees, vegetation and/or berms to screen the items being stored from adjacent properties and from the lake. The adequacy of the buffering shall be determined by the Town Planning Board as part of the site plan review and approval process.
- F. Where practical, trees with a diameter of six (6) inches or greater shall be retained on the site.
- G. Commercial vessels used for dock construction shall not be permitted on the Lake when there are no outstanding permits for dock construction.

526.5 DOCKS

- A. A permit shall be required prior to commencement of construction, modification or installation of any dock, except that a permit is not required to repair, maintain or replace in-kind an existing dock where:
 - 1. Its current configuration has been previously permitted,
 - 2. The repairs do not change the size, shape, location or height, and
 - 3. No work on cribbing below mean high water level is proposed.
- B. Permits shall be subject to the following conditions:
 - 1. Piers and docks shall have a maximum height above Mean High Water Mark of eighteen inches (18"). There shall be no superstructure permitted above the decks of piers or docks.
 - 2. No pier or dock shall be constructed in a configuration other than straight or T-, L- or U- shaped.
 - 3. The width of any dock shall not exceed twelve (12) feet, and the length shall not exceed Twenty-five (25) feet from the Mean High Water Mark out into the Lake.
 - 4. Every dock shall have a minimum clearance or setback of ten (10) feet from adjacent property lines, as extended at a ninety-degree angle from the lakefront.
 - 5. Lighting of the surface of any pier or dock shall be provided in such a manner as not to produce any offensive glare when viewed from the water or land. The use of lowmast lighting fixtures and deflector shields to direct lighting downward shall be required to reduce or eliminate glare. Any waterfront electrical work must be installed and certified by a licensed electrician.
 - 6. The number of private piers or docks permitted for each waterfront lot used for single-family residential purposes shall not exceed the following:
 - i. One hundred (100) feet or less of water frontage: a total of one (1) such structure, which may be in the straight configuration only.
 - ii. One hundred one (101) to two hundred fifty (250) feet of water frontage: a total of two (2) such structures, in any permitted configuration.

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- iii. Two hundred fifty one (251) or more feet: a total of three (3) such structures, in any permitted configuration.
- 7. No dock construction shall be permitted between the dates of May 15 and September 15 of each year. Maintenance and repair of existing docks, and reinstallation of temporary docks, shall be permitted.
- C. A permit is required from the Department of Environmental Conservation for work lakeward of the Mean High Water Level, including the construction of seawalls or riprap, installation of waterlines and cables, placement of sand, and dredging.

***⁶ARTICLE VI**

ZONING BOARD OF APPEALS RULES

SECTION 601. General Governing Rules

601.1.1 The Zoning Board of Appeals of the Town of Sanford shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.

601.1.2 The term "Board" as used in these rules shall mean the duly appointed Zoning Board of Appeals of the Town of Sanford.

601.2.1 The Board shall become familiar with the community goals, desires and policies as expressed in a "comprehensive plan," and in rendering decisions shall be guided by such plan, and grant the minimum relief which shall ensure that the goals and policies of the plan are preserved and substantial justice is done.

SECTION 602. Officers and Duties

602.1.1 The officers of the Board shall consist of a chairman, acting chairman and secretary.

602.2.1 Chairman. The chairman shall be designated by the Town Board. He/She shall perform all duties required by law, ordinance and these rules. He/She shall preside at all meetings of the Board. The chairman shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board. The chairman shall appoint any committees found necessary to carry out the business of the Board. The chairman may administer oaths and compel the attendance of witnesses as necessary to carry the business of the Board. The chairman's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

602.3.1 Acting Chairman. An acting chairman shall be designated by the Board of Appeals to serve in the absence of the chairman. He/She shall have all the powers of the chairman during his/her absence, disability or disqualification.

602.4.1 Secretary. A secretary shall be designated by the Board of Appeals. The secretary, subject to the direction of the Board and the chairman, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of all Board examinations and other official actions.

602.5.1 Vacancies. Should any vacancy on the Board occur for any reason, the secretary shall give immediate notice thereof to the Town Clerk for the Town Board.

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602.5.2 Should such a vacancy occur among the officers of the Board subject to election by the Board, such office shall be filled by election, for the unexpired term, at the next meeting of the Board.

602.5.3 Should the office of chairman become vacant, the secretary shall add such fact to the notice required in section 602.5.1 of these rules. The acting chairman shall handle the duties of the chairman until such time as the Town Board shall appoint a new chairman.

SECTION 603. Meetings

603.1.1 Regular Meetings. The regular meetings of the Board shall be held on the last Tuesday of each month at 7:00 pm in the Sanford Town Hall, unless there is no activity on the agenda, in which case the meeting may be canceled.

603.1.2 Annual Meeting. The annual organizational meeting of the Board shall be the first regular meeting of the year.

603.2.1 Special Meetings. Special meetings of the Board may be called by the chairman. At least forty-eight (48) hours= written notice of the time, place and business of the meeting shall be given each member of the Board.

603.2.2 The chairman shall call a special meeting within ten (10) days of receipt of a written request from any three members of the Board, which request shall specify the matters to be considered at such special meetings.

603.3.1 Cancellation of Meetings. Whenever there are no appeals or applications for variance or other business at a regular meeting, the chairman may dispense with such meeting by notice to all members not less than forty-eight (48) hours prior to the time set for such meeting.

603.4.1 Proceeding. The order of business at regular meetings shall be as follows: (a) roll call; (b) reading and approval of minutes of preceding meeting; (c) action on held-over cases; (d) public hearing (when scheduled; see section 606.4.1); (e) other business; (f) adjournment.

603.5.1 Meetings. All meetings of such Board of Appeals shall be open to the public to the extent provided in article 7 of the Public Officers Law.

SECTION 604. Voting

604.1.10 Quorum. A quorum shall consist of a majority of the members of the Board.

604.1.2 No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairman to call a special meeting for a subsequent date. All subsequent hearings shall be re-advertised in accordance with the requirements of the applicable law.

604.2.1 Voting. All matters relating to a petition for appeal or application for special permit shall be decided by roll call vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the Board unless otherwise specified herein.

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604.2.2 A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.

604.2.3 No member of the Board shall sit in hearing or vote on any matter in which he/she is personally or financially interested. Said member shall not be counted by the Board in establishing the quorum for such matter.

604.2.4 No member shall vote on the determination of any matter requiring public hearing unless he/she has attended the public hearing thereon; however, where such member has familiarized himself/herself with such matter by reading the record, he/she shall be qualified to vote.

SECTION 605. Appeals and Procedures

605.1.1 Appeals. The Board shall hear and decide appeals from and review any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of any ordinance or local law adopted pursuant to article 16 of the Town Law. It shall also hear and decide all matters referred to it or upon which it is required to pass under any other law. Such an appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the town.

605.1.2 Filing of Appeals

- a. An appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such ordinance or local law.
- b. The applicant must file a notice of appeal with the administrative official from whom the appeal is taken and with the Board of Appeals and the notice of appeal must specify the grounds therefor and the relief sought. If Planning Board review is not necessary, the notice of appeal shall be accompanied by fee of fifty dollars (\$50.00), seven (7) sets of plans, and other descriptive matter to portray clearly the intentions of the applicant. Such plans shall show the location of all buildings, parking, access and circulation, open space, landscaping, and any and all other information necessary for the Board of Appeals to make a determination. If Planning Board review is necessary, the fee shall be seventy-five dollars (\$75.00) and twelve (12) sets of plans and accompanying documentation shall be required.
- c. The administrative official from whom the appeal is taken shall be responsible, at the direction of the Board of Appeals, for providing the applicant with proper forms including environmental quality review forms, if applicable, and for instructing the applicant in the manner for completing the filing said forms. All information thereon shall be completed before an appeal is considered filed.
- d. The administrative official from whom the appeal is taken shall forthwith transmit six (6) copies of all the papers constituting the record upon which the action appealed from was taken to the Board, one (1) copy of all such papers to the attorney for the Town, and five (5) copies to the Planning Board, if such review is required. If the appeal involves a property in the Lake Protection Overlay District (LPO), the official shall also send one copy of such papers to the Oquaga Lake Improvement Association.
- e. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board prior to the hearing of appeal.

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- f. The proper forms must be filed no later than the 10th day of the prior month for an appeal requiring review by the Broome County Planning Department and no later than the 20th day of the prior month for appeals not requiring Broome County review. If the petition for the appeal is not filed by said dates, then the appeal will not be heard at the Zoning Board of Appeals meeting held during the month immediately following the month when the appeal is filed, and will be scheduled for a subsequent monthly meeting.

605.1.3 Amendments to Appeals. Appeals may be amended fifteen (15) days prior to the public hearing thereon.

605.1.4 Notice to Applicant. The applicant shall be notified by letter within five (5) days of the hearing on his/her application or of his/her failure to complete his/her application properly.

605.1.5 Assistance to the Board. The Board shall have authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance.

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

605.1.7 Compliance with State Environment Quality Review Act. The Board shall comply with the provisions of the State Environmental Quality Review Act under article 8 of the Environmental Conservation Law and its implementing regulations as codified in title 6, part 617 of the N.Y. Comp. Codes R. & Regs.

SECTION 606. Hearings

606.1.1 Time of Hearing. The Board shall schedule a hearing of all appeals or applications within ninety (90) days of the filing of the complete appeal or application.

606.2.1 Notice of Hearing Zoning Appeals. The Board shall give notice of the hearing at least five (5) days (section 267, subdivision 7, Town Law) prior to the date thereof by publication in the official town newspaper.

606.2.2 Notice of Hearing Official Map Appeals. The Board shall give public notice of the hearing at least ten (10) days prior to the date thereof by publication in a newspaper of general circulation in the town, in accordance with section 279 of the Town Law, for appeals from the Town Official Map.

606.2.3 Notice of Hearing Appeal to Build on Unimproved or Unmapped Street. Same as section 6.2.1. See section 280-a, subdivision 3, of the Town Law.

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606.2.4 Notice to Park Commission or Planning Agency. At least five (5) days before such hearing, the Board of Appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision 1 of section 239-m of the General Municipal Law.

606.3.1 Form of Notice. Such notice shall state the location of the building or lot, the general nature of the question involved, the date, time and place of the hearing and the nature of the relief sought.

606.4.1 Proceedings. The order of business at a hearing shall be as follows: (a) roll call; (b) the chairman shall give a statement of the case and read all correspondence and reports received thereon; (c) the applicant shall represent his/her case; (d) those opposed shall present their arguments; (e) rebuttal by both sides; (f) additional cases; (g) adjournment of hearings; (h) call to order of regular meeting (when applicable; see Section 3.4.1).

606.5.1 General Rules. Any party may appear in person or by agent or by attorney.

606.5.2 The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

606.5.3 The proceedings for appeals and special permits before the Board shall be tape-recorded, unless the chairman or the vice chairman deems it necessary to have a transcript of the proceeding prepared by a stenographer.

SECTION 607. Referrals

607.1.1 Zoning Referrals. All matters requiring referral as specified by any ordinance or law enacted under article 16 of the Town Law shall be so referred to the proper agency for its recommendation. Within thirty (30) days (or as specified in the particular ordinance) after receipt of a full statement of such referred matter, said agency shall report its recommendations thereon to the Board, with a full statement of the reasons for such recommendations. If such agency fails to respond within the prescribed time the Board may act without such report. The Board shall not act contrary to any said agency=s recommendations without first fully setting forth in the official record the reasons for such contrary action. The chairman shall read all such reports at the hearing on the matter under it.

607.2.1 County Zoning Referrals. Prior to taking action on any matter which would cause change in the regulations or use of land or buildings on real property as specified in section 239-m of the General Municipal Law, the Board shall make referrals to the county planning agency.

Within thirty (30) days after receipt of a full statement of such referred matter, the planning agency to which referral is made, or an authorized agent of said agency, shall report its recommendations thereon to the Board, accompanied by a full statement of the reasons for such recommendations. If such planning agency disapproves the proposal, or recommends modification thereof, the Board shall not act contrary to such disapproval or recommendation except by vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action. The chairman shall read the report of the county planning agency at the public hearing on the matter under review.

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If such planning agency fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the Board may act without such report.

SECTION 608. Decisions

608.1 Time of Decisions. Decisions by the Board shall be made within sixty-two (62) days from the date of the final hearing. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board.

608.2 Filing of Decision and Notice. The decision of the Board of Appeals shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

608.3 Form of Decision. The final decision on any matter before the Board shall be made by written order signed by the chairman. Such decision shall state the findings of fact which were the basis for the Board's determination. After such determination, the Board may reverse or affirm, wholly or partly, or may modify the order or requirement of the administrative official appealed from. The decision shall also state any conditions and safeguards necessary to protect the public interest.

608.4 Basis for Decisions. In reaching said decision, the Board shall be guided by standards specified in the applicable ordinance as well as by the community goals and policies, specified in the comprehensive plan and by the findings of the Board in each case.

608.5 Findings General Contents. The findings of the Board and the supporting facts shall be spelled out in detail regardless of whether these are based on evidence submitted or on the personal knowledge of the Board.

The Board shall show in its findings that it has:

- a. Made a thorough review of the question including:
 - (1) Considering all information or evidence;
 - (2) Hearing all parties in question;
 - (3) Taking into account any intimate knowledge it has of the subject;
- b. Made a personal inspection of the parcel in question and from this examination certain findings were ascertained.

608.6 Conflicts with Other Laws or Regulations. In reviewing any application on any matter, the standards in any applicable local law or ordinance or state statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.

608.7 Expiration of Permits. Unless otherwise specified, any order or decision of the Board for a permitted use or a variance or special permit shall expire if a building or occupancy permit for the use is not obtained by the applicant within ninety (90) days from the date of the decision; however, the Board may extend this time an additional ninety (90) days.

608.8 Filing of Decisions. Decisions of the Board shall be filed in the office of the Town Clerk and shall be a public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.

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Section 609. Use Variances.

609.1 Use Variances. The Board, 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, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the ordinance or local law.

609.2 Planning Board Referral. The Zoning Board shall refer the application to the Town Planning Board for its review and recommendation at least thirty (30) days before the public hearing. The Planning Board shall make its recommendation at least ten (10) days prior to the scheduled public hearing. If the Planning Board does not return a recommendation within the scheduled time, it shall be deemed to have recommended in favor of granting the application.

609.3 Finding of Facts for Use Variance. No such variance shall be granted by a Board without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board that:

- a. Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
- b. 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;
- c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- d. That the alleged hardship has not been self-created.

609.4 Granting of Use Variance

- a. The Board, 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.
- b. The Board shall, in the granting of use variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. 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.

Section 610. Area Variances

610.1 Area Variances. The Board shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such ordinance or local law, to grant area variances from the area or dimensional requirements of such ordinance or local law.

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610.2 Findings of Fact for Area Variance. In making its determination, the Board 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:

- a. 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;
- b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- c. Whether the requested area variance is substantial;
- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- e. 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.

610.3 Granting of Area Variances. The Board, 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.

SECTION 611. Special Use Permits

The Board of Appeals is empowered by the Town Board to issue special use permits for certain allowed uses as set forth in subsection 611.6 of this section.

611.1. Procedure. Due notice, referral to the appropriate agencies and a public hearing shall be conducted on each application for a special use permit, in accordance with the notice and procedural provisions set forth in sections 605-607 of this Article.

611.2. Planning Board Referral. The Zoning Board shall also refer the application to the Town Planning Board for its review and recommendation at least thirty (30) days before the public hearing. The Planning Board shall make its recommendation at least ten (10) days prior to the scheduled public hearing. If the Planning Board does not return a recommendation within the scheduled time, it shall be deemed to have recommended in favor of granting the application.

611.3. Conditions. After the public hearing has been conducted, the Board of Appeals may issue a special use permit for uses which meet the following criteria:

- a. The applicable provisions prescribed for each special use permit use have been met.
- b. Both the proposed and the current land use or activity conform with all applicable regulations governing the zoning district where it is or will be located, and all other applicable provisions for the district for which the said use is permitted have been met.
- c. The land use or activity is designed, located and operated so as to protect the public health, safety and welfare.

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- d. The land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
- e. The land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.

611.4. Site Plan Review. If site plan review is not required by the Planning Board, the Board of Appeals shall also determine that:

- a. Effective landscaping and buffering is provided.
- b. Adequate off-street parking and loading are provided.
- c. Ingress and egress to parking and loading areas are so designed as to minimize the number of curb cuts and will not unduly interfere with traffic or abutting streets.
- d. Site development shall be such as to minimize erosion and not produce increased surface water runoff onto abutting properties.
- e. Existing streets and utilities servicing the project are adequate.
- f. Significant existing >green space= is preserved to the extent practicable.
- g. Adequate lighting of the site and parking areas is provided and exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.

611.5. Restrictions. The Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit use.

611.6. Special Uses Permitted. Only those special uses which have been listed in Schedules - Section 401 through 407, section 512, Section 521 and Section 525 shall be eligible for review for approval for a special use permit by the Board of Appeals.

611.7. Expiration. A special use permit is not transferable. Such special use permit shall authorize only one special use, and shall expire if the special use ceases for more than six (6) months for any reason.

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ARTICLE VII: ADMINISTRATION

***⁶SECTION 701. Enforcement**

This ordinance shall be enforced by a person designated as the Enforcement Officer by the Town Board who shall in no case except under written order of the Board of Appeals, grant any building permit or certificate of occupancy for any building or premises where the proposed construction, alteration or use thereof would be in violation of any provision of this ordinance. If the Enforcement Officer shall find any violation of this ordinance, he shall serve written notice of said violation upon the violator. From the date of such written notice, or from such date as may be designated in said notice, said person in violation shall have thirty (30) days to comply with the provisions of this ordinance.

***⁶SECTION 702. Planning Board**

The Town Board shall appoint a Planning Board, the creation and powers and duties of which shall be in accordance with the provision of the Town Law of the State of New York.

***⁶SECTION 703. Board of Appeals**

The Town Board shall appoint a Board of Appeals, the creation and powers and duties of which shall be in accordance with the provision of the Town Law of the State of New York.

***⁶SECTION 704. Amendment of Land Use Management Local Law**

704.1 Amendment

The Town Board may, from time to time, on its own motion or on petition, after public notice and hearing, amend, supplement, change, modify or repeal this ordinance, in accordance with all applicable provisions of the Town Law.

704.2 Fee

If a petition for a change of zoning is made by a member of the public, the petition shall be accompanied by a fee of seventy-five dollars (\$75.00).

704.3 Planning Board Review

Any proposed amendment shall be submitted to the Town Planning Board for a report and recommendation prior to any action thereon by the Town Board. If the Planning Board recommends against the enactment of any proposed amendment, such amendment shall become effective only by a favorable vote of four (4) members of the Town Board.

704.4 Notice to Adjoining Landowners

Notice of any hearing shall be mailed by the Enforcement Officer, no earlier than twenty (20) days and no later than ten (10) days prior to the public hearing, to all property owners of any property affected by a proposed re-zoning of a parcel or parcels, and to all property owners within a distance of 500 feet of any affected parcels on both sides of the Street on which the parcel(s) fronts, and the adjoining property owner or owners to the side and rear of the parcel(s) affected immediately adjacent extending five hundred feet therefrom, as the names and addresses appear on the latest completed assessment roll. In addition, the Board shall give any other notice required by law. The Enforcement Officer shall file an affidavit attesting that he/she has mailed written notice of the proposed amendment, and shall list the names and addresses of the persons to whom such notice was mailed.

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***6SECTION 705. PROFESSIONAL FEES**

In the review of any applications, the Planning Board, Zoning Board of Appeals, and the Town Board may refer any application presented to it to such engineering, planning, lighting, legal, technical or environmental consultant as the Board shall deem reasonably necessary to enable it to review the application as required by law. Charges made by these consultant(s) shall be in accord with the charges usually made for such services in the Broome or Delaware County region or pursuant to an existing contractual agreement between the Town and the consultant. The applicant shall reimburse the Town for the cost of the consultant services upon submission of a voucher. The same consultants shall be used in any review requested regarding the same application by the Planning Board, Zoning Board of Appeals, and the Town Board, and these consultants shall prepare one report providing the data, information, and recommendations requested. In all instances, duplications of consultants= reports shall be avoided wherever possible in order to minimize the cost of the consultants= report to the applicant.

ARTICLE VIII: BUILDING PERMITS

***6Section 801. Building Permit**

No building permit or certificate of occupancy shall be issued by the Enforcement Officer except in compliance with the provisions of this Local Law.

Section 802. Application for Building Permit

A building permit must be obtained prior to the commencement of any excavation or construction whatsoever upon the site where the building or structure is being erected, altered or moved in any district, such permit to be issued by the Code Enforcement Officer or other designated official who shall be appointed by the Town Board. All applications for building permits must be on forms furnished by the Town which shall require the following information:

- A) The name and address of the owner and the applicant
- B) The nature of the permit sought and the intended use of the building or proposed building or structure
- C) A layout or plot plan showing the exact size and location on the lot of the building and/or accessory buildings with dimensions given
- D) The number and location of off-street parking and/or loading spaces and access as set forth in this Local Law for the use intended
- E) Such additional information as the Administrative Officer, Board of Appeals, Planning Board or Town Board shall require.

No building permit shall be issued for any building or structure where the said construction, alteration or use thereof would be in violation of any provisions of this Local Law except upon a written order of the Board of Appeals. No building permit shall be issued for any building located on a lot which does not adjoin a street or highway maintained by the Town of Sanford, County of Broome, or State of New York, unless a special permit is granted by the Board of Appeals pursuant to Section 280A of the Town Law.

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No building permit shall be issued for construction on any premises which are not served by public sewage disposal system and public water distribution system until a preliminary approval has been obtained from the Broome County Health Department for a private sewerage system and a private water supply system.

Section 803. Expiration of Building Permit

A building permit shall be void at the expiration of one hundred eighty (180) days after the date of issuance, unless footing forms and foundation stakes are placed ready for inspection within such one hundred eighty day period; or if none are to be placed in connection with the proposed building or addition, construction is actually commenced within such one hundred eighty day period. A building permit may be renewed once for an additional one hundred eighty (180) days.

Section 804. Revocation of Building Permit

The Code Enforcement Officer may revoke a building permit theretofore issued in the following instances:

- A) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;
- B) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or
- C) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Official.

Section 805. Stop Work Orders

Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is being carried out in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

*⁶Section 806. Fees for Permits

Fees for building permits shall be determined by the Town Board by resolution from time to time, and a schedule thereof shall be kept on file in the Town Clerk=s Office.

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Section 807. Certificate of Occupancy

A certificate of occupancy shall be applied for simultaneously with the application for a building permit. Said certificate of occupancy shall be issued by the Code Enforcement Officer when the completed structure and its intended use comply with all the provisions of this Local Law. Said certificate of occupancy shall be issued within ten (10) days from the date of such erection or alteration is inspected and certified as complying with all the provisions of this Local Law by the Code Enforcement Officer.

A record of all certificates of occupancy shall be maintained by the Code Enforcement Officer. Copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

No building shall be occupied prior to issuance of a certificate of occupancy by the Code Enforcement Officer. However, for good cause shown where it is impossible to complete all the plans for the building and the lot on which the building is situated, at a time when in the opinion of the Code Enforcement Officer may issue a conditional certificate of occupancy which shall expire in a reasonable time, to be fixed by the Code Enforcement Officer, but not to exceed eight (8) months.

The Code Enforcement Officer shall issue a building permit or certificate of occupancy if the applicant has met all the applicable provisions of this Local Law and all applicable provisions of the New York State Building and Construction Code, as amended.

ARTICLE IX: ADULT USES

Section 901. Definitions

For the purposes of Article IX only, the following terms or words shall be interpreted or defined as follows:

- 1) **ADULT USES**: A business or commercial establishment having as its predominant commercial purpose the operation of an adult bookstore, an adult mini-motion picture theater, an adult motion-picture theater, an adult entertainment cabaret, a massage establishment or any combination of the above.
- 2) **ADULT BOOKSTORE**: An establishment having as a substantial portion of its stock-in-trade sexual devices, books, magazines, films for sale or viewing on the premises, by use of motion-picture devices, or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a section devoted to the sale or display of such material, which excludes minors by virtue of age.
- 3) **ADULT MINI-MOTION-PICTURE THEATER**: An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, when such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

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- 4) ADULT MOTION-PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting films or material having as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, when such establishment excludes any minor by reason of age.
- 5) ADULT ENTERTAINMENT CABARET: A public or private establishment which is licensed to serve food and/or alcoholic beverages, which feature topless dancers and/or bottomless dancers, strippers, male or female impersonators or similar entertainers, or employees appearing in a bottomless and/or topless manner of dress.
- 6) MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, carries on, or permits to be engaged in or carried on, any of the activities referred to in subparagraph (a) below.
 - a) The activities referred to herein are any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or lkoistimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in the practice of massage.
 - b) Article IX shall not apply to licensed hospitals, licensed nursing homes, or clinics or persons holding an unrevoked certificate of practice any of the healing arts under the law of the State of New York, or persons working under the direct supervision and in the presence of any such persons or in any such establishments nor shall this Article apply to barbers or cosmetologists lawfully carrying out their particular profession of business and holding a valid unrevoked license or certificate of registration issued by the State of New York.
- 7) PERSON: Any person, firm, partnership, corporation, association or legal representative, acting individually or jointly.
- 8) SPECIFIED ANATOMICAL AREAS: (1) less than completely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 9) SPECIFIED SEXUAL ACTIVITIES: (1) human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; and (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

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ARTICLE X: PENALTIES

***6Section 1001. Penalties**

A. Violations

Any violation of this Local Law is an offense punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by any imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day a violation is continued shall be deemed a separate offense.

B. Action to Abate Nuisance.

In the event that any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used, or any land is divided into lots, blocks, or sites in violation of this ordinance or regulation made thereunder, in addition to other remedies, the Town Board may institute any appropriate action or proceedings to prevent such unlawful act, to restrain, correct or abate such violation or to prevent any illegal act thereunder.

ARTICLE XI: SEPARABILITY

Section 1101. Separability

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision.

ARTICLE XII: EFFECTIVE DATE

Section 1201. Effective Date

Upon enactment by the Town Board, this Local Law shall become effective as provided by law.

ARTICLE XIII: SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES

See hard copy in CCS's office.