

STATE OF NEW YORK  
BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

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Application of Cape Vincent Wind Power, LLC, for a  
Certificate of Environmental Compatibility and Public Need to  
Construct an Approximately 200-285 Megawatt Wind Electric  
Generating Facility in the Town of Cape Vincent, New York

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Case 12-F-0410

**PRELIMINARY SCOPING STATEMENT**

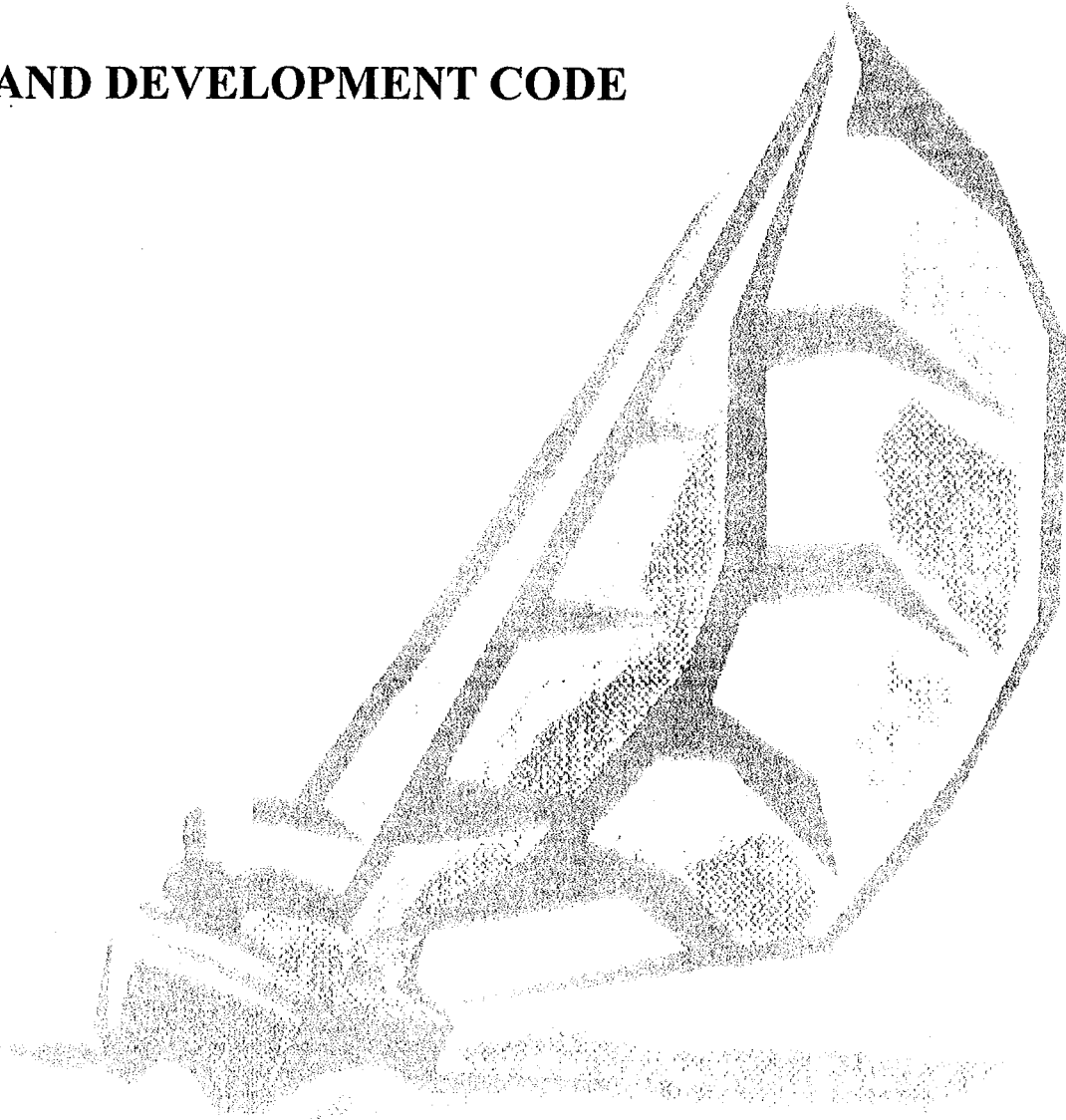
**EXHIBIT H**

**VILLAGE OF CHAUMONT LAND DEVELOPMENT CODE,**

**ADOPTED MARCH 19, 2007, FILED APRIL 13, 2007**

# **VILLAGE OF CHAUMONT**

## **LAND DEVELOPMENT CODE**



**Adopted by the Village Board of Trustees  
MARCH 19, 2007**

**Filed by the Secretary of State  
APRIL 13, 2007**

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## ARTICLE I

### PURPOSE, TITLE AND APPLICATION OF REGULATIONS

#### SECTION 105 - PURPOSE AND AUTHORIZATION

For the purpose of promoting the public health, safety and welfare, or conserving the value of buildings and of enhancing the value of land throughout the Village, pursuant to the authority conferred by Article 7 of the Village Law and Section 10 of Municipal Home Rule Law, and in accordance with a comprehensive plan, the Village Board of Trustees of the Village of Chaumont in the County of Jefferson, State of New York, hereby ordains and enacts this local law. Pursuant to Municipal Home Rule Law, where this law is inconsistent with the Village Law, General Municipal Law, or any other State law, the more stringent law shall apply.

The Village Planning Board (VPB) is hereby empowered to approve subdivisions within the Village of Chaumont.

The Village Board of Trustees (VBT) is hereby empowered to approve site plan review uses within the Village of Chaumont.

#### SECTION 110 - TITLE

This law shall be known and may be cited as "The Village of Chaumont Land Development Code."

#### SECTION 115 - APPLICATION OF REGULATIONS

1. No land shall be subdivided, no building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, moved nor altered (to change its exterior physical dimensions) unless in conformity with the regulations specified by this local law.
2. The regulations established by this law shall be minimum regulations and shall be applied uniformly to each class or kind of structure or land.
3. Any use, which is not listed as a permitted or site plan review use pursuant to this law, shall be deemed to be prohibited.

#### SECTION 120 - PRIOR EXISTING LAWS AND ORDINANCES

All prior development codes and ordinances, and all amendments thereto are hereby repealed.

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## ARTICLE II

### DEFINITIONS

Except where specifically defined herein all words used in this law shall carry their customary meaning. Words in the present tense include the future, the singular number includes the plural and the plural the singular, and the word "lot" includes the word "plot." The Zoning Board of Appeals shall clarify any doubt as to the precise meaning of any word used in this law under their powers of interpretation.

Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

Accessory Structures: A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be consider part of the main structure.

Accessory Uses: A use incidental and subordinate to the principal use and located on the same lot with such principal uses, but not including home occupations. Such uses shall include temporary and incidental sales, such as garage sales, estate auctions, sales of seasonal products, and the fund raising activities of non-profit organizations.

Adult Entertainment: Any lot, building, structure or portion thereof in which a minor (prohibited by the statues of New York State) is not allowed to view or participate or patronize due to the adult entertainment conducted therein. Adult entertainment establishments includes but not limited to; adult book stores, adult theaters (live or motion picture), massage parlors which are not operated by a State licensed health professional, topless or striptease or nude entertainment.

Agriculture: The raising of crops, the selling of products grown on premises, and any other commonly accepted agricultural operations, including incidental mechanical processing of products.

Agricultural Business: A business engaged in performing agricultural or horticultural services on a fee or contract basis including corn shelling; hay bailing and threshing; sorting, grading, and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading for agricultural purposes; harvesting and plowing. The term "agricultural business" shall not include animal husbandry.

Agricultural Structures: Barns, silos, storage building, equipment sheds, and other structures customarily used for agricultural purposes.

Assisted Living Housing/Residence: Supervised lodging, usually for the young, sick, elderly, or incapacitated, in a home-type setting.

Automobile Service Station: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils, or lubricants, or for the polishing, greasing, washing or servicing (but not painting) of motor vehicles.

Bar/Tavern: Any building, structure, or portion thereof used as a commercial enterprise or business, which involves the serving of alcoholic beverages to the general public for consumption on the premises.

Buffer Strip: An area of land designed to separate one use from another or to separate an area from noise, lights, or other nuisances.

Building Inspector: Any person appointed by the Village Board of Trustees to carry out the duties of the Building Inspector as described in this law.

Building Line: A line marked by the foundations of that face of the building or structure nearest the lot line, excluding chimneys and uncovered porches, patios, terraces, steps, eaves, overhangs, and open-area ways.

DEFINITIONS (cont)

Camp: Land on which is located one (1) cabin, recreational vehicle, tent, shelter, or other accommodations suitable for seasonal or temporary living purposes.

Campground: Any area of land or water on which are located two (2) or more cabins, recreational vehicles, tents, shelters, or other accommodations of a design or character suitable for seasonal or temporary living purposes regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

Campsite: Any plot of land within a campground intended for the exclusive occupancy by a cabin, recreational vehicle, tent, or shelter.

Certificate of Occupancy: A permit issued by the Village Code Enforcement Officer, which certifies that, following examination, a building, structure, or use is in compliance with the provisions of this law.

Church: A building, structure, or group of buildings or structures, intended for the conducting of organized religious services and accessory uses associated therewith.

Cluster Development: A residential development design technique that concentrates dwelling units in specific areas of a site, but which allows the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. Cluster development permits reductions in lot area and bulk requirements provided there is no increase in the gross density allowed on the site.

Code Enforcement Officer (CEO): A person appointed by the Village Board of Trustees, to carry out the regulations of this law.

Commercial Use: Any use primarily designed to sell goods and/or services to the consumer. This includes restaurant, retail, bank, offices, hotel/motel, automobile service stations, marina and funeral homes.

Driveway: A private road connecting a lot or building, such as a house or garage, with the street or roadway.

Dwelling Unit: Building or part thereof used as living quarters for one family. The term "multi-family dwelling" shall not include a motel/hotel.

Dwelling, One Family: Detached building designed for or occupied by one (1) family.

Dwelling, Two Family: Building designed for, or occupied by two (2) families living independently of each other.

Dwelling, Multi-Family: A building designed for, or occupied by, three (3) or more families living independently of each other.

Erosion: The natural process by which the surface of the land is worn away by the action of water, wind or climatic action.

Erosion and Sedimentation Control Plan: A plan, which is designed to minimize, accelerated erosion and sedimentation.

Family: One (1) or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption or provide the functional equivalent of a biological family, no such single housekeeping unit shall contain more than (5) members.

Fence: An object, usually made of posts, boards, masonry, wire or rails, which is erected or maintained for the purpose of securing, screening, partitioning, or enclosing a lot, building or structure. A wall, which serves a similar purpose, is considered a "fence."

Final Plan: A drawing, in final form, showing a proposed subdivision or site plan review use containing all information or detail required by this law to be presented to the appropriate Board for approval.

## DEFINITIONS (cont)

**Funeral Home:** An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held for a deceased person as an incident to burial or cremation.

**General Plan:** The goals, objectives and policies of the Village, which are embodied by the planning process upon which these zoning regulations are based.

**Green Space:** Vegetated spaces in and around properties, unless detailed otherwise. They include communal greens, gardens (communal and private), trees and shrubberies, planters and raised beds, and verges, as well as other open space predominantly of an amenity value, such as play-spaces and ball-courts.

**Gross Density:** The number of dwelling units on a lot excluding any area used for non-residential purposes, divided by the total acreage.

**Gross Floor Area (GFA) :** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**Gross Leasable Area (GLA):** The gross size of the floor area of a facility that is actually used for the use. GLA shall not include lobbies, restrooms or corridors.

**Height:** The vertical distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the roof.

**Highway Right-of-Way Line:** A line that parallels the roadway at a set distance from the center of the roadway.

**Home Occupation:** Any use of a service character conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes and for which not more than one person, outside the immediate family, shall be employed.

**Institutional Uses:** Any one (1) or more of the following uses, including grounds and accessory building necessary for their use:

1. Religious Institutions
2. Public parks, playgrounds and recreation area when authorized or operated by a governmental authority.
3. Schools.
4. Public libraries.
5. Not-for-profit fire, ambulance and public safety buildings.
6. Public or private meeting halls, or places of assembly, not operated primarily for profit.

**Junk Yards:** An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building, of used and discarded materials, house furnishing, machinery, vehicles or parts thereof, including junk, with or without the dismantling, processing, salvage, sale or other uses of disposition of the same. The deposit of storage of two (2) or more inoperative motor vehicles, or the major parts of two or more such vehicles, shall be deemed to make the lot a "junk yard."

**Light Industrial Operations:** A light industry is a facility, which manufactures a product for wholesale or retail sale, does not produce high volumes of pollution and is compatible with the surrounding neighborhood.

**Lot:** A parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law.

**Lot Frontage:** The distance between the boundaries of a lot measured at their points of intersection with the street line.

DEFINITIONS (cont)

Lot Line: Property lines bounding a lot.

Front Lot Line: The property line separating a plot or parcel of property from a public street or highway. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.

Rear Lot Line: That lot line, which is opposite and most distant from the front lot line.

Side Lot Line: A lot line not a front lot line or a rear lot line.

Lot Line Adjustment: Any transfer of property from one adjoining lot to another for the purposes of enlargement of the existing lot. A lot line adjustment shall not constitute a subdivision, provided that it is clear that the land being transferred is not intended to create a new lot, but is intended to be merged with the lot to which it is being transferred, and further provided that such transfer does not create any non-conformities with the Code of the Village of Chaumont.

Manufactured Buildings: A building, which is;

1. Mass produced in a factory,
2. Designed and constructed for transportation to a site for installation and use when connected to required utilities,
3. Either an independent, individual building or a module for combination with other elements to form a building on the site.

Manufactured Housing: A manufactured building or portion of a building designed for long-term residential use to be placed on a permanent foundation. Includes modular and mobile homes and trailers.

Marina: A lot, building or structure located on or adjacent to the shoreline which provides docking or secure mooring facilities for marine vehicles. The use may also include sales, rental, storage or repair facilities and services for marine vehicles.

Mobile Home: Manufactured housing built on a chassis. Mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances or mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicles.

Motel/Hotel: A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail businesses activities and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourists courts and similar terms.

Motor Vehicle: Any motor vehicle, as defined by New York State Department of Motor Vehicles (DMV).

Official Submission Date: The date on which an application for preliminary or final plan approval, complete and accompanied by all required information, endorsements and fees has been filed with the Village Clerk.

Non-conformity: A lot, building, structure, or use of land, that under the same ownership, legally and substantially exists at the time of enactment of this law, which does not conform to the regulations of the district in which it is situated.

Office, Medical/Dental: A facility used for medical, dental or similar examination and treatment of persons as out patients by a licensed health care professional.

Off-Street Parking Facility: A space for parking off the public streets and places in the Village.

Plat: A drawing showing a proposed lot, building, or subdivision containing all information or detail required by law and by this law to be presented to the appropriate Board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

Preliminary Plan: A drawing of drawings clearly marked "preliminary plan" showing the design of a proposed subdivision or site plan, submitted to the appropriate Board for approval prior to submission of the plan in final form and of sufficient detail to apprise the Board of the design of the proposed plan.

## DEFINITIONS (cont)

Quarry, Sand Pit, Gravel Pit: A lot, or land a part thereof, used for the purpose of extracting stone, sand or gravel for sale, as a commercial operation.

Restaurant: Any establishment, however designated, at which food and/or alcoholic beverages are sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or semi-public community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

### Retail:

1. Large Products: Include sales and services for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, and farm implements, auctioneers where auctions take place on-site, retail tree nurseries and garden shops, furniture and large appliance sales.
2. Small Products: A commercial activity characterized by the direct on-premises sale of goods and services to the ultimate consumer, including on-premises manufacturing, processing and servicing and preparation customarily associated therewith and generally involving either stock in trade such as are normally associated with department stores, food markets and similar establishments, or services such as barbers, hair dressers, shoe repair, laundry or similar uses. Small retail shall not include large product retail.

Salvage Yard: An area used for the purpose of extracting (as from rubbish) items deemed to be of value or use:

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

Set Back: Distance measured between the building line and the street pavement line.

SEQOR: NY State Quality Review Act. It provides a comprehensive assessment of proposed actions in order to avoid or reduce significant adverse environmental impacts while meeting the social and economic needs of a community. Before any agency makes a decision to approve, undertake or fund a private or public project, it must complete the SEQOR assessment.

Sidewalk: An improved walk for pedestrians usually found along the side of a street or road.

Sign: Any kind of billboard, signboard, inscription, pennant or other shape device or display used as an advertisement, announcement, or directions.

Sign - Portable: Any sign, which by its design, is able to be and is commonly moved from place to place and/or is not permanently mounted.

Site Plan Review Use: A use of land for which plans must be submitted to the appropriate Board for review and approval according to the provisions of this law.

Sketch Plan: A sketch plan of a proposed subdivision or site plan to enable the applicant to save time and expense in reaching general agreement with the appropriate Board as to the objectives of this law.

Street: Public way for vehicular traffic, which affords the principal means of access to abutting properties.

Street line: The property line separating a lot from a public road line; the right-of-way line.

Structure: Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as building, sheds, signs, satellite dishes, tanks, and any fixtures, additions and alterations thereto.

Subdivision: Any parcel of land that is divided into two (2) or more lots, blocks, or sites, for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term subdivision shall include re-subdivision. A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development of the second lot thereof within any consecutive three (3) year period.

DEFINITIONS (cont)

Temporary Storage Facilities: A facility that is designed for storage. May include mini-storage facilities or mobile storage facilities such as trailers or containers not intended to be permanently attached to the property.

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

Use, Site Plan Review: A use requiring a site plan review from the appropriate Board prior to the issuance of a zoning permit by the Code Enforcement Officer.

Use, Permitted: A use not requiring Village Board review, but requiring zoning permit issued by the Code Enforcement Officer.

Use, Temporary: An activity conducted for a specified limited period of time and which requires a temporary zoning permit. Examples of such uses are buildings incidental to new construction, which are removed after the completion of the construction work and seasonal produce stands.

Variance: A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variance runs with the land and is not particular to any one landowner.

Area Variance: A variance of the dimensional requirements of this law.

Use Variance: A variance of the use requirements of this law.

Warehouse: A structure for the storage of merchandise or commodities

Yard: Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

Yard, Front: The space within and extending the full width of the lot from the pavement edge of the street to the part of the principal building which is nearest to such pavement edge. If a lot adjoins two or more streets or highways, it shall be deemed to have a front yard respectively on each.

Yard, Rear: The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such lot line.

Yard, Side: The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

Zoning Permit: A form on which approval is issued by the Code Enforcement Officer for the construction, alteration, or demolition of a building or structure or for the institution of a new use or replacement of a new structure or some similar activity requiring such approval as outlined in this law.

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**ARTICLE III**

**DIMENSIONAL REGULATIONS**

**SECTION 305 - DIMENSIONAL REGULATIONS**

Land uses within the Village are required to meet the following minimal dimensional regulations:

<b>AREA DESCRIPTION</b>	<b>SINGLE FAMILY DWELLINGS / *ACCESSORY USE STRUCTURES</b>	<b>SITE PLAN REVIEW USES / *ACCESSORY USE STRUCTURES</b>
LOT SIZE	15,000 sq. feet	20,000 sq. feet
LOT FRONTAGE	100 feet	125 feet
YARD FRONT	25/*15 feet	25/*15 feet
YARD SIDE	15/*10 feet	15/*10 feet
YARD REAR	25/*10 feet	25/*10 feet

\* Accessory or Structure

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## ARTICLE IV

### SITE PLAN REVIEW USES

All site plan review uses, as listed in this Article, shall be subject to review and approval by the VBT in accordance with Article V of this local law.

### SECTION 405 - SITE PLAN REVIEW USES

1. Commercial and Business use,
2. Transmission Lines / Utilities,
3. Light industrial operations,
4. Expansion of any existing commercial, business, or light industrial operation use by 25 percent or more, including accessory uses or structures of such uses,
5. Multi-family dwelling,
6. Institutional Uses

### SUBDIVISION REVIEW USES

All subdivision review uses, as listed in this Article, shall be subject to review and approval by the VPB in accordance with Article V of this local law.

### SECTION 410 - SUBDIVISION REVIEW USES

1. Conveyance,
2. Transfer of Ownership,
3. Improvement,
4. Building development,
5. Sale,
6. Re-subdivision.

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COMMENT: The VBT shall refer all non-residential commercial/business uses and multi-family dwelling site plan applications to the VPB for their review and recommendations.

## ARTICLE V

### REVIEW AND APPROVAL PROCEDURE

#### SECTION 505 - PURPOSE AND SCOPE

1. SITE PLAN REVIEW

The purpose of the site plan review procedure is to allow the VBT to attach reasonable safeguards and conditions to those uses which might otherwise produce deleterious effects on the environment, the neighborhood character, or the Village resident's health, safety and welfare. Furthermore, it is the purpose of the site plan review procedure to authorize the VBT to deny a permit for any use, the deleterious effects of which cannot be mitigated because of the particular site it is to occupy.

2. SUBDIVISION REVIEW

The purpose of the subdivision review procedure is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, distribution, comfort, convenience, safety, health and welfare of it's population. Furthermore, it is the intent of this law to ensure that development within the Village will not harm the environment or the character of neighborhoods.

#### SECTION 510 - APPLICABILITY

1. All subdivisions and site plan review uses listed in Article IV shall be subject to the provisions of this article in addition to all other applicable requirements of this law.
2. No zoning permit shall be issued for any site plan review or subdivision use until it has been granted approval by the appropriate Board, nor for any building or use on land that was not subdivided in accordance with this law.

#### SECTION 515 - GENERAL PROCEDURE

Plans for subdivision and site plan review uses shall be processed in the following stages:

1. Sketch Plan Conference (optional)
2. Submission of Preliminary Subdivision Plan: subdivisions only (optional)
3. Preliminary Subdivision Plan Public Hearing: subdivisions only (optional)
4. Preliminary Subdivision Plan Decision: subdivisions only (optional)
5. Submission of Final Plan: (mandatory)
6. Public Hearings: (mandatory for subdivisions, optional for site plans)
7. Final Plan Approval, with or without modifications or disapproval: (mandatory)

#### SECTION 520 - APPLICATIONS

All applications for subdivisions and site plan uses shall be submitted to the appropriate Board.

1. State Environmental Quality Review (SEQR), General

No application will be complete and no official submission date will be established until the Village's responsibilities under the NY State Environmental Review Act (6NYCRR Part 617) are completed.

2. Optional Hearings

Where a negative declaration is issued pursuant to SEQR, the VBT may approve, approve with modifications, or disapprove a site plan use without holding a public hearing, and the VPB may waive the preliminary subdivision plan review and hearing.

The appropriate Board shall consider the social and environmental effects of each proposal pursuant to SEQR when deciding whether to hold an optional public hearing. For example, the VBT or the VPB may require a public hearing for a project that is found not to have any significant adverse effects on the environment only because mitigation measures are employed.

The appropriate Board shall hold all optional public hearings for a project for which a conditioned negative declaration is issued.

If the appropriate Board issues a positive declaration, optional public hearings shall be held, if none are held during the SEQR review.

3. Effects of SEQR on General Requirements

The regulations in Articles VI and VII shall apply in accordance with the SEQR review. See sections 600 and 700 for the VBT's waiver authority.

4. Application Requirements

The appropriate Board may require, either at the sketch plan conference or SEQR, that any or all of the following elements are included in the preliminary or final application:

- A. The name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings,
- B. The date, north point, written and graphic scale,
- C. The boundaries of the area plotted to scale, including distances, bearings, and areas,
- D. The location and ownership of all adjacent lands as shown on the latest tax record,
- E. The location, name, and existing width and right of way of adjacent roads,
- F. The location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property,
- G. The location, size, design of the following: existing and proposed buildings, driveways, parking, outdoor storage, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening.
- H. Plans for controlling soil erosion and sedimentation during the development.
- I. Plans for grading and drainage showing existing and proposed contours of five (5) foot intervals,
- J. Designation of the amount of gross floor area and gross lease able area proposed for each non-residential use,
- K. Descriptions of any mitigating measures required by the Village during its environmental review,
- L. Other elements integral to the proposed development as considered necessary by the VBT including identification of any federal, state, or county permits required for the project's execution.

SECTION 525 - PRELIMINARY SUBDIVISION PLAN (OPTIONAL)

1. If either the applicant or the VPB request it, the applicant shall submit a preliminary subdivision plan. The VPB shall have a maximum of sixty (60) days from the official submission date to review and approve, approve with conditions, or disapprove the preliminary subdivision plan.
2. The VPB may hold a public hearing on the preliminary plan to receive public comments. The hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before the hearing.
3. The decision of the VPB shall be filed with the Village Clerk, and a copy shall be sent to the applicant. The decision shall include reasons for any conditions for disapproval.

SECTION 530 - FINAL PLAN

1. A final plan must be submitted to the appropriate Board for any subdivision or site plan review use. If an applicant has preliminary plan approval for a subdivision, the final plan for that subdivision must be submitted within six (6) months of the preliminary plan approval.
2. The appropriate Board shall have a maximum of sixty (60) days from the official submission date to review and approve, approve with conditions, or disapprove the final plan.
3. The VPB shall hold a public hearing on a final subdivision plan to receive public comment. The VBT may require a public hearing on a final site plan, depending on the Village's SEQR review. The hearing shall be advertised in a newspaper or general circulation within the Village at least five (5) days prior to the hearing.
4. The VBT's decision on the final site plan shall be filed with the Village Clerk, and copies shall be sent to the applicant. VPB's decision on the final subdivision plan shall be filed with the Village Clerk, and copies shall be sent to the applicant and VBT.
5. The decision shall include reasons for any conditions or for disapproval.

SECTION 535 - REVIEW CRITERIA

The VBT's review of the site plan applications shall include, where appropriate, the following;

1. Status of any federal, state, or county permits required,
2. The findings of the Village as a result of its SEQR review,
3. Compatibility with the general plan,
4. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs,
5. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, roads widths, pavement surfaces, dividers and traffic controls
6. Location, arrangement, appearance and sufficiency of off-street parking and loading.
7. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
8. Adequacy of storm water and drainage facilities.
9. Adequacy of water supply and sewage disposal facilities.
10. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation
11. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

SECTION 540 - REASONABLE CONDITIONS

1. Authority to Impose Conditions

The reasonable safeguards and conditions that that the appropriate Board may attach to any plan may include, but not be limited to, approval of any required federal, state or county permits; redesign of building access, parking, pedestrian path location or arrangement; additional landscaping or screening; intersection improvement or traffic controls; and redesign or additional facilities for drainage, water provision and sewage disposal.

- A. Failure of subdivision and/or site plan uses to be developed according to the approved final plan, including any conditions specified by the appropriate Board shall constitute a violation of this local law and will be subject to the penalties set forth in this local law.

SECTION 545 - GUARANTEES FOR INSTALLATION AND MAINTENANCE OF IMPROVEMENTS

1. Installation Guarantee

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the VBT may require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Village:

- A. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the VBT. Such bond shall require the approval of the VBT and the Village attorney as to form, sufficiency, manner of execution and surety.
- B. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other form of financial security acceptable to the VBT. Acceptable substitutes, if furnished, shall be kept on deposit with the Village for the duration of the bond period.

2. Maintenance Guarantee

In order that the Village of Chaumont has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant may enter into an agreement with the Village upon completion of the work required under the installation guarantee so that:

- A. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected,
- B. Such work is guaranteed for a minimum of ten (10) percent of the total improvement costs, or \$5,000, whichever is greater

A maintenance bond shall be the preferred guarantee, but other methods are permitted, provided they are acceptable to the Village attorney and the VBT.

3. Acceptance of Road and Facilities

When the Village Code Enforcement Officer, following final inspection of the improvements, certify to the VBT that all installation and improvements have been completed in accordance with the contract, the VBT may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

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## ARTICLE VI

### GENERAL REQUIREMENTS

#### SECTION 600 - GENERAL

The regulations in this Article shall apply when the appropriate Board has found them applicable pursuant to its SEQR review. If the appropriate Board determines that the waiver of these regulations will cause no significant adverse environmental impacts, it may waive any or all of them.

#### SECTION 605 - TRAFFIC

A traffic impact study, conducted by a qualified traffic engineer for any development of fifty (50) or more dwelling units or fifty thousand (50,000) or more square feet of non-residential floor area shall be required. Such study shall show current and projected levels of service of public roads within one mile of the development, and shall describe any on or off-site improvements required to offset any significant traffic impact. Such study shall be conducted at the developer's expense. The Village may, at its own expense, retain a consultant to perform a second traffic impact study.

The VBT may require that the applicant shall enter into an agreement with the Village to provide improvements or funds for improvements needed to mitigate the adverse traffic impact of his development according to the findings of the study or studies, whichever recommends the most extensive improvements.

#### SECTION 610 - SCREENING

1. Where an industrial or commercial use will be adjacent to a residential use or where a multi-family dwelling will be adjacent to a single or two-family dwelling, the appropriate Board may require that an opaque screen be provided from the ground to a minimum height of six (6) feet. Such a screen may be comprised of living plants, walls of wood or brick, landforms (berm, mounding), or combinations of the above.
2. Minimum plant size. All plant materials required by the appropriate Board shall meet the following minimum size standards:

<b>Plant Material Type</b>	<b>Planting in Bufferyards Abutting Vacant Lands</b>	<b>All Other Planting</b>
Canopy Tree		
Single Stem	1½ inch caliper*	2½ inch caliper*
Multi-Stem Clump	6 feet (height)	10 feet (height)
Understory Tree	4 feet (height)	1½ inch caliper*
Evergreen Tree	3 feet (height)	5 feet (height)
Shrub		
Deciduous	15 inches (height)	24 inches (height)
Evergreen	12 inches (height)	18 inches (height)

\* Caliper: A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4½) feet above natural grade.

### SECTION 615 - DRAINAGE

1. Drainage shall be based on a 25-year frequency rainstorm.
2. Provisions for storm drainage shall be designed to safely retain storm water or adequately carry and discharge accumulated runoff into drainage channels, storm sewers or natural watercourses so it does not cause increased damage or increased flooding downstream.

### SECTION 620 – SIDEWALKS/CURBING

Sidewalks/Curbing may be required and shall be installed as follows:

1. Sidewalks/Curbing shall be installed at the expense of the applicant and at such location as the appropriate Board may deem necessary.
2. Sidewalks/Curbing must be constructed to comply with the detail specifications of the appropriate Board.
3. Sidewalks/Curbing shall be concrete or other approved material. Sidewalks shall have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas.

### SECTION 625 - UTILITIES

When required, utilities shall be installed with approval from the appropriate Board or it's designee as follows:

1. Fire Protection: Hydrants to be of size, type and location specified by the NFPA, provided by the developer.
2. Street Lighting: Poles, brackets and lights to be of size, type and location recommended by the local power company. Developer shall contact the appropriate Board to ascertain location of poles, lights, transformers, wiring, and any other requirements.
3. Electricity: Power lines shall be placed underground. Developer shall contact the appropriate Board for locations and other requirements of transformers and other equipment.
4. Utility Services: The appropriate Board shall be contacted for verification and location of power transformers and contractor requirements for individual dwelling services.
5. Cable Television: Cable television lines shall be placed underground. Developer shall contact the appropriate Board for locations and other requirements.

### SECTION 630 – WATER SUPPLY

1. The subdivision water distribution system shall be installed and tested at the expense of the developer as per the approved plans and subject to the approval of the Village. The Village shall connect the sub-divider's system to the Village supply system at the expense of the developer.

### SECTION 635 – SEWAGE DISPOSAL

All new construction must connect to the Village Sanitary Sewage System.

1. The subdivision sewage system shall be installed and tested at the expense of the developer as per the approved plans and subject to the approval of the Village. The Village shall connect the sub-divider's system to the Village disposal system at the expense of the developer.

#### SECTION 640 – UNIQUE AND NATURAL FEATURES

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of development so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

#### SECTION 645 – PUBLIC OPEN SPACES AND SITES

Consideration shall be given to the allocation of areas suitably located for community purposes and be made available by one of the following methods:

1. Dedication to the Village.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the Village within a reasonable period of time. Said reservation shall be made in such a manner as to provide for a release of the land to the sub-divider in the event the Village does not proceed with the purchase.
4. If the VBT determines that suitable park or parks of adequate size cannot be properly located in the plat or is otherwise not practical, the VBT may require as a condition to approval of the plat a payment to the Village of a sum to be determined by the VBT, which sum shall constitute a trust fund to be used by the Village exclusively for neighborhood park, playground or recreational purpose including the acquisition of property.

The VBT may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Village water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

#### SECTION 650 - STREETS

All streets shall be designed, constructed in accordance with Village standards.

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## ARTICLE VII

### SUPPLEMENTAL REGULATIONS

#### SECTION 700 – GENERAL

The Regulations in this Article shall apply when the appropriate Board has found them applicable pursuant to its SEQR review. If the Board determines that the waiver of these regulations will cause no significant adverse environmental impacts, it may waive any or all of them.

#### SECTION 705 – PARKING REQUIREMENTS

##### 1. Parking – General

- A. All uses shall be provided with off-street, on-site parking for all vehicles during typical peak use periods. Off-street parking may be located off-site but must be within 300 feet of the site. Off-street loading spaces shall be provided as required in Section 710.3.
- B. For uses other than single family dwellings, a parking space shall not be less than nine (9) feet by eighteen (18) feet exclusive of access ways and driveways.
- C. To the greatest extent possible the size of all parking areas other than those for dwelling units and dwelling units with a home occupation shall be based on gross leasable area. Where gross leasable area figures are unavailable, gross floor area figures shall be used.
- D. Commercial parking areas or parking lots shall be provided as required, however, their placement in relation to the building shall be designed to limit their visibility where possible. A minimum of fifty percent (50%) of the required parking spaces shall be provided to the side and/or rear of the building, away from the roadway, to limit their visual dominance from the primary highway.
- E. Any portion of a parking area or parking lot in the front yard shall have a ten (10) foot set back from the right-of-way, and the area between such parking areas and the right-of-way shall be buffered and landscaped to maintain a natural appearance from the highway.

##### 2. Minimum Standards Are:

- A. Two (2) spaces per dwelling unit.
- B. Dwelling unit with a home occupation: Adequate space to accommodate all vehicles during typical peak use periods, in addition to the two (2) residential spaces required.
- C. Offices 1 space/200 sq. ft. GLA
- D. Retail, small 1 space/200 sq. ft. GLA
- E. Large Product Retail 1 space/400 sq. ft. GLA
- F. Additional Required Parking for Facilities with Drive-Up Service Windows – Three (3), twenty (20) foot car-length waiting spaces for each drive-up lane. Where multiple drive-up windows exist there shall be one additional waiting space that shall be a common lane.
- G. Institutional Uses - one (1) space per four (4) seats/unless documentation is presented to suggest a different ratio
- H. Restaurants 1 space/50 sq. ft. GLA
- I. Funeral Homes 1 space/50 sq. ft. GLA
- J. Light Industrial Operations 1 space/200 sq. ft. GLA unless documentation can be presented to show a lower ratio of employees to floor space
- K. Marinas At least 1 space/every 2 boat slips
- L. Where the use of traffic generation of a site is such that the applicant can show that the number of spaces required is not justified, the appropriate Board may waive these requirements.

(Note: All fractional portions of parking spaces as calculated by Gross Leasable Area shall be deleted if the fraction is less than .50. Otherwise one additional parking space is required.)



4. The stand area shall be graded to ensure adequate drainage but in no event shall the difference in grade exceed six (6) inches from one end of the stand to the other.

#### SECTION 715 – MULTI-FAMILY DWELLINGS

In addition to the standards contained in Article VI, multi-family dwellings shall not exceed a *gross density of four (4)* units per acre. Also, each building must have one (1) acre per building site, with a maximum number of four (4) units allowed per building. Buildings shall be a maximum of two (2) stories or less.

#### SECTION 725 – PROHIBITED USES

1. General

Any process or manufacture, assembly or treatment, which is not clearly incidental to a retail business conducted on the premises, or which in the opinion of the VBT normally constitutes a nuisance by reason or odor, noise, glare, dust or smoke (even if incidental to a retail business conducted on the premises) is prohibited.

2. Specifically Prohibited

- A. Salvage Yards
- B. Junk Yards
- C. Free Standing Cell Towers
- D. Livestock Farms
- E. Quarry, Sand or Gravel Pits
- F. Free Standing Boilers, Furnaces (outdoor) separate from the dwelling or structure it supplies

#### SECTION 730 – ADULT ENTERTAINMENT and TATTOO PARLORS

In addition to any other regulations for buildings, structure, lot dimensions, etc., of the Village Law, Adult Entertainment and/or Tattoo Parlors shall be permitted subject to the following regulations:

1. Adult use shall not be permitted within one thousand (1000) feet measured from the lot line of any:
  - A. Church
  - B. School
  - C. Park
  - D. Library
  - E. Playing Field
  - F. Government Offices, Property, Buildings or Operations. (Examples include but not limited to: Fire Department(s), Village Beach(s), Post Office(s), Village or Town Office(s), etc.)
2. For the purpose of this law, measurements shall be made in a straight line without regard to the intervening structures or objects from the nearest portion of the building or structure used as a part of the premises for an adult use business to the nearest property lot line provided in the above restrictions.
3. No adult use shall be in a building of which any part is used for residential purposes. Adult use shall not be considered a home occupation.
4. Outside advertisement shall not have any photographic or artistic imagery representation whatsoever thereon.
5. All building openings, entries, windows, doors, etc. shall be located, covered or screened in such a manner as to prevent a view into the interior from the outside of the premises.
6. This law shall apply to any person, firm, corporation club, association or other entity which actually engages in the conduct of a regulated use under this law and shall further and equally apply to the owner of any building, structure or premises upon which such regulated use is conducted. Any violation of this law shall subject all persons, firms,

club associations, corporations or entities conducting such regulated use and the owners of the premises upon which such regulated use is conducted to any penalties provided under the law.

## SECTION 735 – SIGNS

### 1. Exempt Signs

#### A. Temporary Signs

- 1) **Special Event Signs:** Two (2) temporary special event signs advertising events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities and as such, signs advertising these events shall fall under the requirements of this section. Such signs shall be removed at the end of the event by the sponsor of the event or those who placed the sign(s). Such signs shall not be used more than 60 days a year.
- 2) **Real Estate and Construction Signs:** Signs announcing the construction of a project or the sale of lots or buildings. Such signs shall be removed within thirty (30) days of the completion of the construction or the sale of the building or lot.
- 3) **Special Sale Signs:** Signs advertising special sales or goods or services shall be removed within thirty (30) days of the end of the sale period. Window signs are exempt from this time limit.

#### B. Flags

Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on-premises business firms, religious, charitable, public and nonprofit organizations.

#### C. Plaques

Commemorative plaques placed by historical agencies recognized by the Town of Lyme, the County of Jefferson or the State of New York

#### D. Other Exempt Signs

- 1) Signs directing and guiding traffic and parking on private property, but bearing no advertising material
- 2) Signs not exceeding two (2) square feet in area and bearing only property numbers, post office box numbers, or names of occupant(s) of premises
- 3) Trespass signs or other signs advising the public of hazardous conditions
- 4) Holiday decorations, including lighting, are exempt from the provisions of this local law and may be displayed in any district without a permit for a period of no more than sixty (60) days

### 2. Prohibited Signs

The following sign types shall not be allowed at any location within the Village:

- A. All portable signs, other than those allowed in the previous Section 735.1
- B. Any sign which has flashing lights
- C. Any sign that does not qualify as an exempt sign under Section 735.1 or does not meet the General Sign Regulations, Section 735.3

### 3. General Sign Regulations

All Signs shall be subject to the following general standards:

- A. Unless otherwise specified, sign area shall not exceed thirty-two (32) square feet
- B. No sign shall exceed thirty (30) feet in height
- C. No luminous sign, indirectly illuminated sign or lighting device shall cast glaring or non-diffuse beams of light upon any public road, highway, sidewalk or adjacent premises, or otherwise cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall employ any mirror or mirror like surface.
- D. No signs shall be painted or drawn upon trees, or natural features on the site, or on utility poles, bridges, culverts, towers, unregistered vehicles, watercraft or similar structures.
- E. Any business, enterprise, institution or other advertisement entity that ceases operations shall remove their signs, supports and electrical work within ninety (90) days of such cessation. This provision shall not apply to seasonal businesses that are open at least ten (10) weeks a year.
- F. In the event a standard established in this law conflicts with another standard in this law, the more restrictive standard shall apply
- G. No sign shall project into the public right-of-way without specific written approval from the authority having jurisdiction over the right-of-way. The written approval shall be filed with the Village Clerk prior to placement
- H. No sign shall be placed within five (5) feet of a curb or paved shoulder of a road
- I. No sign exceeding three (3) feet in height shall be permitted within ten (10) feet of a curb or paved shoulder of a road

#### SECTION 740 – TEMPORARY STORAGE TRAILERS/PODS

In addition to any other regulations for buildings, structure, lot dimensions, etc., of the Village Law, Temporary Storage Trailers/Pods shall be permitted subject to the following regulations:

- 1. Placement of a Temporary Storage Trailer/Pod for a period exceeding sixty (60) days, shall be by permit only. Application for Permit shall be made through the Village Clerk and approved or disapproved by the Village CEO. Permits issued shall be for a period not to exceed six (6) consecutive months.
- 2. Limited to one (1) Temporary Storage Trailer/Pod per tax parcel
- 3. The Village CEO is empowered to direct immediate removal of any Temporary Storage Trailer/Pod in violation of this code.

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## ARTICLE VIII

### NON-CONFORMITIES

#### SECTION 805 – STRUCTURES

1. A non-conforming structure may be continued subsequent to adoption of this law but the structure shall not be enlarged in a way that increases its non-conformity. Such enlargement includes an addition which is in violation of the setbacks established by this law, but which is no closer to any lot line than the existing structure.
2. Nothing under the provisions of this local law shall prevent the repair, restoration or reconstruction of a non-conforming structure provided that its owner or owners can demonstrate to the Zoning Officer that construction, erection or location of a conforming structure is physically impractical due to the size, configuration or condition of the lot. In addition, the owner must demonstrate that such repair, restoration or reconstruction is undertaken only on the premises and to the extent previously occupied by the non-conforming structure. Also, the reconstruction of a destroyed non-conforming structure will be permitted only if the lot does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate that nonconformity without reducing such other property to non-conforming dimensions.

#### SECTION 810 – USES

Any use of land or structures which by the enactment of this local law is made non-conforming may be continued on the premises and to the extent pre-existing provided that:

1. No non-conforming use shall be expanded, extended or otherwise increased so as to occupy a greater area of land than was committed to the non-conforming use at the time of such enactment;
2. No non-conforming use shall be extended so as to displace a conforming use;
3. No non-conforming use of land or structures which has, for any reason, been discontinued for a period of one (1) year maximum from date of discontinuance, shall not be reestablished and only conforming uses shall be thereafter permitted;
4. A non-conforming use of land or structures once changed to a conforming use shall not be permitted to change back to a non-conforming use.

#### SECTION 815 – LOTS OF RECORD

Any lot of record held under separate ownership prior to the enactment of this local law and having lot width or lot depth or both less than the minimum area requirements set forth in this local law may be developed with any compatible use listed without requiring a variance provided that such lot:

1. Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to non-conforming dimensions;
2. Has sufficient area, width and depth to undertake development which will:
  - a. Maintain the required minimum front setback,
  - b. Meet or exceed at least two-thirds (2/3) of the required minimum side and rear setbacks,
  - c. Not exceed the maximum permitted lot coverage; and,
3. Otherwise satisfies all applicable provisions of this local law.

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## ARTICLE IX

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 905 – ZONING PERMIT

1. No building or structure shall be erected, or use instituted, until a zoning permit for it has been issued. The exterior structural area of a building shall not be enlarged until a zoning permit therefore has been issued.
2. A zoning permit shall not be required for:
  - A. Construction of a fence, wall or a structure with a floor area of one hundred (100) square feet or less. However, such structures shall meet all applicable regulations;
  - B. Routine maintenance and improvement (e.g. roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the structure;
  - C. Chimneys, placement of posts and other similar accessory uses; or
  - D. Television antennae and satellite dishes.
3. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the street line, lot line, or nearest high water elevation to the furthestmost protruding part of the structure. This shall include such projecting facilities as cornices, eaves, porches, carports, attached garages, etc.
4. No such zoning permit or certificate of compliance shall be issued for any building or structure where said construction, addition and exterior expansion or use thereof would be in violation of any of the provisions of this law.
5. A zoning permit issued under this law shall expire six (6) months from the date of issue if construction is not started.
6. Any use that has been discontinued for a period of twelve (12) months or longer shall be termed abandoned and may not be re-instituted without applying for a new zoning permit.
7. Applications for zoning permits shall be submitted to the CEO or Village Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of the structures and accessory structures to be; the distance from the building line to all lot lines, street right-of-way-lines, waterfront property lines, streams and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information and other relevant application data, shall be provided on a form issued by the Village.
8. Temporary permits may be issued by the CEO for a period not exceeding one (1) year for conforming and non-conforming structures. Such temporary permits are conditioned upon agreement by the owner or operator to remove the non-conforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time.
9. Parking lots for places of public assembly and commercial or business uses shall require a zoning permit for placement. They shall meet the requirements of Section 510.

#### SECTION 910 – CODE ENFORCEMENT OFFICER (CEO)

1. This law shall be enforced by the CEO who shall be appointed by the VBT.
2. The CEO shall:
  - A. Approve and/or deny zoning permits for uses other than site plan review uses within thirty (30) days of receipt of application;

- B. Approve and/or deny Certificates of Compliance;
- C. Refer appropriate appeal matters to the Zoning Board of Appeals;
- D. Revoke a zoning permit where there is false, misleading or insufficient information. Revoke a zoning permit and/or certificate of compliance where the applicant has not done what was proposed on the application;
- E. Issue stop work orders for noncompliance with this zoning law.

SECTION 915 – CERTIFICATE OF COMPLIANCE

1. No land shall be occupied or used and no building or structure hereafter used, nor changes made in the use until a Certificate of Compliance shall have been issued by the CEO stating that the building, structure or proposed use thereof complies with the provisions of this law.
2. All Certificates of Compliance shall be applied for coincidentally with the application for a zoning permit. Said certificate shall be issued within ten (10) days after the erection and alteration shall have been inspected and approved by the CEO as complying with the provisions of this law.
3. The CEO shall maintain a record of all Certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
4. No Certificate of Compliance shall be issued for a site plan use until all required improvements, such as storm sewer, water supply, sewage disposal, landscaping, traffic controls, sidewalks, curbs, parking, access facilities, etc., have been constructed or installed in accordance with the approved plan, including all conditions the Village Board may have required in accordance with Section 625.

SECTION 920 – ZONING BOARD OF APPEALS (ZBA)

1. Creation, appointment and organization: a ZBA is hereby created. Said ZBA shall be appointed in conformance with the Village Law, Section 7-712. The VBT shall appoint a Chairman and Vice-Chairman. The ZBA shall select a Secretary and shall prescribe rules for the conduct of its affairs.
2. Powers and duties: The ZBA shall have such powers, duties and responsibilities prescribed by Section 7-712 of the Village Law and by this law, as may be amended from time to time.
3. County Zoning Referrals: Prior to taking action on any matter, which would cause any change in the regulations or use of land, or building on real property as specified in Section 239-m of the General Municipal Law, the ZBA shall make referrals to the County Planning Board in accordance with Section 239-m of the General Municipal Law.

If within thirty (30) days after receipt of a full statement of such referred matter, the County Planning Board to which referral is made disapproves the proposal or recommends modification thereof, the ZBA shall not act contrary to such disapproval or recommendations except by a 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 Chairperson shall read the report of the County Planning Board at the public hearing on the matter under review. If such a 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 ZBA may act without such report. The ZBA shall notify the County Planning Board of its final action within seven (7) days of such final action.

## SECTION 925 - FEES

A schedule of fees shall be adopted by the VBT by resolution and may be adjusted from time to time as deemed necessary. The fee schedule shall include fees for Zoning Permits, Interpretive Appeals, Variance Appeals and Site Plan Uses. The fees shall bear a reasonable relationship to the actual administrative, legal and consultant costs the Village will incur.

## SECTION 930 – VIOLATIONS AND PENALTIES

### 1. Violation Remedy Procedures

- A. Initiating a Complaint – Whenever a violation of this law occurs, the Enforcement Officer, Village or an aggrieved citizen may initiate a complaint. Such complaints shall be given to the CEO in writing.
- B. Recording the Complaint – The CEO shall accurately record the complaint and file it appropriately
- C. Notice of Violation – The CEO is then to inform the landowner that he/she is violating the law. The landowner shall be notified by certified mail as to the manner in which he/she is in violation and the period of time granted to remedy the violation. The Enforcement Officer may informally contact the landowner about the situation before this step is taken, but in no case shall more than fourteen (14) days pass from the date a complaint is recorded to the date a written notice is sent to the violator.
- D. Stop Work Order – A “Stop Work Order” may be issued to the landowner. It shall be issued in the same manner as a “Notice of Violation”. This notice though, requires that all construction stop immediately.
- E. Local Proceedings – If a violation persists, the CEO shall file an “Information and Complaint” with the Town Justice or an injunction proceeding in the appropriate court. The “information and Complaint” charges the landowner with violating one or more sections of this law. The Town Justice shall then issue a summons for the violator to appear in court.
- F. In addition to the foregoing remedies the Village Board may also maintain an action or proceeding in the name of the Village of Chaumont in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this local law.

2. Any person, firm, or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation. Each week an offense is continued shall be deemed a separate violation of this law. A violation of this law is an offense punishable by a fine not exceeding two hundred and fifty dollars (\$250.00).

## SECTION 935 – VILLAGE BOARD OF TRUSTEES (VBT)

1. Powers and Duties. The Village Board shall have the following powers and duties under the provisions of this law:
  - A. Amendments: The Village Board may from time to time amend, supplement or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be in accordance with the procedure established in Section 20 of Municipal Home Rule Law.
  - B. Site Plan Review: To review and approve with or without modifications, or deny subdivisions in accordance with Article IV of this local law.

## SECTION 936 – VILLAGE PLANNING BOARD (VPB)

1. Powers and Duties. The Village Planning Board shall have the following powers and duties under the provisions of this law:
  - A. Subdivision Review: To review and approve with or without modifications, or deny subdivisions in accordance with Article IV of this local law.
  - B. To review and recommend action to VBT (see Article IV).

SECTION 940 – INTERPRETATION AND SEPARABILITY

1. Interpretation: Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety or general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards shall govern.
2. Separability: Should any section or provisions of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 945 – EFFECTIVE DATE

The provisions of this law shall take effect upon filing with the Secretary of State.

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Article II Definitions - Lot Line Adjustment: shall be amended to read as follows:

Any transfer of property from one adjoining lot to another for the purposes of enlargement of the existing lot. A lot line adjustment shall not constitute a subdivision, provided that it is clear that the land being transferred is not intended to create a new lot, but is intended to be merged with the lot to which it is being transferred, and further provided that such transfer does not create any non-conformities with the Chaumont Land Development Code.

Article IV shall be amended to read as follows:

Section 415 – Lot Line Adjustments

The Planning Board of the Village of Chaumont shall review any proposed lot line adjustment to determine if it fits the definition as set forth in Article II. The Planning Board shall specifically review whether or not it is the intention that the property being transferred is to be merged with the lot to which it is being transferred and shall not constitute a separate lot. The Planning Board may require that the applicant for the lot line adjustment show that the proposed deed transferring the property indicates that the property will be merged to the lot to which it is being transferred. The Planning Board shall determine that the lot from which the land is being transferred will not be rendered non-conforming under Article III, Section 305 of the Chaumont Land Development Code in any manner by the transfer. If the above conditions are met and the lot line transfer is not a subdivision, then no further review is required unless to do so would increase any existing non-conformity.

Article VII – Section 740 – Temporary Storage Trailers/PODS shall be amended with the additional language as follows:

4. They will be subordinate to the principal use of the property and service the principal building.
5. They will be subordinate in area, extent and purpose to the principal building or principal use.
6. They will be under the same ownership (or lease) as the principal use or uses on the property; exception will be during any approved building permit, site plan or subdivision construction.
7. They are prohibited against using them for human or animal habitation and/or including bathroom facilities.
8. They shall only be located within allowable setbacks and shall be located between the rear lot line and the principal structure.
9. They will be placed or located on the same parcel as the principal building.

Article II – Definitions shall be amended to read as follows:

Front Lot Line: The property line separating a plot or parcel of property from a public or private street or highway. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.

Article III – Section 305 – Dimensional Regulations shall be amended to read as follows:

Land uses within the Village are required to meet the following minimum dimensional regulations.

\*Accessory or Structure

Area Description	Single Family Dwellings/* Accessory Use Structures	Multi-Family Dwellings/* Accessory Use Structures	Commercial Uses/* Accessory Use Structures
Lot Size	15,000 square feet	40,000 square feet	20,000 square feet
Lot Frontage	100 feet	200 feet	125 feet
Yard Front	25/*15	25/*15	25/*15
Yard Side	15/*10	15/*10	15/*10
Yard Rear	25/*10	25/*10	25/*10

Article VII – Supplemental Regulations – Section 715 – Multi-Family Dwellings shall be amended to read as follows:

In addition to the standards contained in Article VI Multi-Family Dwellings shall:

1. All multi-family dwelling applications shall be classified as Type I actions as pertains to SEQR and such applications shall be processed by the Village Planning Board.
2. Each structure is to be situated on its own tax parcel.
3. The longest property line cannot exceed 125% of the shortest property line.
4. Where the multi-family dwelling is a four-plex, an additional 40,000 square feet of land must be set aside and maintained by the property owner for recreation and green space, with location and layout subject to approval by the Village Planning Board.
5. Building structures shall be a maximum of two (2) stories or less.
6. Multi-family structures shall not be more than four (4) units per structure, (i.e. four-plex).

7. All units must meet dimensional regulations as set forth under Article III, Section 305.
8. Gross density cannot exceed four (4) dwelling units per acre.