

SCHUYLER
ZONING ORDINANCES

**TOWN OF SCHUYLER
ZONING ORDINANCE
TABLE OF CONTENTS**

ARTICLE 1 TITLE AND PURPOSE

Section	Page
1. Title	1
2. Short Title	1
3. Purpose	1
4. Conflict	2
5. Validity and Severability	2

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section	Page
1. Construction of Language	1
2. Definitions	1

ARTICLE 3 DISTRICTS AND BOUNDARIES

Section	Page
1. Establishment of Districts	1
2. Interpretation of District Boundaries	1
3. Application of Regulations	2

ARTICLE 4 R-I, RESIDENTIAL DISTRICT

Section	Page
1. Intent	1
2. Principal Uses Permitted	1
3. Special Uses	2
4. Accessory Uses and Structures	2

ARTICLE 5 R-2, RESIDENTIAL DISTRICT

Section	Page
1. Intent	1
2. Principal Uses Permitted	1
3. Special Uses	2
4. Accessory Uses and Structures	3

ARTICLE 6 R-M, MANUFACTURED HOME PARK DISTRICT

Section	Page
1. Intent	1
2. Principal Uses Permitted	1
3. Special Uses	1
4. Accessory Uses and Structures	2

ARTICLE 7 R-A, RESIDENTIAL-AGRICULTURAL DISTRICT

Section	Page
1. Intent	1
2. Principal Uses Permitted	1
3. Special Uses	2
4. Accessory Uses and Structures	3

ARTICLE 8 C-H, COMMERCIAL-HIGHWAY DISTRICT

Section	Page
1. Intent	1
2. Principal Uses Permitted	1
3. Special Uses	3
4. Accessory Uses and Structures	4
5. Special Standards	5
6. Additional Site Development Standards	5

ARTICLE 9 C-I, COMMERCIAL-INDUSTRIAL DISTRICT

Section	Page
1. Intent	1
2. Principal Uses Permitted	1
3. Special Uses	2
4. Accessory Uses and Structures	3
5. Special Standards	3
6. Additional Site Development Standards	3

ARTICLE 10 C-T, COMMERCIAL-TELECOMMUNICATIONS DISTRICT

Section	Page
1. Intent	1
2. Principal Uses Permitted	1
3. Special Uses	1
4. Accessory Uses and Structures	2
5. Special Standards	2
6. Additional Site Development Standards	2

ARTICLE 11 F-P, FLOODPLAIN DISTRICT

Section	Page
1. Intent	1
2. Principal Uses Permitted	1
3. Special Uses	1
4. Accessory Uses and Structures	2
5. Special Standards	2
6. Additional Site Development Standards	2

ARTICLE 12 P-D, PLANNED DEVELOPMENT DISTRICT

Section	Page
1. Purpose	1
2. Procedure	1
3. Submission Requirements	4

4. Development Considerations	7
-------------------------------	---

ARTICLE 13 SITE PLAN REVIEW

Section	Page
1. Purpose	1
2. Applicability	1
3. Site Plan Review Procedures	2
4. Standards for Site Plan Approval	7

ARTICLE 14 GENERAL PROVISIONS

Section	Page
1. Introduction	1
2. Withholding of Approval	1
3. Principal Building, Structure or use	1
4. Regulations on Accessory Dwellings	1
5. Accessory Buildings (Utility Sheds and Garages)	1
6. Accessory Structures: Swimming Pools	3
7. Accessory Structures: Fences	3
8. Accessory Structures: Private Stables	5
9. Accessory Structures: Satellite Dish Antenna and Telecommunications Transmission Towers	6
A. Purpose and Intent	6
B. Regulations for Residential Users	7
C. Regulations for Commercial Users	7
10. Site Drainage	9
11. Access To Approved Street	9
12. Lots in Two Districts	9
13. Drive-in Services	9
14. Area and Height Regulations (Lots, Yards, and Buildings)	10
A. Lots of Less Than the Required Dimensions	10
B. Area Regulations	10

C. Reduction of Lot Area	10
D. Corner Lot	10
E. Front Yard Exceptions	10
F. Transition Yard Requirements	11
G. Yard Encroachments Permitted	11
H. Height Requirement Exceptions	11
I. Minimum Lot Width	11
J. Calculations of Lot Coverage	12
K. Building Grades	12
15. Clear Vision Areas	12
16. Temporary Storage Buildings	12
17. Beekeeping	13
18. Home Occupations	13
A. Applicability	13
B. Home Occupation Permit	13
C. General Requirements	13
D. Fees	15
E. Revocation of Home Occupation Permits	15
19. Residential Living Area Requirements	16
20. Temporary Occupancy	16
21. Objectionable Elements	16
22. Off-Street Parking and Loading Requirements	17
A. Applicability	17
B. Location	17
C. Landscaping/Screening	17
D. Accessibility	18
E. Residential Parking	20
F. Minimum Required Spaces by Use	20
G. Schedule of Off-Street Parking Requirements	21
H. Off-Street Loading Areas	23
23. Sign Regulations	24

A. Definitions	24
B. General Provisions	26
C. Signs Exempt from Regulation	27
D. Signs for Which no Permit is Required	27
E. Signs Permitted by Zoning District	29
1. Residential Districts (R-1, R-2, R-A, R-M)	
29	
2. Commercial Districts (C-H, C-I)	
30	
3. C-T (Commercial-Telecommunication) & F-P (Flood-Plain) Districts	32
4. Advertising Signs	33
5. Administration	33
24. Maintenance of Property	34
25. Sanitation	34
26. Manufactured Homes and Manufactured Home Parks	35
27. Adult Oriented Uses	39
28. Private Motor Vehicle Sales	39

ARTICLE 15 SPECIAL USE PERMITS

Section	Page
1. Purpose	1
2. Application, Review, and Approval Procedures	1
3. General Review Standards for all Special Use Permits	3
4. Conditions of Approval	4
5. Validity of Permit	5
6. Special Issues	5
7. Revocation	6
8. Specific Requirements by Use	6
A. Motor Vehicle Washing Establishments	6

	B. Motor Vehicle Repair Stations or Service Stations	
7		
	C. Convenience Stores (with Gasoline Sales)	8
	D. Bed and Breakfasts	8
	E. Religious Institutions	9
	F. Essential Services	9
	G. Commercial Kennels	
10		
	H. Campgrounds	10
	I. Outdoor Recreation Establishments, Golf Courses, and Driving Ranges	11
	J. Indoor Recreation Establishment	13
	K. Restaurants and Other Establishments with Drive-in Or Drive-Through Facilities	13
	L. Shopping Centers	13
	M. Commercial Excavation	14
	N. Junk Yard	15
	O. Agricultural Sales and Service Establishment	16
	P. Sanitary Landfills	17
	Q. Transfer Stations	18

ARTICLE 16 NONCONFORMING USES AND STRUCTURES

Section	Page
1. Intent	1
2. Nonconforming Lots of Record	2
3. Nonconforming Uses of Land	2
4. Nonconforming Buildings and Structures	2
5. Repairs and Maintenance	4

ARTICLE 17 PLANNING BOARD

Section	Page
----------------	-------------

1. Establishment and Membership	1
2. Procedures of the Board	1
3. Hearings	1
4. Jurisdiction	1

ARTICLE 18 ZONING BOARD OF APPEALS

Section	Page
1. Establishment and Membership	1
2. Procedures of the Board	1
3. Hearings	2
4. Duties and Powers	2
A. Review	2
B. Interpretation	2
C. Variances	3
5. Voiding of a Variance	5
6. Rehearing for Review of a Variance Decision, Order, or Determination	5
7. Reapplication for a Variance	5
8. Appeals, How Taken	5

ARTICLE 19 ADMINISTRATION AND ENFORCEMENT

Section	Page
1. Enforcement	1
2. Duties of the Zoning Enforcement Officer	1
3. Violations and Penalties	1
4. County Referrals	2
5. State Environmental Quality Review Act (SEQRA)	3
6. Public Hearing	4

ARTICLE 20 ORDINANCE AMENDMENTS

Section	Page
----------------	-------------

1. Initiation of Amendments	1
2. Application Procedure	1
3. Amendment Procedure; Public Hearing and Notice	2
4. Criteria for Amendment to Official Zoning Map	2
5. Criteria for Amendment to the Zoning Ordinance Text	4

ARTICLE 21 STORMWATER MANAGEMENT REGULATIONS

Section	Page
1. Applicability	1
2. Exemptions	1
3. Stormwater Pollution Prevention Plans	2
4. Plan Certification	5
5. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control	6
6. Maintenance and Repair of Stormwater Facilities	6
7. Administration and Enforcement	8
8. Performance Guarantee	9
9. Enforcement and Penalties	10
10. Fees and Services	12

ARTICLE 22 EROSION AND SEDIMENT CONTROL ORDINANCE

Section	Page
1. Introduction/Purpose	1
2. Permits	1
3. Review and Approval	2
4. Erosion and Sediment Control Plan	2
5. Design Requirements	3
6. Inspection	5
7. Maintenance	6
8. Enforcement	6

ARTICLE 1 TITLE AND PURPOSE

SECTION 1.01 TITLE

This Ordinance is enacted under Article 16 of the Town Law of the State of New York, being Chapter 634 of the Laws of 1932 as amended, in order to regulate the use of land and the use, size and location of buildings and structures in the Town of Schuyler and shall be known and may be cited as the "Town of Schuyler Zoning Ordinance".

SECTION 1.02 SHORT TITLE

This "Town of Schuyler Zoning Ordinance" may hereinafter be referred to as "this Zoning Ordinance" or "this Ordinance".

NOTE: Any reference in this document to the "Town" shall be interpreted as meaning the "Town of Schuyler".

SECTION 1.03 PURPOSE

It is the intent of this Zoning Ordinance to promote the public health, safety and general welfare of the Town of Schuyler residents by accomplishing the following:

- A. Accommodate and promote land uses which are compatible with the Town of Schuyler's character and conserve the property values and long term stability of residential neighborhoods, agricultural area, commercial districts and special districts.
- B. Encourage use of the lands and natural resources in accordance with their character and capability, thus preserving the sensitive and important environmental features in the Town, such as wetlands, prime farmland, scenic public views, topography, open space and wildlife habitat. This Ordinance acknowledges the importance of these features on the long term economic climate of all uses in the Town of Schuyler and the overall quality of life for its residents.
- C. Limit or prohibit uses of land which are incompatible with existing or permitted uses in each zoning district and establish controls over potentially conflicting land uses and uses which may need special regulations in order to be compatible with surrounding development patterns and zoning.
- D. Provide protection against flood, explosion, noise, noxious fumes and other hazards in the interest of the public health, safety, convenience and general

welfare.

- E. Promote safe conditions for motorists, pedestrians and bicyclists by maintaining an acceptable level of service along streets and at driveways within the Town, while ensuring property owners with reasonable, though not always direct, access to property.
- F. Regulate the intensity of use of property in the Town and provide standards for location of buildings through the use of minimum lot area, lot coverage, height and setback requirements.
- G. Promote the gradual elimination of uses, buildings and structures which do not conform with the regulations and standards of this Ordinance.
- H. Provide for administration of this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by Town Law of the State of New York.
- I. Balance the Town's right to compatible and quality development with the property owners' right to a reasonable rate of return on their investment.
- J. Conserve the taxable value of property in the Town, while promoting and protecting the public health, safety and general welfare of the residents.

SECTION 1.04 CONFLICT

Whenever any provision of this Ordinance imposes a greater requirement or higher standard than is required in any state or federal statute, the provision of this Ordinance shall govern. Whenever any provision of any state or federal statute imposes a greater requirement or higher standard than is required by this Ordinance, the provision of such state or federal statute shall govern.

SECTION 1.05 VALIDITY AND SEVERABILITY

This Ordinance and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

ARTICLE 2 DEFINITIONS

SECTION 2.01 CONSTRUCTION OF LANGUAGE

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

- A. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural include the singular, unless context clearly indicates the contrary.
- B. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
- C. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
- D. The word "build" includes the words "erect" and "construct". A "building" or "structure" includes any part thereof.
- E. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- F. In case of any difference of meaning or implication between the text of this code and any caption or illustration, the text shall control.

SECTION 2.02 DEFINITIONS

ACCESSORY STRUCTURE: A structure subordinate to the principal building on the lot and used for purposes customarily incidental to that of the principal structure. Where an accessory structure is attached to the structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered to be part of the main structure.

ACCESSORY USE: A use which is customarily incidental and subordinate to the principal use on a lot, and located on the same zoning lot therewith. An accessory use may not be accessory to another accessory use.

ACRE: A tract of land having an area of 43,560 square feet.

AGRICULTURAL: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, silviculture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal

agricultural activities.

ALTERATION: As applied to a building, any of the following shall be considered to be an alteration; a change or rearrangement of the structural parts, a change in the entrance or exit facilities, an enlargement, whether by extending on a side or by increasing in height or the moving from one position or location to another.

ALTERATION: A property owner or agent of a property owner who has filed an application for a land development activity.

APPLICANT: A property owner or agent of a property owner who has filed an application for a land development activity.

ATTIC: An unfinished space immediately below the roof of a main building.

BAR: A business establishment primarily engaged in the retail sale of alcoholic beverages for consumption on the premises. Bars may include the sale of prepared food as an activity incidental to the primary use stated above.

BAR, SPORTS: A bar that has on-site athletic or gaming fields and/or courts which are utilized by its patrons.

BASEMENT: A space of full story height constructed partly below grade and having at least half of its clear floor-to-ceiling height above the average grade of the adjoining ground, and which is not designed or used primarily for year-round living accommodations.

BED AND BREAKFAST: A structure containing up to four (4) sleeping rooms which are designed or intended for occupancy by or are occupied by one or more guests for compensation, including provision for a morning meal only for the overnight guest. A bed and breakfast is distinguished from a motel in that a bed and breakfast shall have only one set of kitchen facilities and employ only those living in the house.

BUILDING: Any structure, excluding fences, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. A building shall include manufactured homes, modular housing, utility sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for purposes of a building and similar structures. When a building is divided into separate parts extending from the ground up, each part so divided shall be deemed a separate building.

BUILDING AREA: The total areas taken on the horizontal plane at the main grade level of the principal building and all accessory buildings, excluding uncovered porches, terraces and steps.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of all of the floors of a principal building and all accessory structures on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, FRONT LINE OF: The line of the wall of the building nearest to the front line of the lot, including covered sun porches or parlors whether or not enclosed, but not including steps.

BUILDING HEIGHT: The vertical distance measured from the average grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

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

BUILDING PERMIT: An authorization issued by the Town Codes Enforcement Officer to move, erect or alter a structure within the Town.

BUSINESS OR COMMERCIAL: Pertaining or relating to the sale, exchange or trade of goods or services, where such action is the principal use to which the building or land is devoted. Also means an accessory use of a building or land to an extent which is unproportionate to the principal use. A commercial use is an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee of a property for more than seven (7) days during a calendar year.

BUSINESS OFFICE: A building in which the administrative functions of a business operation are carried out. This shall not include the storage, sale or repair of any items related to the business operation.

CAMPGROUND: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and other recreational living units, and which is primarily used for recreational purposes and retains an open air or natural character.

CELLAR: That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average elevation of finished grade of the ground adjoining the building and which is not used primarily for year-round living accommodations.

CERTIFIED PROFESSIONAL IN EROSION & SEDIMENT CONTROL (CPESC): A person who has received training and is certified by CPESC Inc, to review, inspect, and/or maintain erosion and sediment control practices.

CHANNEL: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING: Any activity that removes the vegetative surface cover.

CLUB OR LODGE, PRIVATE: A non-profit association of persons, who are bona fide members, which owns, hires or leases a building or land, the use of which is restricted to

members and their guests.

COMMERCIAL EXCAVATION/MINING: A parcel or part thereof used for the purpose of extracting stone, sand, gravel or topsoil as a commercial product but exclusive of the process of grading a lot preparatory to the location of a building or use for which application for a permit under this Ordinance has been made.

CONTRACTOR YARD: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor storage.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of not more than 5,000 square feet. Also included may be the sale of prepared foods and beverages for consumption off the premises.

DEDICATION: The deliberate appropriation of property by its owner for general public use.

DESIGN MANUAL: The *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER: A person who undertakes land development activities.

DRAINAGE WAY: Any channel that conveys surface runoff throughout the site.

DRIVE-THROUGH BUSINESS: A business establishment so developed that its retail or service character is wholly or partly dependent on providing a driveway approach staging area and service window or facilities for vehicles.

DUMPSTER: A container, receptacle or other structure designed, intended or used for the temporary storage of more than two (2) cubic yards of trash, green waste, recyclables, construction debris or any other material to be put out for collection.

DWELLING, ONE-FAMILY: A detached dwelling unit, other than a manufactured home or temporary portable housing, designed for exclusive year-round occupancy by one family only.

DWELLING, TWO-FAMILY: A detached dwelling unit, other than a manufactured home or temporary portable housing, designed for exclusive year-round occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units and designed for year-round occupancy by more than two (2) families living independently of each other, exclusive of hotels, motels, rooming houses or tourist homes.

DWELLING UNIT: One or more rooms in a residential building which are arranged, designed, used or intended for use as a complete independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation for use by one family. No dwelling unit will be contained in its entirety in any cellar or basement.

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a service drive, and within which the owner of the property shall not erect any permanent structures.

EROSION CONTROL: A measure that prevents erosion.

EROSION CONTROL MANUAL: The most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

EROSION AND SEDIMENT CONTROL PLAN: A set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, as defined herein, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, cellular communication towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare of the public. Essential services shall not include storage yards, cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices or any commercial buildings or activities.

FAMILY: Any number of individuals, related by blood, marriage or adoption or not more than five (5) individuals who are not so related, living together as a single housekeeping unit.

FAMILY DAY CARE HOME: A family residence wherein day care services are provided for three (3) to six (6) children of any age for more than three (3) hours per day. The director of this facility shall be a resident of the premises where these services are to be provided. All state licensing requirements are to be met and all operations are to be in accordance with NYS Department of Social Services regulations.

FARM: Any parcel of land containing at least five (5) acres which is used for the commercial raising of agricultural products, livestock, poultry and dairy products. It includes the necessary farm structures within the prescribed limits as well as the storage of equipment. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE: A freestanding structure of metal or wood or any combination thereof resting on or partially buried in the ground and used for confinement, screening or to mark a boundary.

FENCE, OPEN: A fence which is open and largely unobstructed for viewing the property behind it.

FENCE, SOLID: A fence which screens or obstructs the view of the property behind it.

FLOODPLAIN: Lands at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100 year flood boundary) in the flood insurance study for the Town of Schuyler.

FRONTAGE: The linear dimension measured along the public street right-of-way line or along the private road access easement.

GARAGE: A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and used for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GRADE, ESTABLISHED: The elevation of the centerline of the roads or streets as established by the proper authorities.

GRADE, FINISHED: The completed surface of lawns, walks or roads, or the average of the finished ground level at the center of all walls of a building.

GRADING: Excavation or fill of material, including the resulting conditions thereof.

GREENHOUSE, COMMERCIAL: A business whose principal activity is the selling of plants grown on the site, including any outside storage, growing or display.

GREENHOUSE, PRIVATE: An accessory building used primarily for the growing of plants for the personal use of the owner or resident of the property only.

GROUP FAMILY DAY CARE HOME: A family residence wherein day care services are provided for up to ten (10) children of any age for more than three (3) hours per day, including not more than four (4) children under two (2) years of age; or up to twelve (12) children where all such children are over two (2) years of age. Care services may also be provided for up to two (2) additional school age children during non-school hours, including school holidays, vacations and the summer. The operator of the group family day care home must reside on the premises and up to two (2) non-residents may be employed as assistants. All state licensing requirements are to be met and all operation is to be in accordance with NYS Department of Social Services regulations.

HOME OCCUPATION: An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit, is conducted solely within the main building on the property and does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL: A facility for primary inpatient care and services for observation, diagnosis and active treatment of patients with medical, surgical, obstetric or chronic conditions requiring daily care and supervision of physicians and professional medical support staff. A hospital may include 24-hour emergency care services, inpatient/outpatient diagnostic and therapeutic services and medical clinics. A hospital may include a specialty or psychiatric hospital.

HOSPITAL, ANIMAL: An establishment for the diagnosis and medical or surgical care of sick or injured animals, including facilities for the temporary housing of such animals.

IMPERVIOUS COVER: Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT: A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION: The process of percolating stormwater into the subsoil.

JUNK: Items including, but not limited to, old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags and rubber.

JUNK YARD: A lot, land or structure, or part thereof, used for the collecting, storage and sale of junk; or for the collecting, dismantling, storage and salvaging of machinery, and for the sale of the parts thereof. Junk yard shall also mean any place of storage or deposit, whether in conjunction with another business or not, where two or more junk vehicles are held, whether for the purpose of resale of used parts or materials therefrom or not. Such term shall include any place of storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together equal in bulk two (2) or more such vehicles.

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

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

NOTE: Vehicles removed from the road and stored on a seasonal basis for not more than six (6) months shall not be considered to be junk vehicles.

JURISDICTIONAL WETLAND: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

KENNEL, COMMERCIAL: A building or land used for the commercial grooming, breeding, boarding, training or selling of more than three (3) domesticated animals older than six (6) months of age.

LAND DEVELOPMENT ACTIVITY: Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER: The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LAUNDRY, SELF-SERVICE: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT: A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required, having at least the minimum area required for a lot in the zone where such lot is located and having its principal frontage on a public street or public way.

LOT AREA: The total horizontal area within the lot lines of a lot. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER: A parcel of land located at the junction of and fronting on two or more intersecting streets or roads, and having an interior angle of one hundred thirty-five (135) degrees or less.

LOT COVERAGE: The part or percent of the lot occupied by the above grade portion of all principal buildings, accessory structures and uses, driveways, parking areas and sidewalks. Lot coverage shall not be intended to include landscaped areas.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the direction of the side lot lines.

LOT LINES: The boundary lines of a lot, including:

- a. Front Lot Line The lot line separating the front of the lot from the street right-of-way;
- b. Rear Lot Line The lot line opposite and most distant from the front lot line;
- c. Side Lot Line Any lot line other than a front or rear lot line. On a corner lot, a side lot line may also be a street lot line.

LOT OF RECORD: A lot whose existence, location and dimensions have been legally recorded on a deed or on a plat on file with the Town of Schuyler.

LOT, THROUGH: An interior lot having frontage on two more or less parallel streets, as distinguished from a corner lot.

LOT WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district. Where the front lot line is curvilinear in shape, the lot width shall be measured as the cord of the arc at the front yard setback in the district.

MAINTENANCE AGREEMENT: A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MINI OR SELF STORAGE WAREHOUSE: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of consumer's goods.

MAJOR ARTERIAL HIGHWAY: For the purposes of this Ordinance, the term "major arterial highway" shall refer to Route 5, Newport Road and Dyke Road.

MANUFACTURED HOME: A factory-built, single family dwelling designed and built to meet the National Manufactured Home Construction and Safety Standards Act on a frame and wheels including plumbing, heating and electrical equipment so as to be towed on its own chassis to its destination. A unit may contain parts that may be folded, collapsed or telescoped when being towed, and expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. A recreational living unit shall not be considered to be a manufactured home.

MANUFACTURED HOME PARK: A parcel of land having an area of at least five (5) acres which has been designed or improved prior to its occupancy for the placement of two (2) or more manufactured homes for non-transient use.

The term "Manufactured Home Park" shall not include the placement of two manufactured homes on residentially used property for the housing of parents, grandparents, brothers, sisters, aunts, uncles, children or grandchildren or employees of an operating farm. The manufactured home(s) shall meet all setback, bulk and coverage requirements of the zoning district in which it is located

MODULAR HOME: A dwelling unit, partially prefabricated off-site, having a total wood frame structure, and designed only for erection or installation on a site-built permanent foundation and not designed to be moved once erected on such foundation. Said modular home shall have a minimum roof pitch of 3 on 12 and shall be designed and manufactured in compliance with the New York State Uniform Fire Prevention and Building Code. For the purposes of this Ordinance, a modular home shall be considered to be a single family dwelling unit.

MOTEL: A building or group of buildings, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.

MOTOR VEHICLE BODY SHOP: A place where the primary business is making substantial repairs to and/or the painting of the shell or body of any motor vehicle, The following services may also be carried out; general motor vehicle repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair and overall painting and undercoating.

MOTOR VEHICLE REPAIR STATION: A place where the following services may be carried out; general motor vehicle repair, engine rebuilding and rebuilding or reconditioning of motor vehicles. Automotive repair stations shall not include collision service or painting and undercoating of motor vehicles. The sale of engine fuels may or may not be carried out.

MOTOR VEHICLE SALES: A business establishment involved in the sale or resale of more than one motor vehicle at any given time during one calendar year.

MOTOR VEHICLE SERVICE STATION: A place where gasoline or any other motor vehicle engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles) or minor accessories are retailed directly to the public on the premises and where the servicing or minor mechanical repair of motor vehicles or installation of mufflers or other specialty items may occur. Automotive service stations shall not include sale or storage of motor vehicles or trailers (new or used).

MOTOR VEHICLE WASHING ESTABLISHMENT: Any structure or land where the washing and/or waxing of motor vehicles is carried on manually or by either high pressure spraying or the use of a chain or other conveyor system with water jets, blower and/or steam cleaning device.

NON-CONFORMING BUILDING, LOT OR USE: A building, lot or use of land lawfully existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is located.

NONPOINT SOURCE POLLUTION: Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NURSING HOME: A facility providing rehabilitative inpatient care and services in addition to long-term care for patients with chronic or disabling medical conditions. The services provided may include occupational and physical therapy, nursing care and supervised residency.

PARKING SPACE: A space designed for the parking of one motor vehicle and having an area of at least one hundred eighty (180) square feet, with a minimum width of at least ten (9) feet and a minimum depth of at least eighteen (18) feet, exclusive of driveways and passageways giving access thereto.

PERIMETER CONTROL: A barrier that prevents sediment from leaving a site by either filtering sediment-laden runoff or diverting the runoff to a sediment trap or basin.

PERSONAL SERVICE ESTABLISHMENT: Any building where the primary occupation is the repair, care and maintenance of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Ordinance, personal service establishments shall include, but not be limited to; barber shops, beauty parlors, hair stylists, tailors, dressmakers, shoe cleaning or repair shops and other similar places of business. The term "personal service establishment" is not construed to include offices of physicians, dentists and veterinarians, linen or diaper service establishments or dry cleaning plants.

PHASING: Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

PLANNED DEVELOPMENT: Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations and maintenance of such areas, facilities and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated or maintained at general public expense.

POLLUTANT OF CONCERN: Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any waterbody that will receive a discharge from the land development activity.

PROJECT: Land development activity.

RECHARGE: The replenishment of underground water reserves.

RECREATION ESTABLISHMENT, INDOOR: A building where the commercial operation of

recreational or amusement activities is conducted, including, but not limited to a bowling alley, skating rink, theater, billiard parlor, gymnasium and game arcade.

RECREATION ESTABLISHMENT OUTDOOR: A privately owned business which provides outdoor recreational services to the general public, including, but not limited to, miniature golf course, swimming pool, driving range, batting cage go-cart track, skating rink, riding stable, tennis court and skiing facility.

RECREATIONAL LIVING UNIT: A manufactured recreational housekeeping unit, not designed or intended for year-round living, including, but not limited to, travel trailer, pick-up camper, converted bus, pop-up camper, camper trailer, tent or similar device.

RELIGIOUS INSTITUTION: A building where people regularly congregate to participate in or hold religious services, meetings or other related activities.

REPAIR SERVICE ESTABLISHMENT: Any building wherein the primary occupation is the repair and general service of common household appliances including, but not limited to musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors and lawn mowers.

RETAIL SALES ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in small quantities, not for resale. Retail sales establishment shall not be interpreted to include automotive oriented uses and neighborhood convenience stores.

RESTAURANT: An establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, where the customer usually consumes these foods while seated at tables or counters located within the building.

RESTAURANT, DRIVE-IN: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves customers who are not in motor vehicles, for consumption either on or off the premises.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such devices shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbitally based uses.

SCHOOL: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SEDIMENT CONTROL: Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS: Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge

areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SETBACK: The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Front setbacks along curvilinear streets shall be established along a line connecting points along the side lot lines meeting the required front yard setbacks. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this Ordinance.

SHOPPING CENTER: A business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not restrict such use to be one or any one of these.

SILVICULTURE: The controlling of the establishment, growth, composition, health, and quality of forests.

SITE: A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation (would include all phases of a single development).

SITE DEVELOPMENT PERMIT: A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

SITE PLAN: A document or group of documents containing sketches, text, drawings, maps, photographs and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01: A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02: A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

SPECIAL USE PERMIT: A permit issued by the Zoning Board of Appeals to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned as a principally permitted use in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Town's inhabitants.

STABILIZATION: The use of practices that prevent exposed soil from eroding.

STABLE, COMMERCIAL: A building where horses are kept for commercial uses, including hire, sale, boarding or show.

STABLE, PRIVATE: A building, incidental to an existing residential, principal use, that shelters horses and other livestock for the exclusive use of occupants of the premises.

START OF CONSTRUCTION: The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STOP WORK ORDER: An order issued which requires that all construction activity on a site be stopped.

STORMWATER: Rainwater, surface runoff, snowmelt and drainage

STORMWATER HOTSPOT: A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY: One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER: An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SM Ps): Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and

preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF: Flow on the surface of the ground, resulting from precipitation.

STORY: That portion of a building above the basement or cellar 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: That part of a building between a pitched, hip gambrel or gabled roof and the uppermost full story, and having a floor area at least half as large as the floor below it. Space with less than five (5) feet clear headroom shall not be considered as floor area.

STREET OR ROAD: A public thoroughfare which affords the principal means of access to abutting properties.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antenna, swimming pools, signs, gas or liquid storage facility and manufactured homes. Essential public utility poles, regulatory signs and the like are not considered structures when located within required setback open spaces.

SUBDIVISION: The division of any parcel of land into three or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term "Subdivision" shall include re-subdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped within a three year period.

SURFACE WATERS OF THE STATE OF NEW YORK: Lakes, bays, sounds, ponds, impounding reservoirs,

springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean

within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This

exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TELECOMMUNICATIONS TRANSMISSION TOWER: Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

TRANSFER STATION: A facility where waste materials from residences, commercial and industrial establishments are transferred to vehicles which will take the materials to a landfill or other disposal site.

VARIANCE: An authorized departure, granted by the Zoning Board of Appeals, from the requirements of this Ordinance.

WATERCOURSE: A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

WATERWAY: A channel that directs surface runoff to a watercourse or to the public storm drain.

WAYSIDE STAND: A temporary structure, generally seasonal and excluding a tent, designed for the display and sale of agricultural products.

YARD, FRONT: An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the street line and the front line of the building, including any attached garage, projected to the side lines of the lot.

YARD, REAR: An open space, unoccupied except for an accessory building, if any, located on the same lot with the main building and extending the full width of the lot and located between the rear line of the main building and the rear line of the lot.

YARD, SIDE: An open space, unoccupied except for an accessory building, if any, located on the same lot with the main building and located between the side-lines of the main building and the adjacent lot side-lines and extending from the front yard to the rear yard.

ARTICLE 3 DISTRICTS AND BOUNDARIES

SECTION 3.01 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the Town of Schuyler is divided into the following types of classes:

- R-1 Residential District
- R-2 Residential District
- R-A Residential-Agricultural District
- R-M Residential-Manufactured Home District
- C-H Commercial-Highway District
- C-I Commercial-Industrial District
- C-T Commercial-Telecommunications District
- F-P Floodplain District
- P-D Planned Development District

Said districts are bounded and defined as shown on a map entitled "Zoning Map of the Town of Schuyler, Herkimer County, New York", hereinafter called the "Zoning Map", adopted by the Town Board and certified by the Town Clerk which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

SECTION 3.02 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall apply to determine the boundaries of the districts shown on the Zoning Map:

- A. Where district boundaries follow streets or highways, the center lines of such streets and highways shall be considered the district boundaries.
- B. Where district boundaries are indicated as parallel to streets or highways, they shall be construed as being parallel thereto and at such distances therefrom as indicated in dimensions on the Zoning Map, or if no such dimensions appear, then by measurement using the scale appearing on the Zoning Map.

- C. Where district boundaries follow lot lines, such lot lines shall be considered to be the district boundaries.
- D. Where district boundaries on the Zoning Map follow routes such as waterways, railroad rights-of-way, the center lines of the waterways or railroad rights-of way shall be considered to be the district boundaries.
- E. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, or any amendment thereto, the regulations governing the less restrictive portion of such lot shall extend a maximum of fifty (50) feet into the more restrictive portion, provided the lot has frontage on a street in the less restrictive district.
- F. When district boundaries cannot be clearly determined using the guidelines detailed herein or in the case of a dispute of a district boundary, the Zoning Board of Appeals shall make a determination on the location of the boundary, and such determination shall be final.

SECTION 3.03 APPLICATION OF REGULATIONS

Except as otherwise provided for elsewhere in this Ordinance:

- A. No building or structure shall be erected, constructed, reconstructed or altered, and no land, building structure or part thereof shall be used for any purpose or in any manner except as permitted for the district in which such building or land is located.
- B. No building or structure shall be erected, constructed, reconstructed or altered, nor shall any open space surrounding any building or structure be encroached upon or reduced in any way except in accordance with the yard, lot area, height and building location regulations of this Ordinance for the district in which such building, structure or open space is, or shall be located.
- C. No yard or other open space surrounding any building located on a lot in conformance with this Ordinance shall be considered as providing the requisite yard or open space for another building on such lot. Likewise, no yard or open space on one lot shall be considered as providing a required yard or open space for a building on another lot.
- D. No use of land or building shall be allowed which is contrary to the provisions of the respective zoning districts as contained in this Ordinance.

ARTICLE 4 R-1 RESIDENTIAL DISTRICT

SECTION 4.01 INTENT

The R-1 Residential District is designed to be the most restrictive of the Residential Districts. The intent of this district is to:

- A. Provide an environment of predominately low-density, one and two-family dwellings where public water and sewer are available or may conceivably be available in the future, along with residentially related facilities which serve the residents of the district;
- B. Encourage the preservation, rehabilitation and construction of one and two-family dwellings, while allowing more intensive quasi-residential uses which traditionally have minimal impact when located on larger size lots;
- C. Discourage the continuance of existing nonconforming uses, buildings and structures which detract from the long term viability of residential properties;
- D. Discourage land uses which may generate excessive traffic, noise, odors or other disruptive impacts in a residential area;
- E. Prohibit any land use which would substantially interfere with the development, utilization or continuation of one and two-family dwellings in the district.

SECTION 4.02 PRINCIPAL USES PERMITTED

In the R-1 Residential District, no building or land shall be used and no building or structure shall be erected except for one or more of the following specified uses, including any special conditions listed below or provided for elsewhere in this Ordinance:

- A. Single and Two-Family Dwellings;
- B. Family Day Care Homes;
- C. Essential services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses, provided there is no outdoor storage yard. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses;

- D. Publicly owned and operated parks and playgrounds.

SECTION 4.03 SPECIAL USES

The following Special Uses may be permitted in an R-1 Residential District upon review and approval by the Zoning Board of Appeals in accordance with the general standards for all Special Uses found in Article 15:

- A. Religious Institutions;
- B. Public, parochial and private schools offering courses in general education;
- C. Municipal Buildings and Uses;
- D. Hospitals;
- E. Nursing Homes;
- F. Group Family Day Care Homes;
- G. Bed and Breakfasts;
- H. Wayside Stands.
- I. Day Care Centers, when operated in conjunction with and accessory to a school or religious institution.

SECTION 4.04 ACCESSORY USES AND STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-1 Residential District:

- A. Garages;
- B. Utility Sheds;
- C. Swimming Pools;
- D. Decks;
- E. Fences;
- F. Satellite Dish Antenna;

- G. Home Occupations, subject to the provisions of Section 14.18;
- H. Any other accessory uses, buildings and structures determined by the Zoning Board of Appeals to be customarily incidental to any of the principally or specially permitted uses allowed in the R-1 Residential District.

ARTICLE 5

R-2 RESIDENTIAL DISTRICT

SECTION 5.01 INTENT

The R-2 Residential District is designed to be somewhat less restrictive than the R-1 Residential District. The intent of this district is to:

- A. Accommodate residential development at a low density, where public sewer and water are available or may conceivably be available in the future, along with low intensity neighborhood commercial uses and residentially related facilities which serve the residents of the district;
- B. Encourage the preservation, rehabilitation and construction of one to four-family dwellings, while allowing low intensity quasi-residential and neighborhood commercial uses which traditionally have minimal impact when located on larger size lots;
- C. Discourage the continuance of existing nonconforming uses, buildings and structures which detract from the long term viability of residential and commercial properties;
- D. Assure that existing and future residential and commercial uses peacefully coexist.

SECTION 5.02 PRINCIPAL USES PERMITTED

In the R-2 Residential District, no building or land shall be used and no building or structure shall be erected except for one or more of the following specified uses, including any special conditions listed below or provided for elsewhere in this Ordinance:

- A. Single and Two-Family Dwellings;
- B. Family Day Care Homes;
- C. Group Family Day Care Homes;
- D. Manufactured Homes;
- E. Essential services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses, provided there is no outdoor storage yard. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses;
- F. Publicly owned and operated parks and playgrounds.

SECTION 5.03 SPECIAL USES

The following Special Uses may be permitted in the R-2 Residential District upon review and

approval by the Zoning Board of Appeals in accordance with the general standards for all Special Uses found in Article 15:

A. Three and Four-Family Dwellings;

- B. Religious Institutions;
- C. Public, parochial and private schools offering courses in general education;
- D. Municipal Buildings and Uses;
- E. Hospitals;
- F. Nursing Homes;
- G. Day Care Centers, when operated in conjunction with and accessory to a school or religious institution;
- H. Bed and Breakfasts;
- I. Wayside Stands;
- J. Private Clubs or Lodges;
- K. Professional and Medical Offices;
- L. Neighborhood Commercial Uses, to include only the following and to be subject to Site Plan Review pursuant to Article 13 of this Ordinance:
 - 1. Retail Sales Establishments;
 - 2. Convenience Stores;
 - 3. Personal Service Establishments;
 - 4. Repair Service Establishments;
 - 5. Pet stores and grooming businesses, provided no outdoor runs or enclosures and no overnight boarding of animals are permitted;
 - 6. Banks, credit unions and similar financial institutions with up to three drive-through teller windows, including any automated teller drive-through lanes;
 - 7. Restaurants with a maximum seating capacity or patron occupancy of fifty (50) persons. Establishments with open front windows, drive-in or drive-through services, establishments serving alcoholic beverages and establishments with dancing or live entertainment are not permitted.

SECTION 5.04 ACCESSORY USES AND STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-2 Residential District:

- A. Garages;
- B. Utility Sheds;
- C. Swimming Pools;
- D. Decks;
- E. Fences;
- F. Satellite Dish Antenna;
- G. Home Occupations, subject to the provisions of Section 14.18;
- H. Dumpsters, when accessory to a neighborhood commercial use;
- I. Any other accessory uses, buildings and structures determined by the Zoning Board of Appeals to be customarily incidental to any of the principally or specially permitted uses allowed in the R-2 Residential District.

ARTICLE 6

R-M, MANUFACTURED HOME PARK DISTRICT

SECTION 6.01 INTENT

The intent of the R-M, Manufactured Home Park District is to provide for the location and regulation of manufactured home parks. It is intended that manufactured home parks be provided with necessary community services in a setting that is designed to protect the health, safety and welfare of the residents, while providing them with a high quality of life.

SECTION 6.02 PRINCIPAL USES PERMITTED

In an R-M, Manufactured Home Park District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless, unless otherwise provided for in this Ordinance:

- A. Manufactured homes located in a manufactured home park;
- B. Manufactured Home Parks;
- C. Single-family dwellings, subject to the area, height, bulk, coverage and setback requirements for this district;
- D. Private parks or playgrounds that are owned and maintained by the owners or residents of the manufactured home park;
- E. Essential services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses, provided there is no outdoor storage yard. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses.

SECTION 6.03 SPECIAL USES

The following Special Uses may be permitted in the R-M, Manufactured Home Park District upon review and approval by the Zoning Board of Appeals in accordance with the standards for all Special Uses found in Article 15:

- A. Municipal Buildings and Uses;

- B. Family Day Care Homes;
- C. Two-family, three-family and four-family dwellings.

SECTION 6.04 ACCESSORY USES AND STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-M, Manufactured Home Park District:

- A. Garages;
- B. Utility Sheds;
- C. Swimming Pools owned and operated by the manufactured home park for the exclusive use of park residents and their guests;
- D. Private swimming pools, when accessory to a single family dwelling;
- E. Decks;
- F. Fences;
- G. Satellite Dish Antenna;
- H. Home Occupations, subject to the provisions of Article 14.18;
- I. One (1) office building, to be used exclusively for conducting the business of the manufactured home park;
- J. Any other accessory uses, buildings and structures determined by the Zoning Board of Appeals to be customarily incidental to any of the principally or specially permitted uses allowed in the R-M, Manufactured Home Park District.

ARTICLE 7
R-A, RESIDENTIAL-AGRICULTURAL DISTRICT

SECTION 7.01 INTENT

The R-A, Residential-Agricultural District is intended to:

- A. Allow permitted uses in a very low-density setting, while preserving the rural features and character of the Town;
- B. Provide areas of the Town for continued agricultural use along with orderly low-density residential uses in a manner that will not negatively impact farming operations;
- C. Allow other compatible uses which typically occupy large open land areas;
- D. Assure that residential, commercial and agricultural uses peacefully coexist;
- E. Not conflict with any requirements set forth in the New York State Agricultural District Regulations, which may impose stricter controls on land uses than those provided for in this Ordinance.

SECTION 7.02 PRINCIPAL USES PERMITTED

In the R-A Residential-Agricultural District, no building or land shall be used and no building or structure shall be erected except for one or more of the following specified uses, including any special conditions listed below or provided for elsewhere in this Ordinance:

- A. Single and Two-Family Dwellings;
- B. Family Day Care Homes;
- C. Group Family Day Care Homes;
- D. Manufactured Homes;
- E. Essential services, such as public service/utility structures, telephone exchange structures, electric transformer stations and substations and gas regulator stations and uses, including any outdoor storage yards. When operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, the architecture shall be in keeping with the surrounding uses;
- F. Agricultural operations, including commercial woodlots or feedlots and tree farms;
- G. Nurseries;
- H. Wayside Stands;

- I. Bed and Breakfasts;
- J. Publicly owned and operated parks and playgrounds;

SECTION 7.03 SPECIAL USES

The following Special Uses may be permitted in the R-A, Residential-Agricultural District upon review and approval by the Zoning Board of Appeals in accordance with the general standards for all Special Uses found in Article 15:

- A. Three and Four-Family Dwellings;
- B. Religious Institutions;
- C. Public, parochial and private schools offering courses in general education;
- D. Municipal Buildings and Uses;
- E. Hospitals;
- F. Nursing Homes;
- G. Day Care Centers;
- H. Private Clubs or Lodges;
- I. Public or private golf courses, including country clubs and driving ranges;
- J. Professional and Medical Offices;
- K. Neighborhood Commercial Uses, including, but not limited to the following:
 - 1. Retail Sales Establishments;
 - 2. Convenience Stores;
 - 3. Personal Service Establishments;
 - 4. Repair Service Establishments;
 - 5. Pet stores and grooming businesses
 - 6. Banks, credit unions and similar financial institutions with up to three drive-through teller windows, including any automated teller drive-through lanes;
 - 7. Restaurants with a maximum seating capacity or patron occupancy of one hundred (100) persons. Establishments with open front windows, drive-in or

drive-through services, establishments serving alcoholic beverages and establishments with dancing or live entertainment are not permitted.

- L. Livestock Sales or Auction Houses;
- M. Sawmills, cold storage facilities and agricultural produce processing plants;
- N. Private recreation area, camp and hunting preserves;
- O. Commercial stables and riding arenas;
- P. Commercial kennels, animal hospitals and animal shelters;
- Q. Commercial excavation;
- R. Cemeteries;
- S. Campgrounds;
- T. Agricultural sales and service establishments;
- U. Landscaping contractor's operation;
- V. Telecommunications transmission towers.

SECTION 7.04 ACCESSORY USES AND STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-A, Residential-Agricultural District:

- A. Garages;
- B. Utility Sheds;
- C. Swimming Pools;
- D. Decks;
- E. Fences;
- F. Satellite Dish Antenna;
- G. Home Occupations, subject to the provisions of Article 14.18;
- H. Farm Buildings, when accessory to an operating farm;
- I. Accessory dwelling units as housing for employees of an operating farm;

- J. Accessory dwelling units as housing for parents, grandparents, brothers, sisters, aunts, uncles, children and grandchildren.
- K. Accessory dwelling units as housing for caretakers of cemeteries, campgrounds or similar facilities;
- L. Dumpsters, when accessory to a commercial use;
- M. Any other accessory uses, buildings and structures determined by the Zoning Board of Appeals to be customarily incidental to any of the principally or specially permitted uses allowed in the R-A Residential-Agricultural District.

SCHEDULE A **R-A RESIDENTIAL DISTRICT**

Principal Permitted Uses	Site Plan Review and Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yard One/Both (Feet)	Minimum Rear Yard (Feet)
Single & Two-Family Dwellings Manufactured Homes Family Day Care Homes Bed & Breakfasts	Group Family Day Care Homes	1 Acre	150	25%	2½	35	50	25/60	50
	Three and Four-Family Dwellings	1½ Acres	150	25%	2½	35	50	25/60	50
	Religious Institutions Hospitals and Nursing Homes	3 Acres	300	15%	2½	35	50	50/100	50
	Schools	5 Acres	400	20%	2½	35	50	50/100	50
Publicly Owned Parks & Playgrounds	Municipal Buildings and Uses	2 Acres	200	15%	2½	35	50	50/100	50
Nurseries/ Greenhouses		2 Acres	150	25%	1	15	50	25/60	50
Wayside Stands	Neighborhood Commercial Uses (Except Restaurants) Professional & Medical Offices	1 Acre	150	25%	2½	35	50	25/60	50
	Restaurants Private Clubs & Lodges Day Care Centers	2 Acres	200	25%	2½	35	50	50/100	50
Agricultural Operations		5 Acres					50		
	Livestock Sales or Auction Houses, Sawmills, Cold Storage, etc. Agricultural Sales and Service Establishments Landscaping Contractor's Operations	5 Acres	300	25%	2½	35	50	50/100	50

Town of Schuyler Zoning Ordinance

	Commercial Stables and Riding Arenas, Commercial Kennels, Animal Hospitals & Animal Shelters	5 Acres	300	25%	2½	35	50	50/100	50
	Campgrounds Private Recreation Areas, Camps & Hunting Preserves	10 Acres	200	10%	1	20	50	50/100	50
	Commercial Excavations	10 Acres	200	10%	1	15	100	50/150	100
	Cemeteries	10 Acres							

* Nurseries are subject to Site Plan Review, even though they are a principally permitted use.

SCHEDULE B R-A RESIDENTIAL DISTRICT

Accessory Structure	Maximum Area (Square Feet)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Garage	*	**	35	25	25
Utility Shed	500	16	N/ALLOW	25	25
Swimming Pool	600	N/ALLOW	N/ALLOW	25	25
Fences	N/APPL	3 1/2 (Front Yard) 6 (Rear and Side Yards)	5	None	None
Wayside Stands	500	14	25	50	50
Satellite Dish Antenna		20***	N/ALLOW	20	20
Private Stables****	1200	25	N/ALLOW	300	300
Dumpsters	N/ALLOW	N/ALLOW	N/ALLOW	N/ALLOW	N/ALLOW
Decks					

- * Garages may be no larger in area than an amount equal to eight (8) percent of the total lot area or fifty (50) percent of the area of the main level of the principal dwelling on the lot.
- ** Garages may not exceed the height of principal building on the lot.
- *** No satellite dish may be erected to a height greater than the highest point of the roof line of the principal dwelling on the lot.
- **** Private stables shall not be allowed on a lot having an area of less than five (5) acres.

ARTICLE 8

C-H, COMMERCIAL-HIGHWAY DISTRICT

SECTION 8.01 INTENT

The Commercial-Highway District is established to accommodate those businesses offering a broad range of goods and services, including both comparison and convenience goods and services. The market for businesses in the C-H district may include the Town population, residents in surrounding communities, and the people in transit. In addition, the permitted businesses are frequently auto-oriented rather than pedestrian oriented. Because of the impacts commonly generated by C-H uses, these districts are not generally appropriate adjacent to residential uses, unless ample buffering is provided. One purpose of these districts is to direct all intensive commercial uses to these concentrated areas rather than allowing inefficient scattering of such development.

The Town's ordinances, particularly regarding setbacks, parking, signs and dumpster enclosures, are intended to help ensure long term viability of the major commercial areas in the Town. Uses which may generate significant impacts on adjacent uses or infrastructure are treated as Special Uses to allow the Zoning Board of Appeals to determine appropriate locations within these districts.

SECTION 8.02 PRINCIPAL USES PERMITTED

In the C-H, Commercial-Highway District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance.

- A. Professional and medical offices and office buildings.
- B. Retail and wholesale sales establishments, up to 10,000 square feet.
- C. Convenience Stores.
- D. Banks, credit unions, savings and loans and similar financial institutions with up to three drive-through teller windows, including any automatic teller drive-through lanes. All drive-through facilities must be within the principal building or attached by a canopy. Stand alone drive-through structures not attached to the principal building by a canopy shall require a Special Use Permit.
- E. Personal service establishments.

- F. Restaurants with a maximum seating capacity or patron occupancy of up to one hundred (100) persons. Establishments with open front windows, drive in or drive through service, establishments serving alcoholic beverages, sports bars and establishments with dancing, or live entertainment shall require a Special Use Permit.
- G. Motel.
- H. Private club or lodge with a maximum seating capacity or patron occupancy of up to one hundred (100) persons.
- I. Funeral home, monument or memorial sales establishment.
- J. Laundry, self-service.
- K. Dairy processing plant.
- L. Motor vehicle parts sales.
- M. Pet stores and grooming businesses, provided no outdoor runs or enclosures and no overnight boarding of animals are permitted.
- N. Business services such as mailing, copying, data processing.
- O. Repair service establishments.
- P. Child care centers, preschool and day care centers provided the outdoor play area shall be in the rear or side yard, fenced and screened from any adjacent residential district with landscaping (evergreen trees and shrubs). All other operation shall be in accordance with NYS Department of Social Services regulations.
- Q. Municipal buildings and other quasi-public uses such as town/state/county offices, court buildings, post offices, public museums, libraries and community centers.
- R. Public or private parks and open space.
- S. Essential services such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations, provided that the architecture is in keeping with surrounding uses, as determined by the Planning Board.
- T. Greenhouse

- U. Wayside Stand
- V. Residential uses in existence on the effective date of this Ordinance.

SECTION 8.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Zoning Board of Appeals in accordance with the general standards for all Special Uses found in Article 15.

- A. Motor vehicle service stations with accessory motor vehicle washing facilities.
- B. Motor vehicle repair stations.
- C. Motor vehicle sales (new), as individual establishments or auto sales malls including accessory used auto sales, auto service, and auto body repair.
- D. Motor vehicle sales (used) when located at least five hundred (500) feet from any single family residential district and 500 feet from any other used automobile establishment.
- E. Motor vehicle washing establishments.
- F. Banks, savings and loan, credit unions and similar financial institutions with more than three (3) drive through teller window and/or automatic teller windows or stand alone automatic teller structures.
- G. Commercial kennels.
- H. Shopping centers up to sixty thousand (60,000) square feet, providing goods and services otherwise permitted in this zoning district.
- I. Sports bars.
- J. Religious Institutions
- K. Agricultural sales and service establishment.
- L. Indoor recreation establishment.

- M. Outdoor recreation establishments, golf courses and driving ranges.
- N. Leasing and rental of recreational, landscaping, or moving equipment, including, but not limited to boats, canoes, jet skis, tillers, trucks, vans, and trailers. Accessory propane sales require a Special Use permit.
- O. Single-family, two-family and multiple-family dwellings.
- P. Restaurant, bar or tavern with seating for more than one hundred (100) patrons, or with live entertainment or dancing, or with drive-in or drive-through service.
- Q. Banquet halls, assembly halls, dance halls or similar places of assembly.
- R. Veterinary offices and clinics (hospitals).
- S. Campgrounds
- T. Television transmission studios and general offices, including satellite dish antenna.
- U. Radio transmission studios and general offices, including satellite dish antenna.
- V. The use or storage of hazardous materials in association with any principally or specially permitted use.
- X. Private clubs or lodges with a maximum seating capacity or patron occupancy of more than one hundred (100) persons.

SECTION 8.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the C-H, Commercial-Highway District:

- A. Garages, subject to site plan review by the Planning Board.
- B. Utility Sheds.
- C. Fences.

- D. Satellite Dish Antenna.
- E. Dumpsters.
- F. Any other accessory uses, buildings and structures determined by the Zoning Board of Appeals to be customarily incidental to any of the principally or specially permitted uses allowed in the C-H, Commercial-Highway District.

SECTION 8.05 SPECIAL STANDARDS

- A. All business establishments shall be retail, wholesale or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

SECTION 8.06 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the C-H, Commercial-Highway District, shall comply with all applicable provisions of this Ordinance.

SCHEDULE A

C-H, COMMERCIAL-HIGHWAY DISTRICT

Principal Permitted Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Professional & Medical Offices Retail & Wholesale Sales Establishments; Convenience Stores; Personal Service Establishments; Repair Service Establishments Business Services; Pet Stores & Grooming Businesses; Banks, Credit Unions, Etc. w/Less Than 3 Drive-Through Windows; Motor Vehicle Parts Sales; Laundry, Self-Service Wayside Stands		20,000	100	25%	2½	35	35	20/35	50
Child Care Center, Preschools & Day Care Centers	Banks, Credit Unions, Etc. w/More Than 3 Drive-Through Windows	1 Acre	150	25%	2½	35	40	25/60	50
Private Clubs or Lodges Funeral Home, Monument or Memorial Sales Establishments Indoor Recreation Establishments	Agricultural Sales and Service Establishments Motor Vehicle Sales (New/Used) Motor Vehicle Service Stations w/Accessory Washing Facilities	2 Acres	200	25%	2½	35	40	25/60	50
Restaurants w/Seating for Less Than 100 Patrons, Motels Radio and Television Transmission Studios and General Offices	Motor Vehicle Service Stations, Motor Vehicle Repair Stations Motor Vehicle Washing Establishments	1 Acre	150	25%	2½	35	40	25/60	50
	Restaurants w/Seating for More Than 100 Patrons or w/Outdoor Seating or Live Entertainment Drive-In Restaurants Sports Bars Banquet Halls, Dance Halls, etc	2 Acres	200	25%	2½	35	40	25/60	50
Greenhouses Dairy Processing Plants	Commercial Kennels Veterinary Offices or Animal Hospitals Leasing and Rental of Recreational, Landscaping Equipment Outdoor Recreation Establishments	5 Acres	300	20%	2½	35	50	50/100	50
	Shopping Centers (60,000 Sq. Ft. or Less in Area); Campgrounds Outdoor Recreation Establishments	10 Acres	400	15%	2½	35	50	50/100	50
	Single-Family, Two-family or Multiple-Family Dwellings	REFER	TO	THE	R-2	ZONING	DISTRICT	SCHED.	A

	Religious Institutions	3 Acres	300	15%	2½	35	50	50/100	50
Municipal Buildings and Uses		2 Acres	200	15%	2½	35	50	50/100	50

SCHEDULE B

C-H, COMMERCIAL-HIGHWAY DISTRICT

Accessory Structure	Maximum Area (Square Feet)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Utility Sheds	650	18	N/ALLOW	20	20.
Fences	N/APPL	3 ½ (Front Yard) 6 (Rear Yard)	15	10	10
Satellite Dish Antenna	Solid Type - 51 Mesh Type - 110	20**	N/A	15	15
Dumpsters	150***	6****	N/A	25	25

* Decks over four (4) feet in height require Planning Board approval.

** No satellite dish may be erected to a height greater than the highest point of the roof line of the principal building on the lot

*** Indicates the maximum allowable area of the dumpster pad.

**** Must be completely screened by a six (6) foot high solid fence.

ARTICLE 9

C-I, COMMERCIAL-INDUSTRIAL DISTRICT

SECTION 9.01 INTENT

The Commercial-Industrial District is established to accommodate those uses involved with the manufacturing, processing and distribution of a wide variety of products as well as businesses offering a broad range of goods and services, including both comparison and convenience goods and services. The market for businesses in the C-I district may include the Town population, residents in surrounding communities, and the people in transit. The permitted businesses and industrial uses are usually those which generate a heavy volume of both automobile and commercial vehicular traffic. Because of the impacts commonly generated by C-I uses, these districts are not generally appropriate adjacent to residential uses, unless ample buffering is provided. One purpose of these districts is to direct all intensive commercial and industrial uses to these concentrated areas rather than allowing inefficient scattering of such development.

The Town's ordinances, particularly regarding setbacks, parking, signs and dumpster enclosures, are intended to help ensure long term viability of the major commercial areas in the Town.

SECTION 9.02 PRINCIPAL USES PERMITTED

In the C-I, Commercial-Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance.

- A. All principally permitted and specially permitted uses allowed in the C-H, Commercial-Highway district, except residential.
- B. Any business involved with the production, processing, cleaning, servicing, testing, repair, storage or distribution of materials or products which shall not pose a threat to or be offensive to occupants of adjacent properties by reason of the emission of noise, vibration, dust, smoke, odor or particulate matter, toxic or noxious materials or matter, glare, heat, electromagnetic energy or atomic radiation
- C. Light manufacturing uses.
- D. Truck terminals.

- E. Municipal buildings and uses.
- F. Lumber, feed and fuel sales and storage.
- G. Heating, plumbing, electrical, metal or similar fabrication operations.
- H. Welding shops.
- I. Concrete product sales only.
- J. Machine shops.
- K. Wholesale, storage, warehouse or distribution facilities.
- L. Cold storage or meat packing plants.
- M. Development or research center.
- N. Television transmission studios and general offices, including satellite dish antenna.
- O. Radio transmission studios and general offices, including satellite dish antenna.

SECTION 9.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Zoning Board of Appeals in accordance with the general standards for all Special Uses found in Article 15.

- A. Junk yards.
- B. Single-family, two-family and multiple-family dwellings.
- C. Transfer stations.
- D. Sanitary landfills.
- E. The use or storage of hazardous materials in association with any principally or specially permitted use.

SECTION 9.04 ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the C-I, Commercial-Industrial District:

- A. Garages, subject to site plan review by the Planning Board.
- B. Utility Sheds.
- C. Fences.
- D. Satellite Dish Antenna.
- E. Dumpsters.
- F. Any other accessory uses, buildings and structures determined by the Zoning Board of Appeals to be customarily incidental to any of the principally or specially permitted uses allowed in the C-I, Commercial-Industrial District.

SECTION 9.05 SPECIAL STANDARDS

- A. All business establishments shall be retail, wholesale or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.

SECTION 9.06 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the C-I, Commercial-Industrial District, shall comply with all applicable provisions of this Ordinance.

SCHEDULE A

C-I, COMMERCIAL-INDUSTRIAL DISTRICT

Principal Permitted Uses (All Uses Subject to Site Plan Review)	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
All Principally and Specially Permitted Uses Allowed in the C-H, Commercial-Highway District		REFER	TO	THE	C-H	ZONING	DISTRICT	SCHED.	A
Lumber , Feed & Fuel Sales & Storage Heating, Plumbing, Electrical, etc. Fabrication Operations Machine Shops Welding Shops Concrete Product Sales		2 Acres	200	40%	3	40	50	25/60	50
Truck Terminals Light Manufacturing Uses Cold Storage or Meat Packing Plants		5 Acres	300	40%	3	40	100	50/100	100
Wholesale, Storage, Warehouse or Distribution Facility Development or Research Center		10 Acres	400	40%	3	40	100	50/100	100
	Transfer Stations	15 Acres	500	25%	2	25	150	150/400	150
	Junk Yards	25 Acres	600	20%	2	25	200	200/5000	200
	Sanitary Landfills	*	*	*	*	*	*	*	*
	Single-Family, Two-family or Multiple-Family Dwellings	REFER	TO	THE	R-2	ZONING	DISTRICT	SCHED.	A
Municipal Buildings and Uses		2 Acres	200	15%	2½	35	50	50/100	50

SCHEDULE B

C-I, COMMERCIAL-INDUSTRIAL DISTRICT

Accessory Structure	Maximum Area (Square Feet)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Utility Sheds	650	18	N/ALLOW	20	20.
Fences	N/APPL	3 ½ (Front Yard) 6 (Rear Yard)	15	10	10
Satellite Dish Antenna	Solid Type - 51 Mesh Type - 110	20*	N/A	15	15
Dumpsters	150**	6***	N/A	25	25

* No satellite dish may be erected to a height greater than the highest point of the roof line of the principal building on the lot

** Indicates the maximum allowable area of the dumpster pad.

*** Must be completely screened by a six (6) foot high solid fence.

ARTICLE 10

C-T, COMMERCIAL-TELECOMMUNICATIONS DISTRICT

SECTION 10.01 – INTENT

The C-T, Commercial-Telecommunications District is established to accommodate businesses in the communications industry along with related accessory structures. These districts have been carefully located in areas which offer the communications industry good siting for antennae and towers while ensuring that the communications activities remain compatible with the predominant residential character of the surrounding neighborhoods and the town overall. In particular, the standards of this district are intended to concentrate accessory communications structures in specific locations, thereby minimizing the visual impact caused by multiple locations.

SECTION 10.02 -- PRINCIPAL USES PERMITTED

In the C-T, Commercial-Telecommunications District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance:

- A. Televisions Transmission Studios and General Offices, including satellite dish antenna and telecommunications transmission towers.
- B. Radio Transmission Studios and General Offices, including satellite dish antenna and transmission towers.
- C. Cellular Telephone Transmission Facilities, including satellite dish antenna and transmission towers.
- D. Essential services such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations, provided that the architecture is in keeping with surrounding uses, as determined by the Zoning Board of Appeals.

SECTION 10.03 -- SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Zoning Board of Appeals in accordance with the general standards for all Special Uses found in Article 15.

- A. Single-family, two-family and multiple-family dwellings.
- B. The use or storage of hazardous materials in association with any principally permitted use.

SECTION 10.04 – ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the C-T, Commercial-Telecommunications District:

- A. Garages, subject to site plan review by the Planning Board.
- B. Utility Sheds.
- C. Fences.
- D. Dumpsters.
- E. Any other accessory uses, buildings and structures determined by the Zoning Board of Appeals to be customarily incidental to any of the principally or specially permitted uses allowed in the C-T, Commercial-Telecommunications District.

SECTION 10.05 – SPECIAL STANDARDS

- 1. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
- 2. The installation or erection of any satellite dish antenna or transmission towers shall be done in accordance with the regulations and requirements outlined in Article 14 of the Zoning Ordinance.

SECTION 10.06 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the C-T, Commercial-Telecommunications Commercial District, shall comply with all applicable provisions of this Zoning Ordinance.

SCHEDULE A

C-T, COMMERCIAL-TELECOMMUNICATIONS DISTRICT

Principal Permitted Uses	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Television Transmission Studios and General Offices, Radio Transmission Studios and General Offices, Cellular Telephone Transmission Facilities, Cable Television Transmission Facilities, Studios and General Offices		5 Acres	400	15%	2	30	50	50/100	50
	Single-Family and Two-Family Dwellings	1 Acre	150	25%	2½	35	50	25/60	50
	Multi-Family Dwellings	1½ Acres	150	25%	2½	35	50	25/60	50

C-T, COMMERCIAL-TELECOMMUNICATIONS DISTRICT

SCHEDULE B

Accessory Structure	Maximum Area (Square Feet)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Utility Sheds	650	18	N/ALLOW	20	20
Fences	N/APPL	3 ½ (Front Yard) 6 (Rear Yard)	10	5	5
Satellite Dish Antenna					
Transmission Towers*					
Dumpsters	150**	6***	N/A	25	25

* Any guy anchorage or similar device shall be a minimum of fifteen (15) feet from any property line.
 ** Indicates the maximum allowable area of the dumpster pad.
 *** Must be completely screened by a six (6) foot high solid fence.

ARTICLE 11 F-P, FLOODPLAIN DISTRICT

SECTION 11.01 INTENT

The F-P, Floodplain District is hereby established for the purposes of protecting the public, health, safety and welfare, minimizing public and private property damage, minimizing public expenditure for costly flood control projects, minimizing the need for rescue and relief efforts at public expense, protecting the ecosystem of the floodplain, preserving and protecting artifacts of archeological significance, minimizing prolonged interruption of business and government services, protecting the public and private water supply from contamination and putting potential property buyers, property owners and tenants on notice that a particular piece of property is in a flood-prone area.

SECTION 11.02 PRINCIPAL USES PERMITTED

In the F-P, Floodplain District, only those uses which have low flood damage potential and which do not obstruct flood flows may be permitted to the extent that these uses do not constitute development within the floodplain and are not otherwise prohibited by other provisions of this Ordinance. No uses shall diminish or constrict the capacity of the channel or floodway of any watercourse, or any tributary to the mainstream of any watercourse, or any other watercourse, drainage ditch or other facility or system to discharge the waters from the base flood. Additionally, no use shall cause significant adverse impacts to the ecosystem of the floodplain.

In the F-P, Floodplain District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this Ordinance.

- A. Agricultural uses such as pasture or grazing, as long as they do not require development within the floodplain.
- B. Open space public and private recreation uses, as long as they do not require development within the floodplain.

SECTION 11.03 SPECIAL USES

The following Special Uses may be permitted upon review and approval by the Zoning Board of Appeals in accordance with the general standards for all Special Uses found in Article 15.

- A. Boathouses, docks, marinas and boat launches, provided any structures and improvements meet FEMA (Federal Emergency Management Agency) standards for location, elevation and flood proofing.
- B. Water regulating stations and canal locks, provided any structures and improvements meet FEMA (Federal Emergency Management Agency) standards for location, elevation and flood proofing.
- C. Telecommunications transmission towers.

SECTION 11.04 – ACCESSORY USES & STRUCTURES

The following accessory uses and structures shall be permitted following Site Plan Review by the Planning Board and only when constructed, located and operated accessory to a principally or specially permitted use in the F-P Floodplain District, and are subject to FEMA (Federal Emergency Management Agency) standards for location, elevation and flood proofing:

- A. Utility Sheds.
- B. Fences.
- C. Dumpsters.
- D. Any other accessory uses, buildings and structures determined by the Zoning Board of Appeals to be customarily incidental to any of the principally or specially permitted uses allowed in the F-P, Floodplain District.

SECTION 11.05 – SPECIAL STANDARDS

- A. All flood proofing methods shall be in accordance with FEMA or Army Corps of Engineer standards.
- B. Design of any water supply, sanitary sewage and on-site waste disposal systems shall be in compliance with the State Sanitary Code (Public Health 10 NYCRR 1.1 et seq.) And where applicable, with county health or sanitary codes.

SECTION 11.06 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Principally Permitted, Specially Permitted and Accessory Uses in the F-P Floodplain District, shall comply with all applicable provisions of this Zoning Ordinance.

SCHEDULE A

F-P, FLOODPLAIN DISTRICT

Principal Permitted Uses (All Uses Subject to Site Plan Review)	Special Permit Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Agricultural Operations* Open Space Recreation Uses*		5 Acres	**	**	**	**	**	**	**
	Boathouses, Docks, Marinas, & Boat Launches*** Water Regulating Stations and Canal Locks***	5 Acres	**	**	**	**	**	**	**

* No development may occur within the floodplain

**To be determined by the Town Board after consultation with the Planning Board

***Any structures and improvements shall meet FEMA standards for location, elevation and flood proofing

SCHEDULE B

F-P, FLOODPLAIN DISTRICT

Accessory Structure	Maximum Area (Square Feet)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
Utility Sheds*	**	**	**	**	**
Fences*	N/APPL	3 ½ (Front Yard) 6 (Rear Yard)	10	5	5

*Any structures and improvements shall meet FEMA standards for location, elevation and flood proofing

**To be determined by the Town Board after consultation with the Planning Board

ARTICLE 12

P-D, PLANNED DEVELOPMENT DISTRICT

SECTION 12.01 PURPOSE

The purpose of the Planned Development District is to provide a means of developing those land areas within the Town considered appropriate for new residential or business use, or a satisfactory combination of these uses, in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of this Ordinance. In no case shall the regulations of this Article be so interpreted as to circumvent the protection and benefits of this Ordinance to the residents or occupants of such development or the residents or occupants of adjoining properties.

SECTION 12.02 PROCEDURE

The procedure for the establishment of, and approval for, development within a Planned Development District is a two-step process as described below:

A. The procedure for the establishment of a Planned Development District shall be as follows:

1. Pre-Application Conference

Before submission of a preliminary application for approval of a Planned Development District, the developer shall meet with the Town Planning Board to determine the feasibility and suitability of the application prior to entering into binding commitments or incurring substantial expenses of site and plan preparation.

2. Application Procedure

Application for designation of a Planned Development District shall be made to the Town Board and shall be accompanied by a non-refundable application fee to be set by the Town Board. The Town Board shall refer said application to the Planning Board within fifteen (15) days of its receipt. The applicant shall furnish such data as is called for under Section 12.03 (A), "Preliminary Plan" of this Article.

a. The Planning Board shall review such application. The Planning Board may not, in all cases, have the expertise to review the detailed design and construction drawings. In those instances, the Planning Board may confer with other local, county, state and federal agencies and/or private consultants to insure that review of those areas is completed. Any and all costs incurred by the Planning Board in the course of its review may be charged to the applicant.

- b. The Planning Board may require such changes in the preliminary plans that are to be found necessary to meet the requirements of this Section, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the Town. In evaluating the proposal and in reaching its decision regarding the preliminary plans, the Planning Board shall consider and make findings regarding those considerations set forth under Section 12.04 (Development Considerations) of this Article.
- c. All applications for creation of a Planned Development District shall be referred to the Herkimer County Planning Board which may review and comment on the referral as in the case of any amendment to this Ordinance, within thirty (30) days.
- d. The Town Board shall be responsible for initiating the State Environmental Quality Review Act (SEQRA) process. The basic purpose of the State Environmental Quality Review Act (SEQRA) is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQRA requires that the lead agency (Town Board) determine the type of action being considered and whether the action they directly undertake, fund or approve may have a significant effect on the environment. If the agency determines that the action may have a significant effect on the environment, the agency may require the preparation of an Environmental Impact Statement (EIS) pursuant to SEQRA 6 NYCRR, Part 617, Section 617.1. The lead agency shall be responsible for ensuring compliance with SEQRA timetables, public hearing requirements and all other SEQRA regulations.
- e. The Planning Board shall report its findings and make its recommendations to the Town Board within forty-five (45) days. It may recommend approval, disapproval or conditional approval subject to modifications regarding the proposed Planned Development District. After the forty-five (45) days, if no action is taken, said proposed Planned Development District shall be considered approved.
- f. The Town Board shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto and, if the Board chooses to pursue the creation of the proposed Planned Development District, shall hold a Public Hearing after public notice, as required by Article 20 (Ordinance Amendments) of this Ordinance.
- g. The Town Board may amend the Zoning Map to establish and define the type and boundaries of the Planned Development District, and in so doing may state specific conditions in addition to those provided by this Ordinance, further restricting the nature or design of the development. In

the event that the Planning Board recommends disapproval of the proposal, or recommends conditional approval subject to modifications with which the applicant is not willing to comply, the Town Board may amend the Zoning Map in accordance with the application only upon an affirmative vote of the majority of the members of the Town Board.

- h. Amendment of the Zoning Ordinance to create a Planned Development District shall not constitute authorization to develop in the District until the procedure for approval of development described below has been complied with.
- i. If the applicant does not proceed with the approval of development within an approved Planned Development District within a period of two (2) years, the Town Board shall have the authority to again amend the Zoning Map to restore the zoning designation for the district to the zoning classification that existed prior to the application, or as may otherwise be appropriate.

B. The procedure for the approval of development within an established Planned Development District shall be as follows:

- 1. Authorization to initiate development after a Planned Development District has been established shall require that the applicant submit to the Planning Board such data as are required under Section 12.03 (B), "Final Plan" of this Article.
- 2. No Permit shall be issued until the Planning Board has made a recommendation based on the development considerations as set forth under Section 12.04 of this Article and the Town Board has considered this recommendation and authorized issuance of a Permit by resolution. The Town Board may override the recommendation of the Planning Board in adopting its resolution to authorize or deny a Permit only by an affirmative vote of a majority of the voting members of the Town Board.
- 3. All conditions imposed by the Planning Board or Town Board including any the performance of which may be conditions precedent to the issuance of any Permit shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated Planned Development District.
- 4. If construction of the development in accordance with the approved plans and specifications has not begun within two (2) years after the date of the resolution authorizing issuance of the Permit(s), the Planning Board shall review the approved plan and may recommend to the Town Board that the Permit(s) previously issued be revoked. Upon resolution by the Town Board, such Permit(s) may be declared null and void, the approval shall be deemed revoked and vacated, and the Town Board shall have the authority to again amend the map to restore the zoning designation for the district to the zoning classification that existed prior to the application, or as may be otherwise appropriate.
- 5. All development in a Planned Development District shall proceed in accordance with the approved site plan for the development. Any changes to the approved

site plan shall be reviewed by the Zoning Enforcement Officer and, if deemed substantial, may require approval by the Planning Board.

SECTION 12.03 SUBMISSION REQUIREMENTS

The following required plans and data are to be submitted in accord with the procedures for the Planned Development District process:

- A. Preliminary Plan for consideration of the establishment of a Planned Development District.
 - 1. Site Plan - to be prepared at a minimum scale of 1"=100' (preferred scale of 1"=40'), unless otherwise approved by the Planning Board to include:
 - a. Title, scale, north arrow and date.
 - b. Location map showing location of proposed development or project in the Town, boundaries of the tract, contiguous properties and any zoning districts and easements.
 - c. Topographic data based on USGS or equivalent and other site characteristics including soils, drainage and tree cover.
 - d. Existing land use on, and immediately adjacent to, the parcel.
 - e. Proposed lot and/or building layout, including adequate means to identify each lot and block or group of buildings, and minimum set-back or building line.
 - f. Street layout, including right-of-way and improved surface widths and typical cross sections of proposed roadways. Traffic volumes and projected changes to the volume due to the plan, if requested or required by the Planning Board.
 - g. Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.
 - h. Location, dimension and purpose of any easement.
 - i. Existing drainage ways and provision for collecting and discharging surface drainage and stormwater run-off.
 - j. Location, dimension and description of land or facilities to be dedicated or reserved for public use.
 - k. The location, size and design for all proposed signs.

- l. A landscaping plan, showing the location, size, type and quantity of proposed shrubs, trees and other live plant material.
- m. The location, direction, power and time of use for any proposed outdoor lighting.
- n. Elevations of all proposed principal and accessory structures.

2. Development Data

- a. Total acreage of tract or parcel.
- b. Proposed timetable or stages for sale or development.
- c. Type of project, i.e., sale of lots, buildings, rental, condominium, etc
- d. Existing and proposed utilities and service facilities, including feasibility data on sewer, water and storm water drainage.
- e. Proposed number of lots and typical lot-size or number of units and overall density are to be located on the site plan.
- f. Lineal feet of proposed streets, number of proposed parking spaces, acres in proposed parks, recreation or open-space areas or as required by the Planning Board.

3. Legal Data

- a. Application.
- b. Names and addresses of owner, developer and professional advisors.
- c. Required fee, if any.

B. Final Plan for consideration of development within a Planned Development District:

1. Site Plan - Scale to be same as for Preliminary Plan

- a. As required for Preliminary Plan.
- b. Tract Boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions, bearings, radii, arcs, and central angles of all curves and location and description of all monuments.
- c. Reference to adjoining platted land or names of owners of record of unplatted lands.
- d. Topographic data showing contours at a minimum of two (2) foot intervals related to USGS or other permanent bench mark where natural contours are to be changed; otherwise at five (5) foot intervals.
- e. All trees to be removed or within fifty (50) feet of any area where the natural contour is to be altered which are of eight (8) inch caliper or more as measured three (3) feet above ground level.

- f. Typical cross-sections of street, including pavement, shoulders, ditches, and walks and cross-sections of drainage easements, as necessary.
- g. Profiles of street center lines showing vertical and horizontal curve data, slope of tangents and elevations of street intersections and other critical points.
- h. Profiles of storm and sanitary sewers, if any, showing diameter of pipe, and distance between manholes and catch basins.

2. Development Data

- a. As required for Preliminary Plan.
- b. Detailed drawings and specifications for water supply, storm water disposal, sanitary sewage disposal and all other required site facilities, services or installations as required by the Planning Board.

3. Legal Data

- a. As required for Preliminary Plan.
- b. Certification of title showing that applicant is the landowner or holds a legitimate interest in the property.
- c. Certification by licensed land surveyor of survey and plat accuracy.
- d. Protective covenants in form for recording, including covenants governing the maintenance of uncaded public space or reservations.
- e. Offers of cession dedicating street, easements, open space and other facilities.
- f. Approval by the State or County Health Department as applicable, of sewer and water facility drawings and proposals.
- g. Approval by the Department of Environmental Conservation, where applicable.
- h. Copies of agreements showing the manner in which areas reserved by the applicant are to be maintained.
- i. Certification by a licensed professional engineer, architect, licensed land surveyor and/or landscape architect as is appropriate, that required facilities have been designed to meet the minimum standards of this Ordinance or otherwise required by law.
- j. Any other data as may be required by the Planning Board or Town Board for the enforcement of this Ordinance, including an environmental impact

statement according to the guidelines of the National Environmental Policy Act of 1969.

- j. Performance bond to cover full cost of any improvements for which the Town will ultimately assume responsibility, as may be required by the Town Board.
 - k. Approvals by the New York State Department of Transportation and the Herkimer County Department of Highways, where applicable.
 - l. Approvals by the New York State Department of Transportation and the Herkimer County Department of Highways, where applicable.
- C. As-built drawings will be filed upon completion of any required underground improvements. No certified check or performance bond shall be released until the drawings and documents listed below have been filed with and approved by the Planning Board.
- 1. Facilities and improvements as located and constructed in accord with the Final Plan, certified to by a licensed land surveyor, professional engineer, architect, landscape architect and/or contractor, as is appropriate.
 - 2. All offers of cession, deeds, abstracts and easements for any street, sewer, water or other facilities as approved and certified to by the Town Attorney.

SECTION 12.04 DEVELOPMENT CONSIDERATIONS

The following considerations will be evaluated in the process of reviewing the Preliminary and Final Plans submitted under the Planned Development District process and the Town shall be satisfied in every instance that these factors are to be adequately handled or provided for in the proposed development:

- A. The proposal is consistent with this Zoning Ordinance and the purposes of the Planned Development District process.
- B. The proposal shall be consistent with the established character and adjoining uses of the neighborhood and shall provide all reasonable safeguards for the protection of this character and property values.
- C. The proposal shall be so located as to be efficiently served by the traffic ways, water supply, sewage disposal, refuse collection, school, and fire and police protection systems.
- D. In particular, the proposal shall provide adequately for the movement of vehicular traffic according to the following:
 - 1. It shall relate properly in terms of traffic volume, capacity and points of access and egress to the existing road system;

2. Internal roadways shall be designed and improved according to acceptable standards; and
3. Adequate off-street parking and, where appropriate, loading space shall be provided.

- E. The provisions for all utilities, including water, sanitary and storm sewer, electric, gas and telephone shall be satisfactory to the Town and according to acceptable standards.
- F. The location of principal and accessory buildings on the site in relation to that side, to one another and to adjoining uses shall be satisfactory and in accord with the recommendations of the Town.
- G. The type of construction, building facade, and bulk and height of all structures shall be appropriate to their function and adjoining structures in the neighborhood and in keeping with the existing standards set forth in this Ordinance or any other existing regulations.
- H. The proposal shall provide for such open space, recreation area, buffer areas and pedestrian access and circulation as is appropriate and to the satisfaction of the Town.
- I. The proposal shall include appropriate provisions for such signing, lighting, fencing and landscaping as the Town may require.
- J. No land or building in any Planned Development District shall be used or occupied in such a manner as to create any dangerous, injurious, noxious, or other hazard due to odor, fire, noise, explosion, vibration, smoke, dust dirt, or other form of air pollution, glare, electrical or other disturbance.

The determination of potentially dangerous or objectionable elements shall be made at locations as follows:

1. At the point of origin for fire and explosion hazards, for radioactivity and electrical disturbances, and for smoke and other forms of air pollution; and
2. At the property line for noise, vibration, glare, odors and other hazards or nuisances.

SCHEDULE A

P-D, PLANNED DEVELOPMENT DISTRICT

Principal Permitted Uses	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Maximum Lot Coverage	Maximum Building Height (Stories)	Maximum Building Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards One/Both (Feet)	Minimum Rear Yard (Feet)
Residential, Commercial, Industrial and Recreational Uses (Refer to Procedures in Article 12)	10 Acres	*	*	*	*	*	*	*

* All bulk, coverage and setback requirements shall be determined in accordance with the procedures outlined in Article 12

SCHEDULE B

P-D, PLANNED DEVELOPMENT DISTRICT

Accessory Structure	Maximum Area (Square Feet)	Maximum Height (Feet)	Minimum Front Yard (Feet)	Minimum Side Yards (Feet)	Minimum Rear Yard (Feet)
*	*	*	*	*	*

* All bulk, coverage and setback requirements shall be determined in accordance with the procedures outlined in Article 12

ARTICLE 13 SITE PLAN REVIEW

SECTION 13.01 PURPOSE

The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Town and the applicant to facilitate development in accordance with the Town's land use objectives.

SECTION 13.02 APPLICABILITY

In Planned Development districts, complete site plan review and approval by the Planning Board shall be required for:

- A. The erection or enlargement of all buildings in Planned Development Districts except:
 - 1. One or two-family dwellings and permitted accessory uses.
 - 2. All buildings and structures related to the operation of a farm.
- B. All uses of vacant land other than those uses customarily accessory to one or two-family dwellings.
- C. Any change in use or intensity of use which will affect the characteristics of the site in terms of parking, loading, access, drainage or utilities.
- D. The erection of a one or two-family dwelling in an agricultural zoning district.
- E. Any other use of land for which site plan review is required by this Ordinance.

Any amendment of a previously approved plan shall also require approval of the amendment by the Planning Board. No building permit may be issued for any building or use for which site plan approval is required until the original or amended site plan is approved by the Planning Board.

No certificate of occupancy may be issued for any building or use of land for which site plan review is required until the Town Zoning Enforcement Officer certifies that all applicable conditions of the approved original or amended site plan have been complied with.

SECTION 13.03 SITE PLAN REVIEW PROCEDURES

All applications requiring site plan approval shall follow the procedures established herein:

A. Pre-Submission Conference

Prior to the submission of any site plan for review by the Planning Board, a pre-submission conference shall be held wherein the applicant shall meet in person with the Planning Board, their consultant, if any, and any Town officials the Board feels appropriate.

A site plan presented at a pre-submission conference shall be drawn to scale, and shall show site development features in sufficient detail to permit the Planning Board to evaluate the following:

1. Relationship of the site to nearby properties.
2. Density.
3. Adequacy of landscaping, open space, vehicular drives, parking areas, drainage and proposed utilities.
4. Conformance with Town development policies and standards.

At the pre-submission conference, the Planning Board may waive any of the site plan submission requirements that it feels do not apply to the plan being reviewed. The Planning Board may also initiate SEQRA proceedings at this time.

B. Preliminary Site Plan Review

Within six (6) months following the pre-submission conference, the applicant shall submit to the Planning Board ten (10) folded copies of the preliminary site plan at a minimum scale of one (1) inch equals thirty (30) feet (1"=30"). If not submitted within this six-month period, another pre-submission conference may be required by the Planning Board.

Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 21 of this Ordinance shall be required for Preliminary Site Plan approval. The SWPPP shall meet the performance and design criteria and standards in Article 21 of this Ordinance. The approved Preliminary Site Plan shall be consistent with the provisions of this Ordinance.

The Planning Board shall be responsible for initiating the State Environmental Quality Review Act (SEQRA) process.

The basic purpose of the State Environmental Quality Review Act (SEQRA) is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQRA requires that the lead agency (Town Board) determine the type of action being considered and whether the action they directly undertake, fund or approve may have a significant effect on the environment. If the agency determines that the action may have a significant effect on the environment, the agency may require the preparation of an Environmental Impact Statement (EIS) pursuant to SEQRA 6 NYCRR, Part 617, Section 617.1. The lead agency shall be responsible for ensuring compliance with SEQRA timetables, public hearing requirements and all other SEQRA regulations.

1. Submission Requirements

The following information shall be included on all site plans submitted for preliminary approval by the Planning Board:

a. Application Form

The application form shall contain the following information for all requests:

- i. Applicant's name and address.
- ii. Name and address of property owner, if different from applicant.
- iii. Common description of property and complete legal description including the County Tax Map Identification number.
- iv. Dimensions of land and total acreage.
- v. Existing zoning.
- vi. Proposed use of land and name of proposed development, if applicable.
- vii. Proof of property ownership.

b. Descriptive and Identification Data

The Site Plan shall include the following information on it:

- i. Applicant's name and address, and telephone number.
- ii. Scale.
- iii. Northpoint.
- iv. Dates of submission and revisions (month, day, year).
- v. Location map drawn to scale with northpoint.
- vi. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
- vii. Zoning classification of applicant's parcel and all abutting parcels.
- viii. Proximity to driveways serving adjacent parcels.

- ix. Notation of any variances which have or must be secured.
- x. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

c. Site Data

- i. The schematic layout of existing and proposed septic systems and well sites.
- ii. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
- iii. Front, side, and rear setback dimensions.
- iv. Location, sizes, and types of existing trees eight (8) inches or greater in diameter, measured at three (3) foot off the ground, before and after proposed development.
- v. Proposed buildings to be constructed, including square feet of gross floor area.

C. Final Site Plan Review

Following preliminary site plan approval by the Planning Board, the applicant shall return to the Board within a period of three (3) months for final site plan review. The applicant shall submit to the Planning Board ten (10) folded copies of the final site plan at a minimum scale of one (1) inch equals thirty (30) feet (1"=30"). If a final site plan is not submitted within this six-month period, another pre-submission conference may be required by the Planning Board.

Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of Article 21 of this Ordinance and with the terms of preliminary plan approval shall be required for Final Site Plan approval. The SWPPP shall meet the performance and design criteria and standards in Article 21 of this Ordinance. The approved Final Site Plan shall be consistent with the provisions of this Ordinance.

1. Submission Requirements

In addition to the information required on a preliminary site plan, the following information shall be submitted for final site plan review by the Planning Board:

a. Application Form

The application form shall contain the following additional information:

- i. Names, addresses and telephone numbers of engineers, attorneys, architects and other professionals associated with the project.
- ii. A statement indicating the financial capability of the applicant to carry out the proposed development.

b. Descriptive and Identification Data

The Site Plan shall include the following additional information on it:

- i. Identification and seal of the architect, engineer, land surveyor or landscape architect who prepared the plan.
- ii. Names of owners of adjoining properties.
- iii. A schedule for completing the project, including the phasing or timing of all proposed developments.
- iv. A title block indicating the name of the development.

c. Site Data

- i. Existing topography on the site, using contour intervals of five (5) feet or less, referenced to a U.S.G.S. landmark.
- ii. Approximate boundaries of any areas of the site subject to flooding or stormwater overflows.
- iii. Location of existing watercourses, marshes, wooded areas, rock outcrops and any other significant existing natural features.
- iv. Location of all paved areas, walkways and vehicular access between the site and public roads.
- v. Locations, dimensions, grades and flow direction of any existing sewers, culverts and water lines, as well as other underground and above ground utilities within and adjacent to the property.
- vi. Other existing development, including fencing, landscaping and screening.
- vii. Location, width and purpose of all existing easements, reservations and areas dedicated to public use within or adjacent to the property.
- viii. A complete outline of existing deed restrictions or covenants applying to the property.

d. Proposed Development

- i. The location and design of all structural improvements to be done on the site, including fences, gazebos, swimming pools, dumpsters, transformers, etc.
- ii. The location and design of all uses not requiring structures, such as off-street parking and loading areas.
- iii. The location direction, power and time of use for any proposed outdoor lighting or public address systems.
- iv. The location and plans for any outdoor signs.
- v. The location, arrangement and materials of proposed means of ingress and egress, including walkways, driveways or other paved areas. Profiles indicating grading and cross sections showing location and width of roadway and walkways shall be included.

- vi. A landscaping plan, showing the location, size, type and quantity of proposed shrubs, trees and other live plant material.
 - vii. The location, size, direction of flow and connection to municipal facilities of all proposed water lines, valves and hydrants and of all sewer lines. NOTE: The Fire Chief shall approve the location of all proposed hydrants.
 - viii. An outline of any proposed easements, deed restrictions or covenants and a notation of any areas to be dedicated to a public agency.
 - ix. Any contemplated public improvements on or adjacent to the property.
 - x. Dimensions and centerlines of proposed roads and road rights-of-way and a typical cross-section of proposed roads.
 - xi. Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.
 - xii. Elevations of all proposed principal and accessory structures.
-
- xiii. If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.
 - xiv. Any other information deemed by the Planning Board to be necessary to determine conformity of the site plan with the spirit and intent of this Ordinance.

Once the final site plan has been received by the Planning Board, a copy of the application shall be forwarded to the Town Highway Superintendent, Fire Chief and any other officials deemed appropriate by the Planning Board. If the Planning Board feels that the proposal requires professional review by an Engineer or Planner, the Board may hire a consultant to conduct a review of the site plan. All costs incurred by the Planning Board for consulting on a site plan shall be the responsibility of the applicant.

The Planning Board may hold a public hearing on the final site plan if it determines that the matter is of wide public interest. Said hearing shall be held within sixty-two (62) days of the receipt of the preliminary site plan by the Planning Board, following the procedures for a public hearing as outlined in Section 19.06.

The Planning Board shall be responsible for following the State Environmental Quality Review Act (SEQRA) procedures, including preparation of positive or negative declarations, an Environmental Impact Statement (EIS) prepared by the applicant, a statement of findings, etc. in addition to timetables and public hearing requirements. The Planning Board shall not give final approval to a site plan until the SEQRA process is completed.

The Planning Board shall act to approve or approve with conditions the final site plan within sixty-two (62) days following the public hearing. Failure to act within sixty-two (62) days shall be deemed to be approval of the plan. Conditional approval by the Planning Board shall include written findings upon any site plan element found to be contrary to the provisions or intent of this Ordinance.

Amendments to a previously approved site plan shall be acted upon in the same manner as the original site plan. Approval of a final site plan by the Planning Board shall be valid for a period of one (1) year from the date thereof for the purpose of obtaining a building permit. Failure by the applicant to secure a building permit during this period shall cause the site plan approval to become null and void. Upon application, the Planning Board may extend the time limit on the validity of the approval to not more than two (2) years from the date of original approval.

SECTION 13.04 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

A. Adequacy of Information

The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

B. Site Design Characteristics

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

C. Appearance

Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

D. Compliance with District Requirements

The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedules of Regulations, unless otherwise provided in this Ordinance.

E. Preservation of Natural Areas

The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal, alteration to the natural drainage course and the amount of cutting, filling, and grading.

F. Privacy

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

G. Emergency Vehicle Access

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

H. Ingress and Egress

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

I. Pedestrian Circulation

The site plan shall provide a pedestrian circulations system which is insulated as completely as is reasonably possible from the vehicular circulation system.

J. Vehicular and Pedestrian Circulation Layout

The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

K. Drainage

Appropriate measures shall be taken to insure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Town's engineering consultant.

L. Soil Erosion and Sedimentation

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with Town standards.

M. Exterior Lighting

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

N. Public Services

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

O. Screening

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.

P. Danger from Hazards

The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Town to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Town shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Town. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.

Q. Health and Safety Concerns

Any use in any zoning district shall comply with applicable Federal state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and

hazardous materials.

R. Sequence of Development

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

S. Coordination with Adjacent Sites

All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

ARTICLE 14 GENERAL PROVISIONS

SECTION 14.01 INTRODUCTION

The standards and regulations listed in this Article shall apply to all uses, buildings and structures within all zoning districts unless otherwise addressed.

SECTION 14.02 WITHHOLDING OF APPROVAL

The Planning Board, Zoning Board of Appeals and/or Town Board may withhold granting of approval of any use, special use, site plan, planned unit development plan, variance or other approval required by this Ordinance pending approvals which may be required by state, county or federal agencies or departments.

SECTION 14.03 PRINCIPAL BUILDING, STRUCTURE OR USE

No zoning lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, office complexes, planned unit developments or an operating farm.

SECTION 14.04 REGULATIONS ON ACCESSORY DWELLINGS

1. Additional dwelling units shall be permitted in an accessory building if the unit is occupied by a caretaker or employees of an operating farm.
2. Accessory dwelling units are not permitted in the residential districts, except for legal nonconforming dwellings existing at the time this Ordinance was adopted. Accessory dwelling units are not permitted in the commercial districts, except for legal nonconforming dwellings existing at the time this Ordinance was adopted, a caretaker's quarters or housing used exclusively by security or custodial personnel, located within the principal building.

SECTION 14.05 ACCESSORY BUILDINGS (UTILITY SHEDS AND GARAGES)

With the exception of operating farms, all accessory buildings permitted by this Zoning Ordinance shall be subject to the following regulations:

A. Relation to Principal Building

Accessory buildings are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use which is permitted in the particular zoning district. No accessory building shall be utilized unless the principal building to which it is accessory is occupied or utilized.

B. Restrictions on Placement

Accessory buildings shall not be erected in any right-of-way, access easement, front yard or required side yard.

In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Board approves the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Board shall consider the impact of headlights and views from nearby public streets and adjacent properties.

C. Required Setbacks (Attached)

Where the accessory building is structurally attached to the principal building, it shall be subject to all the regulations applicable to principal buildings.

D. Required Setbacks (Detached)

Detached accessory buildings shall be subject to the setback requirements as specified in Schedule B for each specific zoning district and must also be at least ten (10) feet from any other accessory building or public street right-of-way line and at least twenty-five (25) feet from the boundary of a wetland regulated by the NYS Department of Environmental Conservation (DEC) or the federal government.

E. Maximum Lot Coverage in Residential Districts

The combined square footage of all accessory buildings shall occupy a maximum of twenty-five percent (25%) of the available rear yard area.

F. Maximum Height

The maximum allowable height of an accessory building shall be subject to the height requirements as specified in Schedule B for each specific zoning district.

G Drainage

The placement and design of any accessory building or structure shall not have a significant impact on storm water runoff. The Town Zoning Enforcement Officer may require grading plans or a sketch plan to ensure compliance with this provision.

H. Maximum Number

There shall be a maximum of one (1) garage and a maximum of two (2) total detached accessory buildings on any lot.

I. Restrictions on Use

Accessory buildings shall not be occupied for dwelling purposes nor used for any

business profession, trade or occupation.

SECTION 14.06 ACCESSORY STRUCTURES: Swimming Pools

A. Fencing Requirement

A fence or similar enclosure shall be erected and maintained around any swimming pool greater than two (2) feet in depth in accordance with New York State regulations.

B. Relationship of Height to Setback Requirements

Swimming pools and surrounding decks, walks or similar accessories with an elevation measured from the mean grade at any point adjacent to such facility of two (2) feet or less shall be located at least six (6) feet from any property line. Where the elevation of the pool or surrounding deck, walk or similar accessory is greater than two (2) feet above grade at any point or in the case of an in-ground pool, the setback shall be as specified in Schedule B for each zoning district.

C. Restriction from Front Yard

Swimming pools shall not be located in any front yard.

D. Permits

A permit shall be applied for and issued by Town Zoning Enforcement Officer prior to the excavation or construction of any swimming pool greater than two (2) feet in depth. If deemed necessary, the Town Zoning Enforcement Officer may require the construction of a dry well for the discharge of water from the pool. The application shall be accompanied by any documentation deemed necessary by the Town Zoning Enforcement Officer. A final inspection and approval by the Town Zoning Enforcement Officer must be obtained prior to the use of the swimming pool.

SECTION 14.07 ACCESSORY STRUCTURES: Fences

Fences are permitted subject to the following regulations:

A. Permits

The erection, construction or alteration of any fence shall require a fence permit and shall be approved by the Town Zoning Enforcement Officer for compliance with the provisions of this Ordinance. Operating farms are exempt from this provision.

B. Location in Front Yards

Fences may be located in a front yard of any lot of record up to a maximum height of three and one-half (3 ½) feet, provided that for corner lots adequate sight distance is provided as described in Section 14.xx. Fences shall be of approved materials, of design as to be non-sight obscuring and of a type listed below:

1. Post and Rail
2. Split Rail
3. Picket
4. Wrought Iron
5. Chain Link
6. Other types of fences must be approved by the Planning Board prior to placement in a front yard area.

C. Location in Other Yards

A fence may be erected in any side or rear yard of a lot of record, provided the fence does not obscure sight distance for motorists on the street or exiting driveways and is setback at least twenty (20) feet from any public street right-of-way.

D. Measurement of Height

The height of a fence shall be considered to be the distance from the ground to the top of the fence posts at every point along the fence. Fences may not be constructed on top of bermed areas.

E. Wood Fence (Privacy Fence) Standards

Wooden fences may be erected in a side or rear yard on any lot of record provided the fence does not extend beyond the front building line or into the required front yard setback, whichever is greater. Wooden fences shall be a maximum of six (6) feet in height.

F. Chain Link Standards

No chain link fence shall hereafter be erected in any required side or rear yard area on any lot of record in excess of six (6) feet in height measured from the surrounding grade at every point along the fence line. Wire fences shall not exceed four (4) feet in height, except on operating farms.

G. Setbacks

Any permitted fence erected in a side or rear yard may be located directly on the property line. Any permitted fence erected in any front yard may be no closer to the property line than the distance specified in Schedule B for each zoning district.

H. Orientation of Finished Side

If a fence is only finished on one (1) side, the finished side of a fence shall face the exterior of the lot. Posts shall be placed on the interior of the fence.

I. Restrictions on Barbed Wire

Barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence, except for the following:

1. Barbed wire may be permitted for an animal enclosure in conjunction with a permitted farming or stable operation.
2. Barbed wire cradles may be placed on top of security fences enclosing public utility buildings or storage yards.
3. Barbed wire may be used where deemed necessary by the Zoning Board of Appeals in the interests of public safety or protection of private property.

J. Maintenance

All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard or nuisance. Any fence which is not maintained, as determined by the Town Zoning Enforcement Officer, shall be removed or replaced (any required fence shall be replaced).

SECTION 14.08 ACCESSORY STRUCTURES: Private Stables

Any private stable operated in the Town of Schuyler shall conform to the following regulations:

- A. Private stables shall only be permitted as accessory uses to a principal residential use in the R-2 and R-A districts.
- B. The property on which a private stable is to be located shall have a minimum area of five (5) acres.
- C. The property on which the stable is to be located shall have a minimum of two (2) acres of productive land for the first horse and one (1) acre of productive land for each additional horse.
- D. Interior confinement areas shall be a minimum of one hundred (100) square feet per horse and shall be located a minimum of three hundred (300) feet from any adjacent residentially used or zoned property.
- E. Approval from the Zoning Board of Appeals shall be required for any private stable located or proposed to be located on any property with an area of less than twenty (20) acres.
- F. The property owner shall submit an application to the Zoning Enforcement Officer, which shall include a building plan (drawn to scale), site plan and detailed operation plan.
- G. The plan shall include an area providing daily exercise, interior building layout and provisions for the storage and/or disposal of manure.
- H. Private stables which are accessory to an operating farm shall be exempt from the regulations of this section.

SECTION 14.09 ACCESSORY STRUCTURES: Satellite Dish Antenna and Telecommunications Transmission Towers

A. Purpose and Intent

1. To promote safety and prevent hazards to persons and property resulting from accidents involving antenna or antenna facilities which could fall from structural mountings due to wind load, snow load or other factors.
2. To promote utilization of ground mounting for antenna facilities where reasonably feasible and to encourage multiple uses of existing transmission towers whenever possible.
3. To control the location and require screening of ground-mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.
4. To exclude from provisions of this section, conventional VHF and UHF television antennae and any apparatus of a licensed amateur radio operator, based upon the finding that there is relatively minor concern for wind and snow load issues due to an established safety record and there has been an historical acceptance of such facilities from architectural and aesthetic standpoints.
5. To exclude from provisions of this section, transmission towers used solely for the dispatching of essential municipal services including police, fire, public works and emergency medical services
6. To promote and protect the public health, safety and welfare by the exercise of Town police powers in relation to the property owners right to construct and use antenna towers and reception antennae to send and/or receive signals without unreasonable restriction.

B. Regulations for Residential Uses

The following regulations shall apply to all satellite dish antennae accessory to residential uses located in the R-1, R-2, R-M and R-A districts and to all satellite dish antennae accessory to residential uses in the C-H, C-I and C-T districts.

1. A satellite dish antenna not exceeding twenty-four inches (24") in diameter may be erected on any size lot in any residential or commercial district without obtaining a permit from the Town Zoning Enforcement Officer.
2. A satellite dish antenna larger than twenty-four inches (24") in diameter may be erected on any lot in the R-1, R-2, R-M and R-A districts and on any residentially used lot in the C-H, C-I and C-T districts, subject to issuance of a permit by the Town Zoning Enforcement Officer. A satellite dish antenna larger than twenty-four inches (24") in diameter shall be subject to the following, so as to be cosmetically acceptable for all adjoining landowners:

- a. All satellite dish antennae shall be located a minimum distance of fifteen (15) feet from any side or rear lot line.
- b. Only one satellite dish antenna more than twenty-four inches (24") in diameter may be erected on any lot located in the R-1, R-2, R-M and R-A districts.
- c. The applicant shall present documentation of the possession of any required federal or state license or permit.
- d. The owner of the satellite dish antenna shall assume complete liability in case of damage to person or property.
- e. No part of the satellite dish antenna shall exceed twelve (12) feet in height, as measured from the ground.
- f. A satellite dish antenna more than twenty-four inches (24") in diameter may not be located in any front yard or corner lot fronting on more than one street.
- g. A satellite dish antenna shall be located and designed to reduce the visual impact from surrounding properties at street level and from public streets.

C. Regulations for Commercial Uses

The following regulations shall apply to all satellite dish antennae accessory to commercial uses in the C-H and C-I districts, all satellite dish antenna and telecommunications transmission towers accessory to commercial uses in the C-T district and all satellite dish antenna accessory to any legal non-conforming commercial uses in any zoning district.

1. A satellite dish antenna not exceeding twenty-four inches (24") in diameter may be erected on any size lot in any district without obtaining a permit from the Town Zoning Enforcement Officer.
2. A satellite dish antenna larger than twenty-four inches (24") in diameter may be erected on any lot in the C-H, C-I and C-T districts and telecommunications transmission towers may be erected on any lot in the C-T district, with a permit from the Town Zoning Enforcement Officer, following review and approval by the Zoning Board of Appeals and subject to the following conditions:
 - a. All satellite dish antennae shall be located a distance from any side or rear lot line equal to or greater than the height of the antenna, but in no case shall be less than twenty (20) feet.
 - b. A satellite dish antenna may not be located in any front yard or corner lot fronting on more than one street.

- c. No telecommunications transmission tower may be located closer to any property line than a distance equal to one half of its total height, provided the applicant submits engineering information the tower is self-collapsing.
 - d. Any guy anchorage or similar device shall be located no closer to any property line than twenty (20) feet.
- 3. An application for the installation of a satellite dish antenna or a telecommunications transmission tower shall include the following information:
 - a. A site plan depicting the proposed location of the antenna or tower in relation to all existing buildings, structures, improvements and landscaping on the lot.
 - b. A drawing showing the proposed method of installation of the antenna or tower.
 - c. A structural engineering analysis of the proposed antenna or tower.
 - d. A maintenance program for the proposed antenna or tower, if requested by the Town Building Inspector.
 - e. An application fee, to be determined by the Town Board.
- 4. When reviewing a request for a satellite dish antenna or a telecommunications transmission tower, the Zoning Board of Appeals shall address the following:
 - a. The location of the proposed antenna or tower in relation to the existing buildings and structures on the site.
 - b. The location of the proposed antenna or tower in relation to any other existing antenna or towers on the same or adjacent properties.
 - c. In the case of satellite dish antenna, the visibility of the proposed antenna from any adjacent residentially zoned and used property.
 - d. In the case of telecommunications transmission towers, the location of the proposed tower in relation to all property lines.
 - e. In the case of telecommunications transmission towers, the provision of suitable protective anti-climb fencing around any proposed tower and accessory attachments.
 - f. In the case of telecommunications transmission towers, the proposed lighting for the tower.
- 5. In the event that a satellite dish antenna or telecommunications transmission tower becomes functionally obsolete and/or is no longer being utilized, the

antenna or tower shall be removed within a period of six (6) months.

SECTION 14.10 SITE DRAINAGE

No person shall construct any building, structure or improvement or install fill or landscaping in such a manner as to divert the natural drainage of water from their property onto an adjacent property.

SECTION 14.11 ACCESS TO APPROVED STREET

In any district, a lot to be used for building purposes shall have direct frontage on an approved street.

SECTION 14.12 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single ownership at the time of adoption of said district line, the regulations for the more restrictive portion of such lot shall extend a maximum of one hundred (100) feet into the less restrictive portion, provided the lot has frontage on a street in the more restrictive district.

SECTION 14.13 DRIVE-IN SERVICES

Any drive-in services facility shall be located at least sixty (60) feet from any private right-of-way and the business shall be located on a property at least two hundred (200) feet from any residential district boundary.

SECTION 14.14 AREA AND HEIGHT REGULATIONS (Lots, Yards and Buildings)

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule A for Principal Buildings and Schedule B for Accessory Structures and in the regulations in this Article.

A. Lots of Less than the Required Dimensions

Any lot with an area or a width less than that required in the district in which said lot is located may be used for any principal use permitted in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of adoption of this Ordinance and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimensional requirements.

B. Area Regulations

Lots that are not serviced by either public water and/or public sewer must have the minimum area as indicated by use with a minimum frontage of one-hundred fifty (150)

feet.

C. Reduction of Lot Area

The minimum yards and open spaces, including lot area per dwelling unit, required by this Ordinance shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this Ordinance.

D. Corner Lot

On a corner lot in any district, a yard shall be provided on each street equal in depth to the required front yard in that district. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a Permit.

E. Front Yard Exceptions

The minimum front yard setback of all principal buildings hereafter constructed within a residential district shall conform with Schedule A for the district in which the property is located and in addition shall not be less than the average front yard setback of all principal buildings in the block for a distance of 300 feet on each side of such building. A vacant lot within the 300-foot distance shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard.

F. Transition Yard Requirements

1. Where two districts abut on the same street between two intersecting streets, and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of fifty (50) feet from the district boundary line in the less restrictive district, a front yard equal in depth to the average of the required depth in the two districts.
2. Where the side or rear yard of a lot in a residential district abuts a side or rear yard of a lot in a commercial district, there shall be provided along such abutting line or lines in the commercial district, a side or rear yard equal in depth to that required in the more restrictive district. If deemed necessary, the Zoning Board of Appeals may require a planting buffer/screen at least ten (10) feet wide to be located in an easement in the commercial district.

G. Yard Encroachments Permitted

The following elements of structures are not considered in determining yard requirements:

1. Uncovered paved terraces and patios.
2. Special structural elements such as cornices, chimneys, gutters, eaves and similar structural features.

3. Fire escapes or open stairways which project into the yard a maximum of six and one-half (6.5) feet.

H. Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, fire and hose towers and cooling towers.
3. Those structural extensions deemed necessary for appropriate building design, such as cornices or parapet walls, which may extend a maximum of six and one-half (6.5) feet above the height limitations and shall have no window openings.

I. Minimum Lot Width

No new lot shall be created unless said lot complies with all of the dimensional standards, including lot area and width, of the zoning district in which said lot is located.

J. Calculation of Lot Coverage

In the calculation of lot coverage, no adjacent outlets or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.

K. Building Grades

1. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from said premises.
2. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade on the vacant lot and on the adjoining lots shall be used in determining the grade around the new building and the yard around the new building.
3. The final grade shall be approved by the Town Zoning Enforcement Officer.
4. For the purposes of defining the finish floor elevation, the average elevation between two structures shall be used; if it is not possible to determine the average, the Zoning Enforcement Officer will determine the finished floor elevation.

SECTION 14.15 CLEAR VISION AREAS

All corners at an intersection of two public streets or at a private road intersection with a public street shall maintain a clear vision zone free of buildings, fences, walls, signs, structures and landscaping between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting streets within a triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points twenty-five (25) feet distant from the point of intersection, measured along said lines. An open fence may have a maximum height of thirty-six (36) inches in a clear vision zone. Exempting pre-existing structures, buildings and walls, pre-existing conditions affected by this Section cannot be "grandfathered" due to the serious impact on pedestrian and motorist safety. All nonconforming situations must be corrected within twelve (12) months from the date of adoption of this ordinance.

SECTION 14.16 TEMPORARY STORAGE BUILDINGS

Temporary storage buildings may be erected on any lot in the Town of Schuyler subject to the following conditions:

- A. The building must meet the requirements specified for garages in Schedule B for the district in which it is located.
- B. The building may be erected for a maximum of twelve (12) months. An additional six (6) months may be allowed upon approval from the Zoning Board of Appeals, provided the property owner can demonstrate some hardship which would require the allowance of the additional time.
- C. A permit from the Town of Schuyler Zoning Enforcement Officer is required prior to the erection of any temporary storage building.

SECTION 14.17 BEEKEEPING

The keeping of bees and beehives for the purposes of harvesting honey, beeswax or other by-products, whether for personal use or for commercial sale, shall be permitted provided that no beehive shall be located closer than two hundred (200) feet from any residential or outdoor oriented commercial uses.

SECTION 14.18 HOME OCCUPATIONS

The Town of Schuyler recognizes that historically people have utilized their homes for limited non-residential purposes, also known as home occupations. However, the Town is also concerned about maintaining the integrity of its residential areas and wants to ensure that all home occupations are limited in scope and activity. In essence, a home occupation is allowed only where it is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

A. Applicability

Home occupations are allowed in all districts in the Town of Schuyler **contingent upon continued compliance** with the provisions of this Article.

B. Home Occupation Permit

Prior to the establishment of any home occupation in the Town of Schuyler, a "Home Occupation Permit" must first be obtained from the Town of Schuyler Zoning Enforcement Officer. This permit is renewable every four (4) years upon satisfactory proof that the requirements of this Article have been, and will be, continuously followed. Any home occupation that has operated illegally under the present Town of Schuyler Zoning Ordinance will continue to be an illegal use unless a Home Occupation Permit is obtained.

C. General Requirements

Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following standards:

1. Home occupations must be clearly incidental to the use of the dwelling as a residence.
2. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
3. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
4. The home occupation may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. No more than ten (10) customers or clients shall come to the dwelling unit for services or products during any one day. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
5. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
6. One (1) non-illuminated nameplate, not more than two (2) square foot in area, shall be permitted. Said sign shall be attached flat to the building wall, and shall display only the name and occupation of the resident on the premises.
7. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly

zoned residential district.

8. The professional office of a physician, dentist, lawyer, engineer, architect and other similar professions as a home occupation shall be allowed to employ no more than one (1) individual who is not a resident of the premises on which the home occupation is conducted:
9. All other permitted home occupations shall be allowed to employ only the residents of the premises on which the home occupation is conducted.
10. The following uses, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations:
 - a. Medical clinics and hospitals.
 - b. Animal hospitals or commercial kennels.
 - c. Minor or major auto repair, painting of vehicles, trailers or boats.
 - d. Private clubs.
 - e. Concrete, excavation, or similar contractors.
 - f. Trailer rental.
 - g. Restaurants and tea rooms.
 - h. Welding or machine shops.

This list does not include every use that is prohibited as a home occupation. If there is any question on the part of the Zoning Enforcement Officer as to whether the proposed home occupation can reasonably be expected to comply with the provisions of this Article, he can submit the application to the Zoning Board of Appeals for review. The Zoning Board of Appeals can then either approve the home occupation, approve the home occupation with additional conditions, or deny the request, stating in writing the reasons why the home occupation cannot meet the requirements of this Article.

D. Fees

The Town of Schuyler may establish a schedule of fees for the administration, issuance and enforcement of a home occupation permit. This will include the actual cost of reviewing applications, conducting site inspections, investigating complaints, and renewing permit applications.

E. Revocation of Home Occupation Permits

The right to conduct a home occupation in a place of residence is contingent upon the continuous compliance with the requirements of this Article. The failure to do so will result in the immediate revocation of the Home Occupation Permit by the Town Zoning Enforcement Officer. Another permit cannot be applied for unless it can be proven that the requirements of this Article can and will be met during the period that the permit is in effect.

SECTION 14.19 RESIDENTIAL LIVING AREA REQUIREMENTS

Minimum living areas measured from exterior faces of exterior walls, exclusive of garages and unenclosed porches, shall be shown in Table 14-1 below. The floor area of a split level or split foyer dwelling shall be the sum of the ground level living area of each such floor.

TABLE 14 - 1

ZONING DISTRICT	BUILDING STORIES	MINIMUM LIVING AREA PER DWELLING UNIT
R-1 & R-2 Residential Districts	One	864 sq. ft. per first floor
R-1 & R-2 Residential Districts	More Than One	720 sq. ft. per first floor
Single Family Dwelling in an R-M District	One	864 sq. ft. per first floor
Single Family Dwelling in an R-M District	More Than One	720 sq. ft. per first floor
R-A, Residential-Agricultural District	One	960 sq. ft. per first floor
R-A, Residential-Agricultural District	More Than One	800 sq. ft. per first floor
Manufactured Homes		600 sq. ft.

SECTION 14.20 TEMPORARY OCCUPANCY

Temporary occupancy of a basement or cellar may be permitted during construction of a dwelling for a period of up to three (3) years. This time period may be extended by the Zoning Board of Appeals for up to two (2) years at a time, if the applicant can demonstrate hardship

which has prevented the completion of the construction.

SECTION 14.21 OBJECTIONABLE ELEMENTS

No permitted, accessory or specially permitted use shall be operated or designed in a manner which creates any of the following substances, conditions and elements in such amount, detectable at the property line, as to adversely affect the surrounding properties.

- A. Fire, explosive or other such hazard.
- B. Noise or vibration.
- C. Smoke, dust, dirt or other form of air pollution,
- D. Electrical or other disturbance.
- E. Glare

SECTION 14.22 OFF-STREET PARKING AND LOADING REQUIREMENTS

- A. Applicability

Compliance with the off-street parking regulations shall be required under the following conditions:

- 1. For all buildings and uses established after the effective date of this Ordinance.
- 2. Whenever use or intensity of use of a building, structure or lot is changed, parking facilities shall be provided or increased as may be required by this Ordinance.

All off-street parking facilities required by this Ordinance shall be subject to site plan review and approval as specified in Article 13. Once approved, the total number of spaces or the size of individual spaces shall not be reduced without written approval from the Planning Board.

NOTE: The provisions of this Section shall not be deemed to apply to motor vehicle storage or display parking areas associated with a motor vehicle sale or rental establishment, except as may be required elsewhere in this Ordinance.

- B. Location

- 1. Off-street parking for multi-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or on a lot or parcel within three hundred (300) feet of the use being served, provided the lot being used for parking is under the same ownership and has the same zoning classification as the lot being served.

2. Off-street parking for commercial, office, multi-family residential and institutional uses may only be located in a side, rear or non-required front yard, and may not be located within twenty-five (25) feet of a single-family residentially or agriculturally zoned or used property, nor within ten (10) feet of any road right-of-way line.

C. Landscaping/Screening

Perimeter and interior landscaping for off-street parking facilities may be required by the Planning Board during the site plan review process. A landscaped buffer strip or solid fence shall be provided in any instance where off-street parking for a non-residential use abuts a residentially used or zoned property.

D. Accessibility

All uses where twenty (20) or more off-street parking spaces are required by the provisions of this Section shall be required to provide off-street parking spaces for the physically challenged. Such parking spaces shall be provided in accordance with the following requirements:

1. Location

Parking spaces for the physically challenged that serve a particular building shall be the spaces located closest to the nearest accessible entrance on an accessible route.

2. Parking Spaces

Parking spaces for the physically challenged shall be at least nine feet, six inches (9'6") in width and shall have an adjacent access aisle a minimum of five (5) feet wide. Two accessible parking spaces may share a common access aisle. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

3. Signage

Accessible parking spaces shall be identified by a sign and suitable permanent markings on the paved surface indicating parking reserved for the physically challenged only.

4. Requirements

The number of parking spaces for the physically challenged shall be included in the required number of parking spaces and shall be in accordance with the following table.

TABLE 14-2

TOTAL NUMBER OF PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
20 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1,000

E. Residential Parking

Off-street parking spaces in residential districts shall consist of a parking strip, driveway, garage or combination thereof, and shall be located on the premises they are intended to serve. Residential off-street parking spaces shall be located whenever possible in the side or rear yard.

F. Minimum Required Spaces by Use

1. Definition of Floor Area

For the purposes of determining required number of parking spaces, "floor area" shall mean the Gross Floor Area (GFA), unless otherwise noted.

Where the floor area measurement is specified as Gross Leasable Floor Area, (GLFA) or usable area, parking requirements shall apply to all internal building areas excluding the floor area used for storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are yet undefined, leasable floor area shall be considered to be eighty five percent (85%) of the gross floor area.

2. Units of Measure

a. Fractional Spaces

When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half ($\frac{1}{2}$) may be disregarded, while a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one space.

b. Employee Parking

Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.

c. Bench Seating

In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one seat.

d. Stacking Space

Each required drive-through waiting or stacking space shall be twenty-four (24) feet long and nine (9) feet wide.

3. General

a. Where a given use or building contains a combination of uses as set

forth in the following table, parking shall be provided on the basis of the sum of the required spaces for each use.

- c. Where the required number of parking spaces is not set forth for a particular use in the following Sections, the maximum requirement for the general type of use that is involved shall govern.
- d. Where there is no similar general type of use listed, the Planning Board shall determine the required number of spaces to be provided.

G. Schedule of Off-Street Parking Requirements

USE	NUMBER OF PARKING SPACES REQUIRED
One and two-family dwellings	2.0 spaces per each dwelling unit
Three and four-family dwellings	1.5 spaces per each dwelling unit
Manufactured Homes	2.0 spaces per each manufactured home
Home Occupations	1.0 space per each client or patient
Administrative, professional, medical, governmental or utility office	1.0 space per each two hundred (200) square feet of gross floor area
Religious Institutions	1.0 space per each three (3) seats or six (6) linear feet of pews
Elementary and Junior High Schools	1.0 space per each instructor, employee or administrator, plus drop-off areas for school buses, plus one space per four (4) seats in any assembly hall, gymnasium, auditorium or outdoor arena
Senior High Schools	1.0 space per each instructor, employee or administrator, plus five (5) spaces per each classroom, plus drop-off areas for school buses, plus one space per four (4) seats in any assembly hall, gymnasium, auditorium or outdoor arena
Hospitals, Nursing Homes	1.0 space per each four (4) beds, plus 1.0 space per each employee

Banks	1.0 space per each two hundred fifty (250) square feet of gross leasable floor area (GLFA), plus 2.0 spaces per each ATM, plus 4.0 stacking spaces per each drive through window
Retail and Wholesale Sales Establishments, Convenience Stores	1.0 space per each two hundred fifty (250) sq.ft. of gross leasable floor area (GLFA)
USE	NUMBER OF PARKING SPACES REQUIRED
Motor Vehicle Service Station	2.0 spaces per each service bay (pump island), plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 1.0 space for each 500 sq. ft. devoted to sales of automotive goods or convenience items
Motor Vehicle Repair Stations	3.0 spaces for employees on the peak shift, but not less than 2.0 spaces for each lubrication stall, rack, pit, or similar service area, plus 2.0 waiting spaces for each service bay
Motor Vehicle Washing Establishment	2.0 spaces, plus 1.0 designated space per each employee on peak shift, plus 12.0 stacking spaces per bay for an automatic car wash or 3.0 stacking spaces per bay for a self-serve car wash
Personal Service Establishments	2.5 spaces per each chair/workstation
Funeral Home	15.0 spaces per each viewing room, plus spaces for each employee and for each business vehicle
Outdoor Recreation Establishments	

Driving Range Miniature Golf Course Golf Course Batting Cages	2.0 spaces per each tee 1.0 space per each course hole 6.0 spaces per each hole 3.0 spaces per each batting cage
Indoor Recreation Establishments Bowling Alley Theater Arcade	 5.0 spaces per each alley 1.0 space per each two (2) persons of the maximum allowable capacity, as determined by the Fire Chief 1.0 space per each fifty (50) sq.ft. Of GLFA, with a minimum of six (6) spaces
Wholesale, Storage, Warehouse or Distribution Facility Truck Terminals	1.0 space per each one thousand (1000) sq. ft. of gross floor area
Machine Shops, Welding Shops Light Manufacturing Uses Cold Storage or Meat Packing Plants Development or Research Center Dairy Processing Plant	1.0 space per each two (2) employees on the peak shift, plus 1.0 space per each business vehicle
Wayside Stands	5.0 spaces, plus 1.0 space per each 100 sq.ft of floor area

H. Off-street Loading Areas

1. Applicability

At least one off-street loading space shall be provided for each commercial or institutional establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet. One additional loading space shall be provided for each additional square feet of gross floor area (GFA). Space for off-street loading shall be in addition to space for off-street parking.

Each off-street loading space shall be subject to the following minimum requirements:

- a. Each loading berth shall not be less than twelve (12) feet wide, thirty-

three (33) feet long and fourteen (14) feet in height.

- b. Space for such berth may occupy any part of any required side or rear yard, except that no such berth shall be located closer than fifty (50) feet to any residential district or use.

SECTION 14.23 SIGN REGULATIONS

The purpose of this section is to protect the public health, welfare and safety by regulating all types of signage in the community. It is intended that these regulations will improve communications within the community, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and promote the development of a more enjoyable and pleasing community. It is further intended to reduce sign distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, provide more open space and curb the deterioration of natural beauty and community environment.

A. DEFINITIONS

SIGN: Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located outdoors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

ADVERTISING SIGN: Any sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

BUSINESS SIGN: Any sign placed on or in front of a building or on the premises to designate the name and nature of the business, profession or tradesman occupying the building or premises upon which the sign appears.

CONSTRUCTION SIGN: A sign identifying the individuals or companies involved in the design, construction, demolition, financing or development of a project, when erected on the property where the project is located.

DIRECTIONAL SIGN: A non-business sign displayed for the direction or convenience of the public in connection with a use on the lot on which it is erected, including, but not limited to signs which identify rest rooms, telephones, freight/delivery entrances, parking areas and public walkways.

DIRECTORY SIGN: A freestanding sign which lists the names and types of businesses or professions of the occupants of a shopping center or office building.

DOUBLE-FACED SIGN: Any sign with two faces back to back that cannot be viewed from the same point.

ERECT: To build, construct, hang, place, suspend or affix and shall also include the

painting of wall signs.

FREESTANDING SIGN: A detached sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a detached sign which is erected on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign.

HOME OCCUPATION SIGN: A sign advertising an approved home occupation conducted within a dwelling unit.

ILLUMINATED SIGN: Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

INSTITUTIONAL SIGN: A sign which identifies the use of a building or property as institutional in nature. Institutional uses include schools, religious institutions and day care centers and child care centers operated in conjunction with and accessory to either of the above uses.

NAMEPLATE SIGN: A sign used solely for showing the name and address of the occupant of a residential structure on the lot on which it is displayed.

NEIGHBORHOOD SIGN: A sign, located on privately or jointly owned property and not in the public right-of-way, which identifies the entrance into a specific neighborhood, subdivision or development.

PORTABLE SIGN: A sign, whether on its own trailer, wheels, or otherwise, designed to be moveable and not structurally attached to the ground, a building, a structure or another sign.

PROJECTING SIGN: Any sign, other than a wall sign, suspended from or supported by a building or sign structure and projecting therefrom.

REAL ESTATE/SUBDIVISION SIGN: A temporary sign used to advertise the availability, lease, rental or sale of the lot or structure on which it is displayed.

SIGN FACE AREA: The surface area of any sign that is within view of a public right-of-way, visible from any one point of view. The sign face area includes the entire surface within the frame of the sign, and is determined by taking the area of the smallest rectangle that can be placed over the entire sign. Both faces of a double-faced sign shall be used to determine sign face area.

TEMPORARY SIGN: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time, and advertising an event which is intended to occur over a limited duration.

SIGN HEIGHT: Is the vertical distance, measured in feet after sign erection, from the average grade elevation to the highest point of a sign face, frame or post, whichever is higher.

WALL (FACIA MOUNTED) SIGN: A sign which is painted on or attached to the

outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

B. GENERAL PROVISIONS

The following provisions shall apply to all signs located in all zoning districts in the Town of Schuyler:

1. All signs shall be constructed in accordance with New York State Uniform Fire Prevention and Building Code, shall be maintained in a good condition, shall be kept free of defects or hazards and shall not be allowed to become dilapidated or deteriorated. Excessively weathered or faded signs shall be removed or put into a good state of repair. All non-operative or broken interior lighted illuminated signs shall be repaired.
2. No sign shall be erected on a property without the owners permission.
3. No sign requiring a permit shall be erected before the permit is obtained.
4. No sign shall be erected or maintained in such a manner as to project over or above any street or property line. No sign shall be erected in any public right-of-way.
5. Signs shall not be erected or maintained in any location or manner which may constitute a hazard to public safety, health or welfare or may hinder or block the view of an operator of a motor vehicle on any street.
6. A permit is required for all signs except those identified as being exempt or "not requiring a permit". Town Planning Board Site Plan Review is required for all signs with a sign area of one hundred (100) square feet or more.
7. Any sign requiring a permit shall have a sign label permanently affixed to it. The label shall include the following information: the Town's sign permit number, the date the permit was issued, the name, address and telephone number of the person or persons responsible for the maintenance and the property owner's name, address and phone number (if different from above). The design, size and location of the label shall be reasonable and be determined by the Town. The cost to install and maintain the sign label is the responsibility of the person or persons to whom the sign permit was issued.
8. Signs may be erected or maintained only in connection with permitted uses.
9. No signs shall be erected or maintained on the roof or eave of any building.
10. Flashing, rotating, revolving, reflecting, intermittent, portable or mobile signs shall be prohibited.
11. Illumination of signs shall be so arranged so as to prevent direction thereof upon a public street or adjacent premises that may constitute a traffic hazard or public nuisance.
12. No freestanding sign shall exceed twenty-five (25) feet in height.
13. No sign shall be painted, pasted or similarly posted directly upon the surface of any

wall, fence or standard facing the side of any adjoining lot located in any residential district.

14. Signs painted, erected, affixed or maintained on any bench, tree, stone or any natural object in the public right-of-way shall be prohibited.
15. Signs and sign structures attached to the wall of any building shall not extend above the roof line of said building, except as may be otherwise provided for herein.

C. SIGNS EXEMPT FROM REGULATION

The following types of signs shall not be subject to the provisions of this Article:

1. Signs of a duly constituted governmental body, including, but not limited to, traffic and similar regulatory devices, legal notices or warnings at railroad crossings.
2. Flags or emblems of political, civic, charitable, educational or religious organizations.
3. Memorial or historical signs or markers.
4. Snipe signs erected on a parcel ten acres or larger with a sign area no larger than one square foot used for the purpose of a no trespassing or posted notification. This sign must be erected and maintained in conformance with NYS Department of Environmental Conservation regulations.
5. Signs of a holiday theme during the months of December and January providing that no audible or lighting device is placed, directed or beamed upon a street, or another parcel or causes glare, reflection or sound that may constitute a traffic hazard or public nuisance.

D. SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following types of signs may be erected and maintained in the Town of Schuyler without a permit from the Town Zoning Enforcement Officer Inspector, provided such signs comply with the general requirements of this Ordinance and other conditions specifically imposed by this Article.

1. Nameplate Signs
 - a. There shall be one (1) nameplate sign for each family occupying a single or two-family residential structure.
 - b. The maximum sign face area of a nameplate sign shall be two (2) square foot.
 - c. The maximum height to the top of a freestanding nameplate sign shall be five (5) feet.
 - d. The maximum height to the top of a wall mounted nameplate sign shall be twelve (12) feet or the height of the first level of the structure, whichever is

lower.

- e. The required minimum setback for nameplate signs shall be ten (10) feet from all property lines, unless the sign is attached to a mailbox within the public right-of-way.

2. Real Estate and Subdivision Signs

- a. A real estate sign may only be erected on the property advertised in the sign message as being that property for sale or lease.
- b. A subdivision sign may be erected on any portion of the property to be subdivided and sold.
- c. The sign face area of any real estate sign shall not exceed six (6) square feet for properties located in residential districts.
- d. The sign face area of any real estate sign shall not exceed twenty-four (24) square feet for properties located in all other districts.
- e. The sign face area of any subdivision sign shall not exceed sixteen (16) square feet for properties located in residential districts.
- f. The sign face area of any subdivision sign shall not exceed thirty-two (32) square feet for properties located in all other districts.
- g. Not more than one (1) real estate or subdivision sign shall be placed upon a property, except for the following:
 - i. If a property fronts on more than one street, one (1) sign may be erected on each frontage.
 - ii. If a property has more than two hundred (200) feet of continuous frontage on one street, one (1) sign may be placed every two hundred (200) feet along the property frontage.
- h. Real estate signs shall be removed from the property within fourteen (14) days of the sale or lease of same.
- i. Subdivision signs shall be removed from the property within thirty (30) days of the sale of seventy-five percent (75%) of the lots in the originally approved subdivision.

3. Construction Signs

The sign face area of construction signs shall not exceed sixteen (16) square feet per sign face or thirty-two (32) square feet in total sign face area per lot. This type of sign may be erected no earlier than thirty (30) days prior to the start of construction and shall be removed no later than fourteen (14) days after construction is completed, and in no case shall exceed one hundred eighty (180) days total on the property.

4. Directional Signs

Small signs displayed for the direction or convenience of the public, including, but not limited to, signs which identify rest rooms, telephones, freight/delivery entrances, parking areas and public walkways, with sign face area not exceeding four (4) square feet per sign and a total sign face area of twenty (20) square feet per lot.

5. Event Signs

Signs announcing a campaign drive, election or other event of political, civic, charitable, educational or religious organizations. Such signs shall not exceed twelve (12) feet in height or thirty-two (32) square feet in sign face area and shall be removed within ten (10) days following the end of the campaign, the election or the event.

6. Neighborhood Signs

One neighborhood sign, not to exceed thirty-two (32) square feet in area, shall be permitted for the purposes of identification of a neighborhood, subdivision or development. This sign shall not be located in the public right-of-way and there shall be only one such sign permitted for each neighborhood, subdivision or development.

E. SIGNS PERMITTED BY ZONING DISTRICT

1. RESIDENTIAL DISTRICTS (R-1, R-2, R-A, R-M)

A. Single-Family, Two-Family and Multi-Family Dwellings

Only nameplate, real estate/subdivision, construction and event signs and signs associated with a home occupation are allowed accessory to single-family, two-family and multi-family dwellings and manufactured homes. (NO SIGN PERMIT REQUIRED)

B. Family Day Care Homes, Group Family Day Care Homes, Bed and Breakfasts

Only one (1) externally illuminated freestanding or fascia mounted sign is permitted on a property. The maximum sign face area shall not exceed two (2) square feet and the height to the top of such sign shall not exceed five (5) feet. The sign shall be setback from all property lines a minimum of eight (8) feet. (SIGN PERMIT REQUIRED)

C. Religious Institutions, Hospitals and Nursing Homes, Schools, Day Care and Child Care Centers (Operated in conjunction with and accessory to a religious institution or school)

One (1) externally illuminated freestanding or fascia mounted identification sign not to exceed thirty-two (32) square feet in sign face area is permitted. The height to the top of the sign shall not exceed eight (8) feet and the sign shall be set back from all property lines a minimum of ten (10) feet. If the property in question has frontage on more than one street, a separate sign may be erected on each frontage. (SIGN PERMIT REQUIRED)

D. Nurseries, Manufactured Home Parks

One (1) externally illuminated freestanding or fascia mounted business identification sign not to exceed sixty-four (64) square feet in sign face area is permitted. The height to the top of the sign shall not exceed ten (10) feet and the sign shall be set back from the front property line a minimum of ten (10) feet and from the side property lines a minimum of fifteen (10) feet. (SIGN PERMIT REQUIRED)

E. Agricultural Operations

One (1) externally illuminated freestanding or fascia mounted sign advertising an operating farm or the sale of agricultural products grown or produced on the property may be erected, not exceeding thirty-two (32) square feet in sign face area or eight (8) feet in height. The sign shall be setback from all property lines a minimum of eight (8) feet. (SIGN PERMIT REQUIRED)

F. All Other Principally and Specially Permitted Uses in the R-1, R-2, R-A and R-M Zoning Districts

Any sign to be erected accessory to a principally permitted or specially permitted use in all residential districts shall be governed by the standards of the commercial district regulations. Any sign erected accessory to a legal nonconforming use in all residential districts shall require Site Plan Review by the Planning Board. (SIGN PERMIT REQUIRED)

NOTE: ADVERTISING SIGNS ARE NOT PERMITTED IN RESIDENTIAL DISTRICTS

2. COMMERCIAL DISTRICTS (C-H, C-I)

- a. Single-Family and Two-Family Dwellings, Family Day Care Homes, Group Family Day Care Homes, Bed and Breakfasts, Manufactured Homes, Religious Institutions, Schools, Day Care and Child Care Centers (Operated in conjunction with and accessory to a religious institution or school)

The regulations covering signs permitted accessory to these uses are the same as specified for the residential districts.

- b. All Other Permitted and Specially Permitted Uses

The following requirements shall apply to all signage accessory to permitted commercial uses in the C-H and C-I zoning districts (SIGN PERMIT REQUIRED FOR ALL BUSINESS SIGNS):

- i. Area

The total sign face area, in square feet, of all business signs on a lot in the C-2, Highway Commercial district shall not exceed two times (2x) the lineal feet of street frontage. Only one freestanding business sign, not to

exceed three hundred (300) square feet in sign face area, shall be permitted for each zoning lot and will be located fronting on the principal street.

ii. Projection

No sign, when attached to the wall of a building, shall project more than thirty-six (36) inches from the face of the wall of such building.

iii. Height

The height to the top of a business sign in the C-H and C-I districts, whether freestanding or fascia mounted, shall not exceed twenty-five (25) feet and no business sign shall extend more than five (5) feet above the roof line of any building.

iv. Setback

All business signs in the C-H and C-I districts shall be setback a minimum of fifteen (15) feet from the front property line and twenty (20) feet from both side property lines.

c. Shopping Centers, Office Buildings

For shopping centers and office buildings with three (3) or more tenants, one freestanding directory sign, in addition to those allowed under the previous subsection (b) above, shall be permitted subject to the following conditions (SIGN PERMIT REQUIRED FOR ALL DIRECTORY SIGNS):

i. Conflict

A directory sign shall not be permitted on any lot where a freestanding business sign exists.

ii. Content

Such sign shall advertise only the name and location of such shopping center or office building, and the name and type of business or profession of each occupant of the shopping center or office building. A message board may be incorporated as part of a shopping center directory sign.

iii. Area

The sign face area, in square feet, of a directory sign in the C-H and C-I districts shall not exceed two times (2x) the lineal feet of street frontage on such zoning lot, not to exceed a maximum gross sign face area of three hundred (300) square feet.

iv. Height

The maximum height to the top of a directory sign shall not exceed twenty-five (25) feet.

v. Setback

All directory signs shall be setback a minimum of fifteen (15) feet from the front property line and twenty (20) feet from both side property lines.

3. C-T (COMMERCIAL-TELECOMMUNICATIONS DISTRICT) & F-P (FLOODPLAIN DISTRICT)

a. All Permitted Uses

The following requirements shall apply to all signage accessory to any permitted and specially permitted uses in the C-T and F-P zoning districts (SIGN PERMIT REQUIRED):

i. Area

The total sign face area, in square feet, of all business signs on a lot in the C-T, Commercial-Telecommunications and F-P Floodplain districts shall not exceed sixty (60) square feet.

ii. Projection

No sign, when attached to the wall of a building, shall project more than twelve (12) inches from the face of the wall of such building.

iii. Height

The height to the top of a business sign in the C-T and F-P districts, whether freestanding or fascia mounted, shall not exceed fifteen (15) feet and no business sign shall extend above the roof line of any building.

iv. Setback

All business signs in the C-T and F-P districts shall be setback a minimum of twenty (20) feet from the front property line and twenty-five (25) feet from both side property lines.

NOTE: ADVERTISING SIGNS ARE NOT PERMITTED IN THE C-T, COMMERCIAL-TELECOMMUNICATIONS AND F-P FLOODPLAIN DISTRICTS

4. ADVERTISING SIGNS

The following regulations shall apply to all advertising signs in the Town of Schuyler:

- a. Advertising signs shall be considered a specially permitted use and shall require the issuance of a special use permit.
- b. Advertising signs shall only be allowed in the C-H and C-I zoning districts.
- c. No advertising sign shall be permitted within two hundred (200) feet of a public street, within three hundred (300) feet of any residential property, within five hundred (500) feet of another advertising sign or within seven hundred fifty (750) feet of any park, school, church, government building or similar institutional use.
- d. No advertising sign shall exceed twenty-five (25) feet in height from ground level or four hundred (400) square feet in sign face area.
- e. No advertising sign shall be painted upon the surface area of any building.
- f. No advertising sign shall be erected on the top of any building.
- g. All advertising signs shall have a minimum setback of twenty (20) feet from the front property line and thirty (30) feet from both side and rear property lines.
- h. The name of the person(s) erecting and maintaining such sign shall be plainly marked on such sign in a manner prescribed by the Codes Enforcement Officer.

5. ADMINISTRATION

a. Application for Permit

Application for a sign permit shall be made in writing on forms provided by the Zoning Enforcement Officer and shall contain the following information:

- i. Name, address and telephone number of the applicant and the owner of the property (if different).
- ii. Location of the building or real property upon which the sign is to be attached or erected.
- iii. A drawing (to scale) shall be submitted which shows the lettering, symbols, materials, colors, and/or pictorial matter composing the sign.
- iv. The method of illumination, if any, and the position of lighting or other extraneous devices.
- v. Written consent of the property owner (if different from the applicant), or a copy of a contract between the applicant and property owner.

b. Fees

The applicant, upon issuance of a sign permit, shall pay to the Town a fee in

accordance with the following schedule:

TO BE DETERMINED BY THE SCHUYLER TOWN BOARD

SECTION 14.24 MAINTENANCE OF PROPERTY

- A. All properties within the Town of Schuyler shall be maintained in a manner which conforms with the Property Maintenance Code of New York State and the New York State Fire Prevention Code, or their successor(s). The exterior area of the property shall be maintained in a manner so as not to cause measurable depreciation in property values. No property used for commercial purposes shall have any outdoor accumulation of used machinery, equipment, parts, appliances, electronic equipment, including, but not limited to, other miscellaneous items of property collected for, or as a result of, the dismantling, salvaging, and/or sale of those items or the parts thereof. The Zoning Board of Appeals, however, may grant a special use permit for a Materials Storage Area, pursuant to the provisions of Article 15 of this Ordinance. A 12 month (one year) "grandfather" clause will be allowed to provide existing businesses with an adequate time period in which to fully comply with the ordinance.
- B. No property owner in the Town of Schuyler shall allow the grass in the front yard of their property to exceed a height of ten (10) inches. Any property owner found in violation of this regulation shall be notified in writing by the Zoning Enforcement Officer and given fourteen (14) days to correct the violation. If the property owner does not comply within the allotted time, the Town of Schuyler may cut the grass and bill the cost of the cutting to the property owner by adding it to the owner's next tax bill.

SECTION 14.25 SANITATION

- A. Pursuant to the authority vested in the Commissioner of Health by Section 201(1)(I) of the Public Health Law, Appendix 75-A of Part 75 of the Administrative Rules and Regulations contained in Chapter II of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, is REPEALED in its entirety and replaced by a new Appendix 75-A.
- B. Storm and Surface Drainage
 - 1. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools.
 - 2. Storm drainage shall be conveyed to an adequate and approved system of storm water disposal where available. Storm drains shall not discharge onto the sidewalk, street or adjacent property in such a manner as to create a nuisance or hazard.
- C. Garbage & Refuse
 - 1. The Rules and Regulations of the State of New York and the Oneida-Herkimer County Solid Waste Management Authority shall govern the collection, storage, handling and disposal of garbage and refuse.

2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
3. In multi-family dwellings, it shall be prohibited to store or accumulate garbage or refuse in public halls or stairways.

D. Pests

1. Grounds, buildings and structures shall be maintained free of vermin and rodents. Extermination of such pests shall be by a method which conforms to generally accepted practices.

SECTION 14.26 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

A. MANUFACTURED HOMES

1. All manufactured homes located or installed after the effective date of this Ordinance or its amendments shall comply with the State Code for Construction and Installation and Standards, Rules and Regulations for Manufactured Homes, effective January 15, 1974, and as it may be amended.
2. A permit shall be required for any addition or alteration to the manufactured home and such permit shall include a provision for removing the structural addition at such time as the manufactured home is removed or relocated, unless a Certificate of Compliance is granted.
3. An approved metal, wood, vinyl or other suitable skirting or framing, properly ventilated and attached shall enclose that area from the bottom of the floor line of the manufactured home to the ground.

B. MANUFACTURED HOME PARKS

All proposed manufactured home parks shall be subject to and developed in accordance with the provisions of this Ordinance, particularly Article 13, Site Plan Review and the following regulations:

1. A manufactured home park shall have a minimum lot size of five (5) acres.
2. Within the manufactured home park, the minimum distance between individual manufactured homes shall be thirty (30) feet. This minimum distance shall be maintained with regard to any additions, structures and/or projections from the main building, except that unenclosed steps, awnings and one utility shed are exempt from this thirty (30) foot minimum requirement.
3. Replacement of manufactured homes in existing parks will only be permitted where existing clearance limits are maintained or the thirty (30) foot minimum requirement is met, whichever is less.

4. Utility sheds in a manufactured home park shall be restricted to a maximum area of ten (10) feet long by ten (10) feet wide by eight (8) feet in height and shall be located a minimum of seven (7) feet from the manufactured home. A building permit shall be obtained prior to commencing construction.
5. A building permit shall be required for any addition or alteration to the manufactured home and such permit shall include a provision for removing the structural addition at such time as the manufactured home is removed or relocated.

6. Sanitary Facilities

- a. Water and Sewer

- All water supply and sewage disposal systems shall be approved by the New York State Department of Health and/or the Department of Environmental Conservation, as is applicable.

- b. Storm and Surface Drainage

- The standards of Section 14.25B shall apply.

- c. Garbage and Refuse Disposal

- The standards of Section 14.25C shall apply.

6. Utility and Fuel Installations

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

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

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

7. Roadways

- a. All internal roadways within a manufactured home park shall have a paved or stone course maintained in a dust-free manner. The minimum width of such roads shall be twenty-two (22) feet for two-way traffic and fifteen (15) feet for one-way traffic.

- b. There shall be no dead-end streets in any manufactured home park. A cul-de-sac or “Y” turnaround will be provided in accordance with those provisions set forth in the Town Subdivision Regulations.
- c. No manufactured home shall be located within twenty (20) feet of any internal roadway or within fifty (50) feet of a public road right-of-way.

8. Off-street Parking

A minimum of two (2) off-street parking spaces shall be provided for each manufactured home lot in the manufactured home park. This parking space shall be located on the manufactured home lot and not within the required road and shoulder area.

9. Recreation Area

An open space area of at least ten (10) percent of the total land area of the park and suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed manufactured home park. No such open space area shall be placed in any designated floodplain or wetland.

10. Improvements

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

11. Records

- a. Each manufactured home within the manufactured home park shall bear a readily identifiable number.
- b. Each manufactured home park shall contain an office on the premises in which shall be maintained a book recording the names of each household head and the manufactured home number.

12. Permits

No manufactured home park shall be established in the Town until a Permit has been applied for and granted in compliance with this Ordinance. Site Plan Review and approval by the Town Planning Board is required for such a Permit to be issued. Application for a Permit to develop and operate a manufactured home park shall be made in accordance with the procedures outlined in Article 13 of this Ordinance. In addition, the applicant shall provide proof of approval of the County and State Health Departments with regard to all matters under their jurisdiction.

13. License

- a. The manufactured home park owner shall not permit occupancy of any manufactured home in the park until a license to operate has been issued.
- b. After such time that all conditions specified for the establishment of the manufactured home park , including site plan approval from the Planning Board, have been met, the Zoning Enforcement Officer shall issue an initial operating license.
- c. All licenses shall be effective until December 31 of the calendar year of their issuance. An application for renewal of an operating license, accompanied by the required application fee, shall be made to the Town Clerk at least thirty (30) days prior to the expiration date of the previous license. Upon recommendation of the Zoning Enforcement Officer, the Town Board shall authorize or deny such license in accordance with the requirements set forth in this section.
- d. A temporary license to operate may be requested by the park owner prior to completion of the park. The Zoning Enforcement Officer may, upon approval of the completed portion, issue a temporary operating license for a specified number of homes. The Zoning Enforcement Officer may, from time to time, re-issue the temporary operating license increasing the number of manufactured homes specified for occupancy.
- e. All temporary operating licenses shall be effective until December 31 of the calendar year of their issuance. An application for renewal of a temporary operating license shall be made to the Town Clerk at least thirty (30) days prior to the expiration date of the previous license. Upon recommendation of the Zoning Enforcement Officer, the Town Board shall authorize or deny such license in accordance with the requirements set forth in this section.
- f. Licenses shall not be transferred or reassigned and become void upon the transfer or change of ownership of the property.
- g. If the Town Board, upon inspection, finds that a licensed manufactured home park is not being maintained in a clean and sanitary condition or that such manufactured home park is not being operated in conformance with the provisions of this Ordinance, it shall serve an order, in writing, upon the holder of such license or the person in charge of such manufactured home park. The order will state that corrective action with regard to the conditions specified therein shall commence within ten (10) days of the service of such order and be completed within thirty (30) days. If after the expiration of such period, such conditions remain unchanged or are not corrected in accordance with the order of the Board, the Board shall an order, in writing, upon the holder of such license or the person in charge of such manufactured home park to appear before the Town Board at a time and place to be specified in

such notice, and show cause why such license should not be revoked. The Town Board may, after a hearing, revoke such license if the holder has violated the regulations applicable to such manufactured home park or any of the other provisions of this Ordinance. Upon the revocation of such license, the premises shall forthwith cease to be used for the purpose of a manufactured home park and all occupants shall be removed therefrom.

SECTION 14.27 ADULT ORIENTED USES

For regulations governing adult oriented uses, please refer to Local Law No. 1 of 1997.

SECTION 14.28 PRIVATE MOTOR VEHICLE SALES

Motor vehicles may be sold on premises other than by a registered dealer at a registered place of business in the Town of Schuylers subject to the following conditions:

- A. There shall be no more than one (1) vehicle offered for sale at a time.
- B. A maximum of five (5) vehicles may be sold on the premises in any twelve (12) consecutive month period.
- C. A permit shall be required for the sale of a motor vehicle under this section.
 - 1. An application for a permit shall be made to the Town Clerk, and shall include the following information:
 - a. The name of the person offering the vehicle for sale.
 - b. h. The address of the premises where the vehicle will be offered for sale.
 - c. The name of the property owner, if different from the seller.
 - d. The make, model, color and vehicle identification number of the motor vehicle.
 - e. There shall be no charge for a permit.
 - 2. A permit will be valid for a period of one year.
 - 3. A separate permit shall be required for each vehicle offered for sale.
 - 4. The permit shall be prominently displayed on the vehicle offered for sale so as to be readily visible from the highway.
- D. A motor vehicle offered for sale under this section shall be located no closer than fifteen (15) feet from the property line.

- E. The residential motor vehicle sales permit shall be prominently displayed on the vehicle offered for sale so as to be readily visible from adjacent roadways.
- F. Any motor vehicle offered for sale on a residential property shall be located no closer than fifteen (15) feet from any front or side property line.

ARTICLE 15 SPECIAL USE PERMITS

SECTION 15.01 PURPOSE

This Article is intended to provide regulations for Special Use Permits as authorized under New York State Town Law, Section 274-b, entitled "Approval of Special Use Permits." A Special Use Permit is the authorization of a particular land use, which is permitted in the Zoning Ordinance, subject to conditions imposed by this Ordinance through the Zoning Board of Appeals, to assure that the proposed use is in harmony with the Zoning Ordinance and will not adversely affect the neighborhood if such conditions are met. Among the purposes of the Special Use Permit standards of this Article are to accomplish the following:

- A. Provide a mechanism for public input on decisions involving more intense land uses.
- B. Establish criteria for both new development and infill/redevelopment consistent with the Town's land use goals and objectives
- C. Regulate the use of land on the basis of impact to the Town overall, and adjacent properties in particular.
- D. Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner.
- E. Ensure uses can be accommodated by the environmental capability of specific sites.
- F. Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- G. Provide greater flexibility to integrate land uses within the Town.

This Article provides general standards for all Special Uses, as well as specific standards for certain higher impact uses. The process for review of a Special Use involves a Public Hearing at the Zoning Board of Appeals, prior to their decision. Upon approval of any Special Use by the Zoning Board of Appeals, a Special Use Permit will be issued.

SECTION 15.02 APPLICATION, REVIEW AND APPROVAL PROCEDURES

The procedure for Special Use review shall be as follows:

- A. An applicant for a Special Use Permit shall submit an application to the Town Zoning Enforcement Officer. The application shall contain the following:
1. Name of proposed development.
 2. Common description of the property, complete legal description and address, if available.
 3. Dimensions of land: width, length, acreage and frontage.
 4. Existing zoning classification and zoning of all adjacent properties.
 5. Proposed use of land.
 6. Name, address, and phone number of:
 - (a) Firm or individual who prepared the application.
 - (b) Legal owner of the property.
 - © Applicant (including basis of representation).
 7. Signature of the legal owner and the Applicant.
 8. A site plan, prepared in accordance with the provisions of Article 13, Site Plan Review, of this Ordinance.
 9. Copies of any required traffic impact study.
- B. The Zoning Board of Appeals shall conduct a public hearing within sixty-two (62) days from the day a complete application is received and accepted on any matter referred to it under this section. This time period shall not commence on incomplete applications. Public notice of said hearing shall be printed in a newspaper of general circulation in the town at least ten (10) days prior to the date thereof. Adjoining property owners shall also be sent written notification of the hearing as said property owners addresses appear on the latest completed assessment roll of the Town. The notice shall state when and where the Special Use Permit request will be considered, state where written comments will be received and the date, time and place of the public hearing.
- C. At least ten (10) days before such hearing, the Zoning Board of Appeals, through its administrator, shall mail notices thereof to the applicant and to the County, which notice shall be accompanied by a full statement of the matter under consideration.
- D. The Zoning Board of Appeals shall conduct the required public hearing.
- E. The Zoning Board of Appeals shall review the application in terms of the General Review Standards of Section 15.03.

- F. The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article Eight of the Environmental Conservation Law and its implementing regulations.
- G. The Zoning Board of Appeals shall decide upon the application within sixty-two (62) days after the conduct of the hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals.
- H. The Zoning Board of Appeals shall either approve, approve with conditions (as described below in Section 15.04) or deny the Special Use Permit.
- I. If Site Plan Review by the Planning Board is required for the specially permitted use, this review may be done concurrently with the approval of the Special Use Permit by the Zoning Board of Appeals.
- J. The decision of the Zoning Board of Appeals on the application after the holding of a public hearing shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- K. Upon approval of an application for a Special Use Permit, the Town Zoning Enforcement Officer shall issue the permit. The Zoning Enforcement Officer shall be responsible for ensuring any conditions attached to the approval of the Special Use Permit are implemented.

SECTION 15.03 GENERAL REVIEW STANDARDS FOR ALL SPECIAL USE PERMITS

Prior to approving a Special Use Permit application, the Zoning Board of Appeals shall require the following general standards shall be satisfied for the use at the proposed location. The Zoning Board of Appeals shall determine all of the following are met:

- A. The Special Use will be consistent with the land use goals and objectives of the Town of Schuyler.
- B. The Special Use will be consistent with the stated intent of the zoning district.

- C. The off-street parking spaces required are adequate to handle the use being requested.
- D. The Special Use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar Impacts.
- E. The Special Use can be served adequately by public facilities and services such as sufficient roadway capacity, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.
- F. The use will not cause undue traffic congestion or create a traffic hazard.

SECTION 15.04 CONDITIONS OF APPROVAL

- A. Prior to granting any Special Use Permit, the Zoning Board of Appeals may impose any additional conditions or limitations deemed necessary for protection of the public health, safety and welfare. Such conditions shall ensure compliance with the standards in this Ordinance, other town ordinances and applicable state or federal regulations.
- B. Approval of a Special Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property.
- C. A record of conditions imposed shall be made a part of the Zoning Board of Appeals minutes and maintained by the Town Zoning Enforcement Officer. The conditions shall remain unchanged unless an amendment to the Special Use Permit is approved by the Zoning Board of Appeals.
- D. The Town Zoning Enforcement Officer shall make periodic investigations of developments authorized by Special Use Permit to determine continued compliance with all requirements imposed by the Zoning Board of Appeals and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Use Permit shall constitute grounds to terminate said approval following a public hearing.

SECTION 15.05 VALIDITY OF PERMIT

- A. Where actual physical construction of a substantial nature of structures authorized by a Special Use Permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate. (Note: It is the responsibility of the applicant to request such an extension).
- B. Upon written application filed prior to the termination of the one (1) year period as provided above, the Zoning Board of Appeals may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.
- C. Any approved Special Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- D. Any use for which a Special Use Permit has been granted and which ceases to continuously operate for a six (6) month period shall be considered abandoned, and the Special Use Permit shall become null and void.

SECTION 15.06 SPECIAL ISSUES

- A. Amendments

Any person or agency who has been granted a Special Use Permit shall notify the Town Zoning Enforcement Officer of any proposed amendment to the approved site plan of the Special Use Permit. The Zoning Enforcement Officer shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with Article 13. A major amendment to a Special Use permit shall comply with the application and review procedures contained in this Article.

B. Expansions or Change in Use

The expansion, change in use or redevelopment of any use operating under a Special Use Permit shall require resubmittal in the manner described in this Article. A separate Special Use Permit shall be obtained for each use requiring Special Use review on a lot, or for any expansions of a Special Use which has not previously received a Special Use Permit. If a use regulated as a Special Use ceases operations for more than six (6) months, a new Special Use Permit shall be required.

C. Restrictions on Resubmittal of a Special Use Permit Request:

No application for a Special Use Permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Zoning Board of Appeals. A resubmitted application shall be considered a new application.

SECTION 15.07 REVOCATION

Revocation of a Special Use Permit may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A. The Zoning Board of Appeals, through its designated administrators, shall notify the recipient, in writing, of any violations of Town codes or provisions of the Special Use Permit.
- B. The recipient shall have thirty (30) days to correct all deficiencies to the satisfaction of the Zoning Board of Appeals.
- C. If after thirty (30) days any deficiencies remain, the Zoning Board of Appeals may then revoke the Special Use Permit, or if the conditions warrant, allow additional time.
- D. A repeat violation shall cause immediate revocation of the Special Use.

SECTION 15.08 SPECIFIC REQUIREMENTS BY USE

The following section identifies specific requirements for individual Special Uses, as determined by the Zoning Board of Appeals, in addition to the general standards of Section 15.03.

A. Motor Vehicle Washing Establishments

1. Only one (1) ingress/egress driveway shall be permitted on any single street unless the Zoning Board of Appeals determines additional driveways will be necessary to ensure safe and efficient access to the site.
2. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Zoning Board of Appeals may require landscaping, including a berm, as an alternative.
3. All washing facilities shall be within a completely enclosed building.
4. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.
5. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as may be required in Section 14.22 G., Off-Street Parking & Loading.
6. Truck washes must be at least one hundred (100) feet from all property lines and entirely screened from residential uses. The screening shall include both a solid fence or wall and landscaping.

B. Motor Vehicle Repair Stations or Service Stations

All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a single family residential district.

1. There shall be a minimum lot frontage on a paved road of two hundred (200) feet.
2. Overhead doors shall not face a public street or residential district. The The Zoning Board of Appeals can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of landscaping.
3. Where adjoining a residential district, a fence six (6) feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition. The Zoning Board of Appeals may approve a landscaped berm as an alternative.

4. All repair work shall be conducted completely within an enclosed building.
5. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
6. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck is prohibited beyond one (1) day.

C. Convenience Stores (with Gasoline Sales)

1. There shall be a minimum lot frontage of two hundred (200) feet.
2. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be, set back at least 15 feet from any lot line.
3. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and shall be constructed with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Zoning Board of Appeals and approved only upon finding of compatibility with the surrounding area. The canopy shall be no higher than the building and it must be attached to the building.
4. Only one driveway shall be permitted from each street unless the Zoning Board of Appeals determines additional driveways will be necessary to ensure safe and efficient access to the site.
5. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Zoning Board of Appeals may require landscaping, including a berm, as an alternative.
6. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the approved site plan and which extends no more than ten (10) feet beyond the building.
7. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the

premises, in accordance with State requirements

D. Bed and Breakfasts

1. Sufficient parking for the rooms shall be located off-street and shall not be located in the front yard.
2. No bed-and-breakfast inn shall be located closer than three hundred (300) feet to another bed-and-breakfast inn.
3. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.
4. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.
5. There shall be a maximum of four (4) rooms for lodging.
6. Sufficient landscaping shall be used to screen adjacent residences from parking areas or any outdoor eating area.
7. A sketch plan showing the floor plan shall be submitted for approval.
8. Sign materials are to be comparable with the architecture of the building.

E. Religious Institutions

1. Minimum lot area shall be three (3) acres for any religious institution with a seating capacity of over five hundred (500) persons plus an additional fifteen thousand (15,000) square feet for each additional one hundred (100) persons of seating capacity.
2. All vehicular access to the site shall be onto a paved public road.
3. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five (5) feet in height shall be provided. The Zoning Board of Appeals may reduce this buffer based on the presence of existing trees or topographic conditions.
4. The Zoning Board of Appeals may require a Traffic Impact Study, particularly if the religious institution has a seating capacity of over

five hundred (500) persons or will have services or activities during peak times on the roadway, or if there are other religious institutions in the vicinity which could create traffic conflicts.

F. Essential Services

1. Electric or gas regulator equipment and apparatus, water pumping stations and other similar facilities shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities can not be located in the required front yard.
2. The buildings shall be architecturally compatible with the surrounding buildings as determined by the Planning Board.
3. The minimum lot size shall be one (1) acre.
4. Such facility shall not be located on a residential street unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
5. Essential public service storage yards shall be screened from any adjacent residential district by a solid fence a minimum of six (6) feet in height or by a heavily landscaped buffer.
6. An open fence a minimum of six (6) feet in height shall be constructed on the boundary property lines.

G. Commercial Kennels

1. For kennels housing dogs, the minimum lot size shall be five (5) acres.
2. Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to property lines and shall not be located in any required front, rear or side yard setback area.
3. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e, fencing, sound-proofing sanitary requirements).
4. Such facilities shall be required to have concrete surfaces for all dog runs including an approved system for runoff and waste collection/disposal.

5. The facility shall be licensed by the appropriate County and/or State agency.
6. An operations/management plan shall be submitted to and approved by the Zoning Board of Appeals.

H. Campgrounds

Campgrounds for recreational living units and/or cabins shall be subject to the following conditions:

1. Minimum lot size shall be five (5) acres.
2. All activities are confined to an area at least five hundred (500) feet from any lot line.
3. Development features, including the principal and accessory buildings and structures, shall be located and related to minimize adverse affects on adjacent properties. Minimum setbacks for any buildings, structures or use areas shall be two hundred (200) feet from any property line abutting a residential district and one hundred twenty-five (125) feet from any other district or surface water body, including wetlands. Where topographic conditions are such that they provide a screen and shield, the Zoning Board of Appeals may modify these requirements.
4. Each individual camp site, not solely occupied by a tent, shall be at least two thousand (2,000) square feet in area.
5. Each camp site or cabin shall be provided with individual water and sewer hookups approved by the County or State Health Department or have convenient access to approved service buildings containing toilets, sinks and/or showers.
6. A dumping station shall be provided for those travel trailers which have self-contained toilet facilities.
7. Access roads shall be a minimum of eighteen (18) feet in width for two-way traffic and twelve (12) feet for one-way traffic. There shall be no dead-end streets in any campground.
8. An open space area of at least ten (10) percent of the total land area shall be designated and used for recreation and play purposes. No part of any such open space shall be placed in any designated floodplain or wetland.

9. Upon approval of a Special Use Permit by the Zoning Board of Appeals, an operating license will be granted to the applicant by the Zoning Enforcement Officer. Said license will be valid for a period of one (1) year, and shall be renewable on a yearly basis, provided the conditions under which the original license was granted have not changed.

I. Outdoor Recreation Establishments, Golf Courses and Driving Ranges

1. The site shall have the minimum lot area as listed in the schedule of regulations for the district in which it is located.
2. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Zoning Board of Appeals.
3. The site shall be located on a paved arterial roadway.
4. No building or play area shall be located within one hundred (100) feet of a property line, and five hundred (500) feet from residential district.
5. The site plan shall be designed to achieve a relationship between the arterial roadway and any proposed service roads, entrances, driveways and parking areas which will contribute to pedestrian and vehicular traffic safety.
6. Parking lots shall be setback at least thirty (30) feet from the street right-of-way and one hundred (100) feet from any property line abutting a residential district.
7. Development features including the principal buildings, accessory structures and playing areas, shall be designed and arranged to minimize any adverse effects upon adjacent property. All principal accessory buildings and storage or maintenance yards shall be at least two hundred (200) feet from any public street right-of-way or property line abutting residentially zoned lands; provided the Zoning Board of Appeals may modify this requirement where topographic conditions, existing vegetation or new landscaping will screen views. In no case shall the setback be less than seventy five (75) feet.
8. All play areas shall be setback a minimum of two hundred (200)

feet from any street right-of-way, a minimum of one hundred (100) feet from any residentially zoned or used property and in case shall be closer than seventy-five (75) feet to any property line. Adequate landscaping shall be provided as a buffer.

9. The site shall be periodically cleared of debris.
10. Operational hours for maintenance of vehicles, course maintenance and/or irrigation may be restricted by the Zoning Board of Appeals to protect nearby residential districts. Maintenance sheds shall not be visible from any adjacent single family residential areas.
11. The Zoning Board of Appeals may restrict lighting and hours of operation for an outdoor recreation use in consideration of surrounding land uses and zoning.

J. Indoor Recreation Establishment

1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any residentially zoned or used property.
2. All uses shall be conducted completely within a fully enclosed building.
3. The building in which the use is to be conducted shall be designed so as to minimize the impact of the noise associated with the use. This may be done through sound-proofing the building or by use of a landscaped buffer.

K. Restaurants and other establishments with drive-in or drive-through facilities

1. Principal and accessory buildings shall be setback sixty (60) feet from any adjacent public right-of-way line or property line. Location shall be along a paved public road
2. Only one (1) access shall be provided onto any Arterial roadway, unless an additional access point is deemed necessary by the Zoning Board of Appeals.
3. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible
4. Outdoor eating areas shall be illustrated on a site plan approved by

the Planning Board if within a Planned Development District; otherwise, by the Zoning Board of Appeals.

5. Where the use abuts a residential district there shall be no outdoor amplification, such as speakers.

L. Shopping Centers

Shopping centers of over 20,000 square feet gross floor area in the C-H district and shopping centers over 60,000 square feet in the C-I district shall meet the standards below. For purposes of calculation, the principal building and all outbuildings including those on outlots, shall be included in calculating the gross floor area threshold for this section.

1. A Traffic Impact Study shall be submitted.
2. The principal building with front parking shall be setback two-hundred-fifty (250) feet from any public right-of-way or property line.
3. The design of regional shopping centers shall ensure that vehicular circulation patterns are designed and regulated to reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the center on adjacent streets.
4. Internal circulation shall be designed such that no intersection includes more than four aisles or drives.
5. Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.
6. Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
7. Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
8. Any building side facing a public street or residential district shall be constructed with brick, fluted block or similar decorative material, unless a landscaped berm is approved by the Planning Board.
9. Any outlots shall have circulation and parking designed to complement the entire site.

M. Commercial Excavation

Except when incidental to the construction of a building on the same lot, the excavation, processing and sale of topsoil, sand, gravel, clay, or other natural mineral deposit, or the quarrying of any kind of rock formation shall require a Special Use Permit from the Zoning Board of Appeals, provided such use will not:

1. Endanger the stability of adjacent land or structures;
2. Constitute a detriment to public health, safety or welfare by reason of excessive dust, noise, traffic congestion or other conditions.

The Zoning Board of Appeals may specify any reasonable requirements to safeguard the public health, safety and welfare, including the following:

1. The slope of material in such topsoil, sand, gravel, clay or other excavation area shall not exceed the normal angle of repose of such material.
2. The top and the base of such slope shall be a minimum of fifty (50) feet from any property line and a minimum of one hundred (100) feet from any street right-of-way.
3. In the case of a quarry or other excavation in rock, the Zoning Board of Appeals may require a substantial fence at all points a minimum of forty (40) feet from the face of any quarry walls.
4. Any commercial excavation shall be operated in accordance with all applicable State and Federal regulations.
5. Restoration and rehabilitation of the commercial excavation area shall be in accordance with the State Mined Land Reclamation Act. The excavation area shall be reclaimed and drained so as to assure adequate rehabilitation of commercial excavation sites.

N. Junk Yard

No junk yard shall be operated or established hereafter in the Town of Schuyler without the approval of a Special Use Permit by the Zoning Board of Appeals. Any such use existing on the effective date of this Ordinance shall be discontinued within two (2) years unless the operation can be brought into compliance with the regulations of this Ordinance. In reviewing an application for a junk yard the Zoning Board of Appeals shall find that such use will not constitute a detriment to the public, health, safety, welfare, convenience and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other conditions.

The Zoning Board of Appeals may specify any reasonable requirements to safeguard the public health, safety and welfare, including the following:

1. Said use shall not be located within two hundred (200) feet of any public road, stream or property line or within five hundred (500) feet of any existing church, school, public building, place of public assembly or residentially zoned or used property.
2. The junk yard shall be completely surrounded with a fence which substantially screens said area and shall have a gate which shall be closed and locked, except during normal operating hours. Such fence shall be a minimum of fifty (50) feet from any property line or street right-of-way. All junk stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during transportation of the same in the reasonable course of the business.
3. No burning of junk materials shall be allowed within the Town of Schuyler.
4. Where the topography, land forms, natural growth of trees or other considerations accomplish the purpose of this provision in whole or in part, the fencing requirements contained herein may be reduced by the Zoning Board of Appeals, provided that such natural barrier conforms with said purposes.
5. Where the topography, land forms, natural growth of trees or other considerations are such as to prevent effective screening, other means shall be designed or the use shall not be allowed in the specified location.

O. Agricultural Sales and Service Establishment

In determining that the purpose, location and characteristics of operation are consistent with the purposes and character of the R-A district and would not interfere with adjacent residential or agricultural uses, the Zoning Board of Appeals shall assure compliance with the following regulations:

1. All buildings and structures erected in connection with such operation and all exterior display of equipment or machinery shall be located a minimum of fifty (50) feet from any lot line and two hundred (200) feet from any existing residence.
2. There shall be no exterior storage or accumulation of dismantled or

disabled equipment or machinery, including any parts thereof.

3. Provision for access drives, parking, fencing, signage, lighting and other aspects of the site plan are in accordance with the regulations of this Ordinance and with any conditions imposed by the Zoning Board of Appeals.

P. Sanitary Landfills

In granting a Special Use Permit to operate a sanitary landfill, the Zoning Board of Appeals shall consider the following:

1. The physical characteristics of the land proposed to be used and its ability to accommodate the anticipated use are appropriate and satisfactory to the nature and scale of the proposed operation.
2. The existing and proposed land use pattern adjacent to the site and the likely impact of the proposed landfill operation on the existing and potential future adjoining land uses are satisfactory to the accommodation of such and consistent with Town land use goals.
3. Traffic considerations relative to the existing road system, its capacity to carry anticipated traffic in conjunction with the proposed operation, points of ingress and egress from the main roadway and the additional volume can be accommodated in a satisfactory manner and without undue adverse impact on any residential area.

Any sanitary landfill operated in the Town of Schuyler shall comply with the following requirements:

1. The entrance driveway shall be located on or within two thousand (2000) feet of a major arterial highway.
2. There shall be at least three thousand (3000) feet separation between the landfill and the nearest residential structure.
3. There shall be a natural or planted landscaping buffer at least fifty (50) feet wide between the landfill and any public roads and between the landfill and any residential structure.
4. The landfill shall be in compliance with all county, state and federal regulations.

In determining the appropriateness of any such proposed use, the Zoning Board of Appeals may require any or all of the following:

1. A plan and detailed description of the proposed operation, including the location, service area and land area.
2. Engineering data with regard to depth to bedrock and ground water.

3. Drainage patterns and means to prevent ground and surface water pollution.
4. Provisions for cover material, fire protection, standby equipment and any weigh station.
5. Planned staging of internal roadways, trenching, fill and cover areas.
6. Grading plan for final elevation and slopes of finished areas, seeding or other ground cover.
7. Fencing for control of dust and scattered refuse.
8. Screening from the public right-of-way and adjoining land uses.
9. Any appropriate or requisite approval by the New York State Department of Environmental Conservation.
10. The establishment of an agreement to an annual licensing procedure whereby the applicant, once authorized to initiate the landfill operation, must apply to the Town Board for an annual license to operate such landfill to assure that the ongoing operation is in compliance with all applicable zoning regulations.

Q. Transfer Stations

Proposed transfer stations in the Town of Schuyler may be granted a Special Permit by the Zoning Board of Appeals, subject to the following conditions:

1. The transfer station shall only handle waste that can be legally handled or disposed of in a municipal solid waste landfill facility. This limitation shall not preclude use of the transfer station site for collection, processing, storage and transfer of recyclable materials or for other waste reduction activities.
2. The entrance driveway shall be located on a major arterial highway.
3. There shall be at least one thousand (1000) feet separation between the transfer station and the nearest residential structure.
4. There shall be a natural or planted landscaping buffer at least ten (10) feet wide between the transfer station and any public roads and between the transfer station and any residential structure.

5. There shall be a solid fence at least six (6) feet in height enclosing the entire transfer station property.

In determining the appropriateness of any such proposed use, the Zoning Board of Appeals may require any or all of the following:

1. A plan and detailed description of the proposed operation, including the location, service area and land area.
2. Drainage patterns and means to prevent ground and surface water pollution.
3. Provisions for cover material, fire protection, standby equipment and any weigh station.
4. Grading plan for final elevation and slopes of finished areas, seeding or other ground cover.
5. Screening from the public right-of-way and adjoining land uses.
6. The proposed lighting for the site.
7. The proposed hours of operation, detailing the hours when trucks would be entering and exiting the site as well as the actual hours the facility would be in operation.
8. Any appropriate or requisite approval by the New York State Department of Environmental Conservation.
9. The establishment of an agreement to an annual licensing procedure whereby the applicant, once authorized to initiate the transfer station operation, must apply to the Town Board for an annual license to operate such transfer station to assure that the ongoing operation is in compliance with all applicable zoning regulations.

In granting a Special Use Permit to operate a transfer station, the Zoning Board of Appeals shall consider the following:

1. The physical characteristics of the land proposed to be used and its ability to accommodate the anticipated use are appropriate and satisfactory to the nature and scale of the proposed operation.
2. The existing and proposed land use pattern adjacent to the

site and the likely impact of the proposed transfer station operation on the existing and potential future adjoining land uses are satisfactory to the accomodation of such and consistent with Town land use goals.

3. Traffic considerations relative to the existing road system, its capacity to carry anticipated traffic in conjunction with the proposed operation, points of ingress and egress from the main roadway and the additional volume can be accomodated in a satisfactory manner and without undue adverse impact on any residential area.
4. Any other considerations which the Zoning Board of Appeals may find applicable to the application.

R. Materials Storage Area

1. The area set aside for material storage shall be designated on the site plan as required by Section 15.02(A)(8) of this article.
2. The maximum land area for materials storage shall be 1200 square feet per acre of land owned by applicant. If a larger area is deemed necessary, an area variance pursuant to Section 18.04(C)(2) of this Ordinance may be applied for.
3. The materials storage area shall be enclosed by a fence that is a minimum of 6 feet high, which contains a locking gate that is adequate to prohibit the entrance of children and others into the storage area. Where said area is or would be visible from a public highway or from neighboring properties, the fence would be made of wood or other materials sufficient to totally screen the storage area from view of roadways or neighboring properties.
4. Only those materials accumulated, salvaged from and/or used as a result of the commercial activity conducted on said property shall be stored in said materials area. Said area is not to be used for the storage of other rubbish and/or garbage as defined in the Property Maintenance Code of New York State.
5. Any other considerations which the Zoning Board of Appeals may find applicable to the application.

ARTICLE 16

STANDARDS FOR NONCONFORMING SITUATIONS

SECTION 16.01 INTENT

A. Legal Nonconformities

Certain existing lots, buildings, structures and uses of land were lawful prior to adoption of the zoning ordinance, but have become nonconforming under the terms of this Ordinance and its amendments. Such nonconformities, particularly nonconforming uses which are more intense than the uses permitted within the zoning district, are declared by this Ordinance to be incompatible with permitted uses and in conflict with the purposes of this Ordinance. An intent of this Ordinance is to permit such legal nonconforming lots, buildings, structures or uses to remain until they are discontinued or removed, but not to encourage their survival, or where discontinuance or removal is not considered feasible, to gradually upgrade such nonconformities to a more conforming status. A nonconforming use, building, structure or combination thereof, shall not be extended, enlarged, expanded or replaced, except as provided herein, and shall not be used as grounds for adding other nonconforming uses, buildings or structures

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Illegal Nonconformities

Any lot, use, building, structure or any combination thereof that was not lawful at the date of adoption of this Ordinance or any amendments shall be classified as an illegal nonconformity and shall not receive any of the rights, privileges or protection conferred by this Article. Such illegal nonconformity shall be in violation of this Ordinance and shall be terminated and removed.

SECTION 16.02 NONCONFORMING LOTS OF RECORD

A lot of record in separate ownership and not contiguous with other lots in the same ownership that existed at the date of adoption or amendment of this Ordinance which fails to meet the requirements for area, width or both, that are applicable in the district, shall be considered to be a legal non-conforming lot. Permitted principal and accessory uses and structures shall conform to the regulations for the district.

- A. A reduction of minimum setbacks and other requirements shall only be permitted upon granting of a variance by the Zoning Board of Appeals.

SECTION 16.03 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. The nonconforming use shall not be enlarged, expanded or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No accessory use, building or structure shall be established;
- C. The nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- D. If such nonconforming use of land ceases for any reason for a period of more than three hundred sixty five (365) days, such use shall not be re-established. Subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 16.04 NONCONFORMING BUILDINGS AND STRUCTURES

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, landscape buffer, off-street parking, loading space, minimum setback, or other characteristics of the structure or its location on the lot, such building or structure may be continued provided it remains otherwise lawful, subject to the following provisions:

A. Permitted Expansions

No such structure may be enlarged or altered in a way which increases its nonconformity, unless a variance is granted by the Zoning Board of Appeals. Nonconforming buildings and structures may be enlarged or altered in a way which decreases its nonconformity or which does not increase its nonconformity provided the costs of alteration or expansion does not exceed fifty percent (50%) of the replacement cost of the building at the time of alteration or expansion. (Example, if the side yard setback is nonconforming, the building may be extended on the other side, rear or front yard provided that those setbacks remain conforming).

B. Replacement of Nonconforming Single Family Dwellings

A nonconforming single family dwelling and its accessory structures may be continued, replaced, repaired or remodeled if damaged by vandalism, fire or natural causes, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change. Replacement of such nonconforming single family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

C. Damaged Nonconforming Buildings and Structures

Except as noted in paragraph B above, a nonconforming building or structure, which is damaged by vandalism, fire or natural causes to an extent of more than sixty percent (60%) of its replacement costs, exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this Ordinance, unless the lot is a nonconforming lot of record, in which case the provisions of Section 16.02 also apply. Such nonconforming building may be replaced provided replacement is commenced within one (1) year of the date of damage and is being diligently pursued toward completion. Failure to complete replacement shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

D. Relocation of a Nonconforming Building or Structure

Should any nonconforming building or structure be relocated or moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.

SECTION 16.05 REPAIRS AND MAINTENANCE

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased (see also Section 16.04 (A)).

- B. A nonconforming structure or any structure containing a nonconforming use that has structurally deteriorated to an extent that it has been condemned by a duly authorized official, and the cost of repair to meet standards for occupancy exceeds fifty (50%) percent of the structure's replacement cost, shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

- C. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE 17 PLANNING BOARD

SECTION 17.01 ESTABLISHMENT AND MEMBERSHIP

The Town of Schuyler Planning Board is created pursuant to Chapter 62, Article 16, Section 271, of the Town Law of the State of New York. The Planning Board shall consist of seven (7) members who shall be appointed by a resolution of the Town Board. The Town Board shall appoint a secretary to the Planning Board and the Planning Board members shall elect a chairperson and vice-chairperson. In the absence of the chairperson, the vice-chairperson shall serve as chairperson. No member of the Planning Board shall be the Town Supervisor, a member of the Town Board or a member of the Zoning Board of Appeals. Each member shall be appointed for a term of seven (7) years.

SECTION 17.02 PROCEDURES OF THE BOARD

The Planning Board by resolution shall determine the time and place of meetings. A special meeting may be called by the chairperson or upon written request by two (2) members of the Planning Board. The presence of four (4) members shall constitute a quorum. The concurring vote of four (4) members of the Planning Board shall be required to decide on any matter upon which the Board is required to pass. The Planning Board shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. A copy of the minutes from all Planning Board meetings shall be filed in the office of the Town Clerk and any decision on a site plan review request shall be dated and filed with the Town Clerk and have copies forwarded to the Town Board for its information and to the Herkimer County Planning Board pursuant to Section 239 of the General Municipal Law of the State of New York.

SECTION 17.03 HEARINGS

The Planning Board shall fix a reasonable time and date for all public hearings, whether required or optional, and shall give public notice by publication in the official newspaper of such public hearing prior to the hearing date in accordance with the schedule in Section 19.06.

SECTION 17.04 JURISDICTION

The Planning Board shall discharge the following duties pursuant to this Ordinance:

- A. Formulation of Zoning Ordinance and Amendments

The Planning Board shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Town Board.

B. Site Plan Review

The Planning Board shall be responsible for review of applications for site plan approval in accordance with Article 13. As provided for in Article 13, the Planning Board shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.

C. Planned Unit Development Review

The Planning Board shall be responsible for the review of all applications for planned development in accordance with Article 12. The Planning Board shall be responsible for making a recommendation to the Town Board to grant approval, approval with conditions, or denial of a Planned Unit Development proposal.

D. Subdivision Review

The Planning Board shall be responsible for reviewing all preliminary and final subdivision plats and making a recommendation on action to be taken by the Town Board.

E. Review of Zoning Board of Appeals Applications

The Planning Board shall review and issue an advisory opinion to the Zoning Board of Appeals on all applications referred to them as provided in Section 18.02.

F. Formulation of a Comprehensive Plan

The Planning Board shall be responsible for formulation, and submission to the Town Board for adoption, of a comprehensive master plan (i.e., the Town of Schuyler Master Plan) as a guide for the development of the Town.

G. Review of Matters Referred by the Town Board

The Planning Board shall be responsible for review of matters relating to land development referred to it by the Town Board. The Planning Board shall recommend appropriate regulations and action on such matters.

ARTICLE 18 ZONING BOARD OF APPEALS

SECTION 18.01 ESTABLISHMENT AND MEMBERSHIP

There is hereby created a Zoning Board of Appeals having the powers authorized under Chapter 62, Article 16, Section 267, of the Town Law of the State of New York. The Zoning Board of Appeals shall consist of five (5) members who shall be appointed by the Town Board. The Town Board shall appoint a secretary to the Zoning Board of Appeals and the Zoning Board of Appeals shall elect a chairperson and a vice-chairperson. In the absence of the chairperson, the vice-chairperson shall serve as chairperson. No member of the Zoning Board of Appeals shall be the Town Supervisor, a member of the Town Board or a member of the Planning Board. Each member shall be appointed for a term of five (5) years.

SECTION 18.02 PROCEDURES OF THE BOARD

The Zoning Board of Appeals shall adopt rules and regulations to govern its procedures. The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or interpretation of the Zoning Enforcement Officer, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance.

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Town Clerk and any decision on a variance request forwarded to the Town Board for its information and to the Herkimer County Planning Board pursuant to Section 239 of the General Municipal Law of the State of New York.

The secretary of the Zoning Board of Appeals shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of public hearing. The Planning Board shall then render an advisory opinion to the Zoning Board of Appeals on the application prior to the date of the public hearing.

SECTION 18.03 HEARINGS

The Zoning Board of Appeals shall fix a reasonable time and date for a public hearing required for every appeal or application and shall give public notice including:

1. Publication in the official paper of a notice of such public hearing at least ten (10) days prior to the date of the hearing.
2. At least ten (10) days prior to the public hearing, mail notices to the parties involved, including adjoining property owners; to the regional state park commission having jurisdiction over any state park or parkways; and to any property affected by such application.

SECTION 18.04 DUTIES AND POWERS

The Zoning Board of Appeals shall perform its duties and exercise its powers so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.

The Zoning Board of Appeals shall hear and decide on only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation, variance, and expansion of nonconforming buildings and structures.

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Enforcement Officer. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Enforcement Officer. Recourse from decisions of the Zoning Board of Appeals shall be to the courts as provided by law.

The Zoning Board of Appeals shall not have the power to alter or change the Zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters for which this Ordinance provides, including:

A. Review

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decisions or determination of the Zoning Enforcement Officer.

B. Interpretation

The Zoning Board of Appeals shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance. Where the Ordinance is clearly silent and the intent is not known, the issue shall not be acted upon but shall instead be referred to the Town Board for consideration of an Ordinance Amendment.
2. Determine the precise location of the boundary lines between Zoning districts when there is dissatisfaction with a decision made by the Zoning Enforcement Officer.
3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. If the use is clearly different from any of the uses indicated in this Ordinance, then the issue shall be referred to the Town Board for consideration of an Ordinance Amendment.

C. Variances

The Zoning Board of Appeals shall have authority in specific cases to authorize variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. Such authority shall be exercised in accordance with the following standards.

1. Use Variance

The ZBA may grant a "use" variance only upon a finding that an unnecessary hardship exists. A "use" variance is a variance that permits a use that is otherwise prohibited in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:

- a. The property cannot be reasonably used for any purpose permitted in the zoning district without the variance.
- b. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- c. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

- d. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

2. Area Variance

The ZBA may grant an area variance only upon a finding that practical difficulty exists. An area variance is a variance from any standard or requirement of the Ordinance, such as, but not limited to, a deviation from density, height, bulk, setback, or parking, landscaping and sign standards and requirements. A finding of practical difficulty shall require demonstration by the applicant of all of the following:

- a. Refer to Section 267.b of Town Law.
- b. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other "non-use" matters will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome.
- c. The variance will do substantial justice to the applicant, as well as to other property owners.
- d. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
- e. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- f. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessor may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.
- g. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural

characteristics of the site and surrounding area will be considered.

SECTION 18.05 VOIDING OF A VARIANCE

Each variance granted under the provisions of this Ordinance shall become null and void unless:

- A. The construction authorized by such variance or permit has proceeded to at least 10% of completion within one hundred and eighty (180) days after the granting of such variance and pursued diligently to completion; or
- B. The occupancy of land or buildings authorized by such variance has taken place within one hundred and eighty (180) days after the granting of such variance.

SECTION 18.06 REHEARING FOR REVIEW OF A VARIANCE DECISION, ORDER OR DETERMINATION

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or interpretation upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or interpretation will not be prejudiced thereby.

SECTION 18.07 REAPPLICATION FOR A VARIANCE

No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from the date of such denial, except on grounds of new evidence of proof of changed conditions found by the Zoning Board of Appeals to be valid.

SECTION 18.08 APPEALS, HOW TAKEN

- A. Appeals to the Zoning Board of Appeals concerning interpretation and administration of this Ordinance may be taken by any person aggrieved or by any Officer of the Town affected by any decision of the Zoning

Enforcement Officer. Appeals shall be taken within a reasonable time, not to exceed thirty (30) days following action by the Zoning Enforcement Officer, by filing with the Zoning Enforcement Officer and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken.

- B. A fee shall be paid to the Town Clerk, at the time of filing the notice of appeal and shall be deposited in the Town's general fund. The appeal fee shall be established by the Town Board.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case.

ARTICLE 19 ADMINISTRATION AND ENFORCEMENT

SECTION 19.01 ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Town of Schuyler Zoning Enforcement Officer.

SECTION 19.02 DUTIES OF THE ZONING ENFORCEMENT OFFICER

The Zoning Enforcement Officer shall have the right and duty to make inspections of all buildings, structures or premises within the Town of Schuyler, whether a permit has been applied for or not, as is necessary to ensure the enforcement of this Ordinance. It shall be unlawful for any Building Permit to be issued unless all plans are found to be in compliance with the provisions of this Ordinance.

The Zoning Enforcement Officer shall record all nonconformities existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 16. Under no circumstances is the Zoning Enforcement Officer permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties. A building Permit shall be issued when conditions imposed by this Ordinance are complied with despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said Permit.

The Zoning Enforcement Officer shall accept any application for a variance, Special Use Permit, Site plan review, zoning amendment or any other action subject to review under the provisions of this Ordinance and shall refer said applications to the appropriate Board for review.

The Zoning Enforcement Officer shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction, or shall take any other lawful action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

SECTION 19.03 VIOLATIONS AND PENALTIES

A. Penalties

Any violation of any provision of this Ordinance is punishable by penalties (fines and/or imprisonment) as provided for in Article 16 of the Town Law

of New York State. Each day during which a violation continues shall be deemed to be a separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

B. Inspection of Violation

The Zoning Enforcement Officer shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance. The order to correct a violation shall be issued by serving personally, or by sending by registered mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs, or when applicable, the violator. A party who has failed to accept such registered mail shall be deemed to have been served.

C. Correction Period

All violations shall be corrected within a period of thirty (30) days after the order to correct is served unless, in the opinion of the Zoning Enforcement Officer, a lesser time period is required because of imminent danger to the health, safety or welfare of the inhabitants of the Town. Any person so served an order to correct a violation who may have good reason why such corrections cannot be initiated may apply to the Zoning Board of Appeals for an extension of the thirty (30) day correction period. If a violation is not corrected within the thirty (30) day time period or any extension thereof by the Zoning Board of Appeals, said violation shall be reported to the Town Attorney, who may initiate prosecution procedures, if indicated. Legal proceedings may be stayed during any period that such violation is pending review by the Planning Board or Zoning Board of Appeals.

SECTION 19.04 COUNTY REFERRALS

Pursuant to Sections 239-l and 239-m of General Municipal Law of the State of New York, certain classes of zoning actions shall be referred to the Herkimer County Planning Board before final action is taken.

The actions to be referred include the following:

A. Any municipal zoning regulation or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of five hundred (500) feet from:

1. Any municipal boundary;

2. The boundary of any existing or proposed County or State Park or other recreational area;
 3. The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 4. The existing or proposed boundary of any County or State owned land on which a public building or institution is situated.
 5. The boundary of any New York State Agricultural District, as defined by Article 25-AA of the Agricultural Markets Law.
- B. And, any special permit or variance affecting such real property within such distance of five hundred (500) feet.

Within thirty (30) days after receipt of such referred matter, the Herkimer County Planning Board shall report its recommendations thereon to the referring municipal body for site plan review.

If the Herkimer County Planning Board fails to report within such period or within such mutually agreed extension thereof, the municipal body may act without such report. If the Herkimer County Planning Department recommends disapproval of the proposal, or recommends modification thereof, the municipal body shall not act contrary except by a vote of majority plus one of its full membership, and after adoption of a resolution fully setting forth the reasons for such contrary action.

SECTION 19.05 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

The basic purpose of the State Environmental Quality Review Act (SEQRA) is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, Regional and Local Government Agencies at the earliest possible time.

To accomplish this goal SEQRA requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the action may have a significant effect, prepare or request an Environmental Impact Statement (SEQRA 6 NYCRR, Part 617, Section 617.1). It is not the intention of this Ordinance to provide detailed direction for the procedure to be followed in association with SEQRA. All applicants and all officers, boards or agencies of the Town should be aware that a proposal for development may be subject to the provisions of SEQRA and that it is their responsibility to ascertain and follow the requirements for compliance with SEQRA. The time and public hearing requirements of

SEQRA and of this Zoning Ordinance shall be coordinated so as to expedite any application or review process.

SECTION 19.06 PUBLIC HEARING

Public notice of any hearing required by this Ordinance to be open to the public shall be printed in the Town Board approved newspaper at least five (5) days prior to the date of a public hearing to consider a site plan application, a special use permit application or hearing of appeal before the Zoning Board of Appeals and at least ten (10) days prior to the date of a public hearing on zoning adoption or amendments. The Board hearing the case shall send written notice to adjoining property owners at said property owners addresses as recorded on the latest completed assessment roll of the Town.

The notice shall describe said application, state where and by what date written comments will be received on the application under consideration and the date, time and place of the public hearing.

ARTICLE 20 ORDINANCE AMENDMENTS

SECTION 20.01 INITIATION OF AMENDMENTS

The Schuyler Town Board may, from time to time, amend, modify, supplement or revise the provisions of this Ordinance and the zoning district boundaries shown on the Official Zoning Map referred to in this Ordinance, after public notice and hearing. Amendments to the provisions of this ordinance may be initiated by the Town Board, the Planning Board or by petition of one or more residents or property owners of the Town. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Town Board, the Planning Board or by the owner or owners of property which is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance and the Official Zoning Map shall be referred to the Planning Board for recommendation, which will be forwarded to the Town Board prior to public hearing and consideration.

SECTION 20.02 APPLICATION PROCEDURE

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Town Board or Planning Board, shall be initiated by submission of a completed application on a form supplied by the Town, including an application fee, which will be established from time to time by resolution of the Town Board.

For an amendment to the Official Zoning Map, the following information shall accompany the application form:

1. A legal description, street address and county tax map number of the subject property, together with a map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
3. The existing and proposed zoning district designation of the subject property.
4. A written description of how the requested rezoning meets the criteria outlined in Section 20.04.

For an amendment to the Zoning Ordinance, the following information shall accompany the application form:

1. A general written description of the proposed amendment, including a statement addressing how the amendment meets the criteria outlined in Section 20.05.

If requested by the Town Board or the Planning Board, an Environmental Impact Statement (EIS) in accordance with the New York State Environmental Quality Review Act (SEQRA) shall be submitted for any proposed amendment to the Zoning Ordinance or the Official Zoning Map.

SECTION 20.03 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE

1. Upon initiation of an amendment, a work session to consider the proposed amendment shall be scheduled before the Planning Board.
2. The Planning Board shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Town Board.

In the case of an amendment to the Official Zoning Map, the Planning Board shall consider the criteria contained in Section 20.04 below, in making its finding and recommendation.

3. Following receipt of the findings and recommendation of the Planning Board, the Town Board shall conduct a public Hearing and consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Town Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map, the Town Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 20.04 below.

SECTION 20.04 CRITERIA FOR AMENDMENT TO THE OFFICIAL ZONING MAP

In considering any petition for an amendment to the Official Zoning Map, the Planning Board and Town Board shall consider the following criteria in making its findings, recommendations and decision:

- A. Consistency with recent development trends in the area shall be considered.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the list of uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. The capacity of utilities and Town services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Town.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The apparent demand for the types of uses permitted in the requested zoning district in the Town in relation to the amount of land in the Town currently zoned and available to accommodate the demand.
- H. The boundaries of the requested rezoning district are reasonable in relationship to the surroundings and construction on the site will meet the dimensional regulations for the zoning district listed in the appropriate Schedule of Regulations.
- I. If a rezoning is appropriate, is there a zoning classification for the property which is more appropriate, from the Town's perspective, than the zoning district requested.
- J. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special uses in the current zoning district to allow the use?
- K. The requested rezoning will not create an isolated and unplanned spot zone.

- L. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- M. Other factors deemed appropriate by the Planning Board and Town Board.

SECTION 20.05 CRITERIA FOR AMENDMENTS TO THE ZONING ORDINANCE TEXT

The Planning Board and Town Board shall consider the following criteria for initiating amendments to the Zoning Ordinance text or responding to a petitioner's request to amend the ordinance text:

- A. The proposed amendment would correct an error in the Ordinance.
- B. The proposed amendment would clarify the intent of the Ordinance.
- C. Documentation has been provided from Town Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- D. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law in New York State.
- E. The proposed amendment would promote compliance with changes in other Town Ordinances and County, State or Federal regulations.
- F. The proposed amendment is supported by the findings of reports, studies or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- G. Other criteria as determined by the Planning Board or Town Board which would protect the health and safety of the public, protect public and private investment in the Town and enhance the overall quality of life in the Town of Schuylers.

ARTICLE 21

Stormwater Management Regulations

Section 21.01. APPLICABILITY

A. This Article shall be applicable to all land development activities as defined in this Ordinance.

B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Town Board of the Town of Schuyler, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

C. All land development activities subject to review and approval by the Planning Board of the Town of Schuyler under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this local law.

D. All land development activities not subject to review as stated in Section 21.01 (C) above shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 21.02. EXEMPTIONS

The following activities may be exempt from review under this law.

A. Agricultural activity as defined in this local law.

B. Silvicultural activity except that landing areas and log haul roads are subject to this law.

C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.

E. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Schuyler on or before the effective date of this law.

F. Land development activities for which a building permit has been approved on or before the effective date of this law.

G. Cemetery graves.

H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

I. Emergency activity immediately necessary to protect life, property or natural resources.

J. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

K. Landscaping and horticultural activities in connection with an existing structure.

Section 21.03. STORMWATER POLLUTION PREVENTION PLANS

A. Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this Article.

B. Contents of Stormwater Pollution Prevention Plans

All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project.
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
3. Description of the soil(s) present at the site;

4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
13. Name(s) of the receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;

15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

16. Any existing data that describes the stormwater runoff at the site.

C. Land development activities as defined in this Ordinance and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Section 21.03(D) below as applicable:

Condition A - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department of Environmental Conservation’s 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.

Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

D. SWPPP Requirements for Condition A, B and C:

1. All information in Section 21.03(B) of this Article
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
5. Comparison of post-development stormwater runoff conditions with predevelopment conditions;

6. Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
9. Inspection and maintenance agreement binding on all subsequent landowners served by the onsite stormwater management measures in accordance with Section 21.06 of this Ordinance.

Section 21.04 PLAN CERTIFICATION

The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

A. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

B. Contractor Certification

1. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity : "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
2. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
3. The certification statement(s) shall become part of the SWPPP for the land development activity.

C. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Section 21.05. PERFORMANCE AND DESIGN CRITERIA FOR STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

All land development activities shall be subject to the following performance and design criteria:

A. Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

1. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)

2. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

B. Water Quality Standards

1. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

Section 21.06 MAINTENANCE AND REPAIR OF STORMWATER FACILITIES

A. Maintenance During Construction

1. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this Article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

2. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and

document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

B. Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Schuyler to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Article. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Schuyler.

C. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall be operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
2. Written procedures for operation and maintenance and training new maintenance personnel.
3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 21.05(B)

D. Maintenance Agreements

The Town of Schuyler shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this Article entitled Sample Stormwater Control Facility Maintenance Agreement. The Town of Schuyler, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all

the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 21.07. ADMINISTRATION AND ENFORCEMENT

A. Construction Inspection

1. Erosion and Sediment Control Inspection

The Town of Schuyler Stormwater Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Schuyler enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- a. Start of construction
- b. Installation of sediment and erosion control measures
- c. Completion of site clearing
- d. Completion of rough grading
- e. Completion of final grading
- f. Close of the construction season
- g. Completion of final landscaping
- h. Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater Management Practice Inspections

The Town of Schuyler Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit “as built” plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of Stormwater Facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

D. Submission of Reports

The Town of Schuyler Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

E. Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town of Schuyler the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 21.07(C).

Section 21.08. PERFORMANCE GUARANTEE

A. Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Schuyler in its approval of the Stormwater Pollution Prevention Plan, the Town of Schuyler may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Schuyler as the beneficiary. The security shall be in an amount to be determined by the Town of Schuyler based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Schuyler, provided that such

period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town of Schuyler. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Schuyler with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Schuyler may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Record keeping

The Town of Schuyler may require entities subject to this law to maintain records demonstrating compliance with this law.

Section 21.09. ENFORCEMENT AND PENALTIES

A. Notice of Violation.

When the Town of Schuyler determines that a land development activity is not being carried out in accordance with the requirements of this Article, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

1. the name and address of the landowner, developer or applicant;
2. the address when available or a description of the building, structure or land upon which the violation is occurring;
3. a statement specifying the nature of the violation;
4. a description of the remedial measures necessary to bring the land development activity into compliance with this Article and a time schedule for the completion of such remedial action;
5. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

6. a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

B. Stop Work Orders

The Town of Schuyler may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Town of Schuyler confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Article.

C. Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

D. Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Article shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350.00) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this Article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E. Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this Article the Stormwater Management Officer may prevent the occupancy of said building or land.

F. Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Schuyler may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 21.10. FEES FOR SERVICES

The Town of Schuyler may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town of Schuyler or performed by a third party for the Town of Schuyler .

ARTICLE 22 EROSION AND SEDIMENT CONTROL ORDINANCE

Section 22.01. INTRODUCTION/PURPOSE

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Clearing and grading during construction add to the loss of native vegetation necessary for terrestrial and aquatic habitat. In addition, eroded soil necessitates repair of sewers and ditches and dredging of lakes. The purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment from erosion and sedimentation in the Town of Schuyler. Compliance with this ordinance will also meet the requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development, or other activity, that disturbs or breaks the topsoil or results in the movement of earth on land in the Town of Schuyler.

Section 22.02. PERMITS

A. No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of one acre of land without the approval of an Erosion and Sediment Control Plan by the Town of Schuyler.

B. No site development permit is required for the following activities:

1. Agricultural activity as defined in this ordinance.
2. Cemetery graves.
3. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
4. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

C. Each permit application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant, including the name of the applicant's principal contact at such firm. The application shall be accompanied by a filing fee. The applicant will be required to file with the Town of Schuyler a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the Town of Schuyler to cover all costs of improvements, landscaping, maintenance of

improvements for such period as specified by Town of Schuyler, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Section 22.03.

REVIEW AND APPROVAL

The Town of Schuyler will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, Town of Schuyler shall, in writing:

1. Approve the permit application;
2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
3. Disapprove the permit application, indicating the reason(s) and/or procedure for submitting a revised application and/or submission.

Failure of the Town of Schuyler to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed, unless such time is extended by agreement between the applicant and the Town of Schuyler.

Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Town of Schuyler.

Section 22.04.

EROSION AND SEDIMENT CONTROL PLAN

The Erosion and Sediment Control Plan shall include the following:

1. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this ordinance.
2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
3. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

5. Provisions for maintenance of ESC practices, including easements and estimates of the cost of maintenance. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 22.03 of this Article, and may be authorized by the Town of Schuyler through written authorization to the permittee, and shall include major amendments of the erosion and sediment control plan submitted to the Town of Schuyler. Field modifications of a minor nature may be approved verbally by the Town of Schuyler and noted in the site log book.

Section 22.05.

DESIGN REQUIREMENTS

A. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the "NYS Erosion Control Standards and Specifications" manual. A copy of the manual is on file in the office of the Town Clerk of the Town of Schuyler.

B. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when approved by the Town of Schuyler. Clearing techniques that retain natural vegetation and drainage patterns, as described in "NYS Erosion Control Standards and Specifications" manual, shall be used to the satisfaction of the Town of Schuyler.

C. Clearing, except that necessary to establish sediment control devices, shall not begin until all start up erosion and sediment control devices have been installed and have been stabilized.

D. Phasing shall be required on all sites disturbing greater than 5 acres, with the size of each phase to be established at plan review and approved by the Town of Schuyler.

E. Erosion control requirements shall include stabilization measures applied as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:

1. Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;

2. Where construction activity on a portion of the site is temporarily ceased, and earthdisturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures need not be initiated on that portion of the site.
- F. If seeding or other vegetative erosion control method does not germinate within two weeks the Town of Schuyler may require the site to be reseeded, or a nonvegetative option employed.
- G. Special techniques that meet the design criteria outlined in the "NYS Erosion Control Standards and Specifications" manual for steep slopes and/or drainage ways shall be used. Soil stockpiles must be stabilized. At the close of the construction season, the entire site must be stabilized using a heavy mulch layer or another method that does not require seed germination to control erosion (if seed germination will not occur due to climate limitations).
- H. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- I. Techniques that divert upland runoff past disturbed slopes shall be employed. Sediment control requirements shall include: settling basins, sediment traps or tanks, and perimeter controls.
- J. Settling basins that are designed for adaptation to long term stormwater management require approval by the Town of Schuyler.
- K. The permittee will protect adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
- L. If a wet watercourse will be crossed regularly during construction, a temporary stream crossing practice approved by the Town of Schuyler will be installed. Stabilization of the watercourse channel and banks before, during, and after any in-channel work will be completed.
- M. Stabilization adequate to prevent erosion located at the outlets of all pipes, paved channels and all on-site stormwater conveyance channels will be designed according to the criteria outlined in "NYS Erosion Control Standards and Specifications" manual.
- N. Construction site access requirements shall include a temporary access road provided at all access points in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains or watercourses.

Section 22.06. INSPECTION

The Town of Schuyler, or designated agent, shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling, bearing the stamp of approval of the the Town of Schuyler, shall be maintained at the site in the site log book throughout the duration of construction. To obtain inspections, the permittee shall notify the Town of Schuyler at least two working days before the following:

- A. Start of construction
- B. Installation of sediment and erosion measures
- C. Completion of site clearing
- D. Completion of rough grading
- E. Completion of final grading
- F. Close of the construction season
- G. Completion of final landscaping
- H. Successful establishment of landscaping in public areas.

The permittee shall designate a "responsible party" employed by the contractor who shall be on site on all days when construction or grading activity takes place. This employee will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site log book. Inspection reports will be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports will be delivered to the Town of Schuyler and copied to the site log book. All contractors and subcontractors identified in the Erosion and Sediment Control Plan shall sign a copy of the following certification statement before undertaking any construction activity at the site:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Erosion and Sediment Control Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan.

Section 22.07. MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

Section 22.08. ENFORCEMENT

A. Stop-Work Order; Revocation of Permit

In the event that any person holding a permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Town of Schuyler may suspend or revoke the site development permit.

B. Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than three hundred fifty dollars (\$350.00) for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

SCHUYLER

PERMIT APPLICATIONS

IMPORTANT INFORMATION FOR APPLICANTS
(Please Read Before Beginning the Application Process!)

It is the **APPLICANT'S RESPONSIBILITY** to **FULLY** complete the attached application **AND** the "Short Environmental Assessment Form" (SEQR) **BEFORE** submission to the Town of Schuyler. Please make sure that **ALL** applicable information has been completed and included which, with the exception of Applications for Zoning Text Amendments and Zoning Map Amendments, **REQUIRES INCLUSION OF THE FOLLOWING:**

- ***A SKETCH of the proposed business site drawn to scale, depicting existing and proposed buildings, proposed ingress/egress, internal traffic circulation patterns, designated parking, areas, existing zoning district map, and north arrow.***

RESOURCES FOR OBTAINING THE REQUIRED INFORMATION WILL INCLUDE THE FOLLOWING:

- ***Tax bills, personal records and your familiarity of your property, its location and adjacent neighboring area.***

PLEASE NOTE that **ALL** applications to the Zoning Board of Appeals are **REQUIRED** to be forwarded to the Herkimer-Oneida Planning Program (HOCPP) for review at their monthly Board meeting. **NO** Public Hearings can legally be held until this review is completed & the agency's recommendation on the project has been rendered to the Town of Schuyler.

- ***The HOCPP will NOT accept incomplete applications. Therefore, NO Public hearing can be scheduled until ALL applicable information is included on your application.***
- ***Applicants are encouraged NOT to submit payment until ALL required information has been included in and/or submitted with the application.***

INCOMPLETE APPLICATIONS received by the ZBA Secretary for scheduling of a Public Hearing will be **RETURNED TO THE APPLICANT** via 1st Class Mail for completion & return to the Town. This includes **PAID** applications that may have also been reviewed by the Codes Officer.

- ***Due to missed deadlines for submission of your application to the HOCPP in time for their once-monthly meeting, this can, and most likely will, result in a SIGNIFICANT DELAY in setting your Public Hearing date.***

HELP IS AVAILABLE!

- ***For TELEPHONE ASSISTANCE in completing your application, please contact the ZBA Secretary, Bette Szesny, at 724-7305.***

ZONING ORDINANCE
TOWN OF SCHUYLER • HERKIMER COUNTY, NEW YORK
APPLICATION TO THE ZONING BOARD OF APPEALS

Appeal Number: _____

Date: _____
(Office Use Only)

This Section to be Completed by Applicant(s):

To the Zoning Board of Appeals, Town of Schuyler, New York:

☐ I ☐ We: _____ of _____
[Name(s) of Applicant(s)] [Street and Number/Municipality — Legal Residence]

Hereby appeal to the Zoning Board of Appeals from the decision of the Building Inspector on Application for Permit:

Dated: _____, 20_____, whereby the Building Inspector did: ☐ grant ☐ deny
[Permit Application Date]

_____ of _____, Town of Schuyler, NY:
[Name of Applicant for Permit] [Street & Number — Legal Residence]

☐ Permit for Use ☐ Temporary Permit or Extension Thereof ☐ Certificate of Existing Use ☐ Permit for Occupancy
[check appropriate box above]

Location of Property: _____ [Street & Number — Proposed Project] _____ [Zoning Map District]
(R-1, R-2, R-M, R-A, C-H, C-I, C-T, F-P, P-D)

This Section to be Completed by Codes Officer:

Building Permit No. (if applicable): _____ Date of Issuance (if applicable): _____

Provision(s) of the Zoning Ordinance Appealed:

_____ [Article, Section, Subsection and Paragraph]

Reason for Denial:

[Codes Officer's Signature]

3. Type of Appeal

Appeal is herewith made for:

- ☐ Temporary Permit
☐ Interpretation of the Zoning Ordinance or Zoning Map
☐ Variance to the Zoning Ordinance
☐ Special Use Permit under the Zoning Ordinance

This Section to be Completed by Applicant(s):

Applicant Name(s): _____

Mailing Address: _____

Phone: (____) _____ ☐ Home ☐ Work ☐ Cell / (____) _____ ☐ Home ☐ Work ☐ Cell

Location of Real Property *(Please fill out completely):*

A. Frontage Road Name: _____

B. Nearest Intersecting Road Name: _____

Direction: ☐ East ☐ West ☐ North ☐ South Distance: _____ ☐ miles ☐ feet

C. Tax Map Parcel: Map No.: _____ Block: _____ Lot: _____

D. Dimensions/Area of Property: _____ ☐ Acres _____ ☐ Sq. Ft. • Dimensions: _____ x _____

D. Existing Zoning District: ☐ R-1 ☐ R-2 ☐ R-A ☐ C-H ☐ C-I ☐ C-T ☐ F-P ☐ P-D

R-1: Residential-1 • R-2: Residential-2 • R-M: Residential-Manufactured Home Park • R-A: Residential-Agricultural
C-H: Commercial-Highway • C-T: Commercial-Telecommunications • F-P: Flood Plain • P-D: Planned Development

Please include a plot plan on separate sheet, with all measured setbacks from all structures and proposed structures.

Brief Summary of Proposed Action: _____

(Office Use Only)

State of New York)
County of Herkimer)^{ss}

Sworn to this _____ day of _____, 20 _____

[Town Clerk or Notary Public]

[Signature of Applicant]

[Signature of Applicant]

☐ **Area Variance or Special Use Permits:**

Residential FEE: \$100.00, Plus Cost of Publication

Commercial and Multi-Residential FEE: \$150.00, Plus Cost of Publication

Additional Meetings: \$100 each

Additional Meetings: \$100 each

☐ **Zoning Change:** FEE: \$200 plus cost of publication

☐ **Change of Use:** NO FEE

Application Accepted by: _____

Date: _____

Fee/Amount Received: _____

☐ Cash ☐ Check # _____

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

SCHUYLER

LL1 1990 SOLID AND LIQUID WASTE

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~City~~ of SCHUYLER
Town
~~Village~~

Local Law No. 1 of the year 1990

A local law To regulate, control, or prohibit the dumping, storing, or placing of solid or liquid waste material, or creating a dump within the Town.

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

~~County~~
~~City~~ of SCHUYLER as follows:
Town
~~Village~~

Section 1: Legislative Intent.

The intent of this Local Law is to regulate, control or prohibit the dumping, storing, or placing of certain kinds of solid or liquid waste material originating from inside or outside the boundaries of the Town of Schuyler, or creating a dump or dumping ground of such materials within the Town.

Section 2: Definition.

The term solid or liquid waste means all putrescible and nonputrescible solid wastes including garbage, human sewage, rubbish, ashes, incinerator residue, street and building demolition and construction debris, metals, abandoned vehicles, offal, commercial and industrial wastes, and hazardous and toxic wastes as defined by D.E.C. and the E.P.A.

The term "person" shall include an individual, firm, partnership, corporation, municipality or association of individuals.

The term "dump" shall mean a place used for the disposal and leaving of solid or liquid waste by the public or by any person.

Section 3: Prohibition.

A. The dumping, storing, or placing of any kind of solid or liquid waste material within the Town of Schuyler which is picked up, brought or transported from inside or outside the Town of Schuyler is hereby prohibited.

B. The creation and/or operation of sanitary landfills, dumps or dumping grounds within the Town of Schuyler for solid or liquid waste coming from inside or outside the boundaries of the Town of Schuyler is prohibited.

C. There shall be no prohibition against the normal garbage and refuse collection and disposal currently sanctioned by the Town.

Section 4: Penalties.

Any person violating any of the provisions of this Local Law shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$1,000 for each offense or by imprisonment for not more than six months, or by both such fine and imprisonment. The Town Board shall also have the power to bring civil action to restrain any violation of this Local Law in a court of competent jurisdiction. When a violation of this Local Law is continuous, each 24 hours thereof shall constitute a separate and distinct offense.

Section 5: Severability.

If any section, paragraph, subdivision, or provision of the Local Law shall be adjudged invalid or held unconstitutional, the same shall not effect the validity of this Local Law as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 6: Repealer.

All prior ordinances, local laws, or resolutions or parts of ordinances, local laws, or resolution of the Town of Schuyler inconsistent with the provisions of this Local Law are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency, and in all respects this Local Law shall be in addition to other legislation regulating and governing the subject matter covered by this Local Law.

Section 7: Effective Date.

This Local Law shall take effect immediately.

SCHUYLER

LL1 2000 NOISE

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

STATE OF NEW YORK
DEPARTMENT OF STATE

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED

NOV 16 2000

~~County~~

~~City~~

~~Town~~

~~Village~~

of Schuyler

Allyn H. F. D'Amico
Secretary of State

Local Law No. 1 of the year 2000

A local law for the purpose of regulating noise in the Town of Schuyler
(Insert Title)

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of Schuyler as follows:

See attached Local Law No. 1, 2000

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2000
of the ~~(County)~~(City)(Town)(Village) of Schuyler was duly passed by the
Town Board on Nov. 8, 2000, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

~~2. (City local law concerning Charter revision proposed by petition.)~~

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

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

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

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

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

James Cassidy, Town Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 11-13-2000

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

STATE OF NEW YORK
COUNTY OF HERKIMER

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

[Signature]
Signature

Town Attorney

Title

County

City of Schuyler

Town

Village

Date: 11/9/00

INTRODUCTORY LOCAL LAW NO. 1, 2000

A local law for the purpose of regulating noise in the Town of Schuyler.

BE IT ENACTED by the Town Board of the Town of Schuyler, County of Herkimer, and State of New York as follows:

SECTION 1. Purpose: Findings.

It is the declared purpose of the Town Board of the Town of Schuyler to prevent unreasonably loud, disturbing and unnecessary noise so as to preserve, protect and promote the public health, safety and welfare and to foster peace and quiet within the Town of Schuyler.

SECTION 2. Unreasonable and Unnecessary Noise Prohibited.

No person shall make, cause or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction. Further, no person shall operate or play or cause to be operated or played any radio, jukebox, mechanical musical instrument, musical instrument, loud-speaking device, amplified sound-producing device or any other related sound-producing device whereby sound therefrom is cast or propelled upon the public streets and places in the Town or upon adjoining neighboring or other buildings and premises therein which either annoys, disturbs, injures or endangers the peace, repose, comfort, health or safety of a reasonable person of normal sensitivities upon the public streets or public places in the Town or persons in or upon neighboring or other buildings and premises is disturbed.

SECTION 3. Disturbance Deemed a Nuisance.

The disturbance of the peace, repose, comfort, health or safety of a reasonable person of normal sensitivities upon public streets or places in the Town or persons in or

upon neighboring or other premises shall be deemed a nuisance and may be abated forthwith.

SECTION 4. Exceptions.

a. The provisions of Section 2 and Section 3 shall not apply to the lawful use of horns or other warning devices used on motor vehicles for the purpose of warning the traveling public or to church or school bells and chimes and chimes on public clocks. Further, said provisions shall not apply to the use of loud speakers and other sound devices in connection with all lawful assemblies and election campaigns or by the Town of Schuyler, its officers, servants and employees performing its public duties.

b. **Limited exception.** Likewise, the provisions of Section 2 and Section 3 shall not apply to organizations or clubs and business establishments which use amplified sound-producing devices for normal business function and/or entertainment purposes, only so long as projected noise ceases by 12:00 a.m. on weekdays and 2:00 a.m. on weekends. Noise continued beyond the time limits set forth shall not be excepted from Section 2 and Section 3.

SECTION 5. Permits Required for Loud Speakers.

a. The use of loud speakers and other sound devices in connection with lawful assemblies and election campaigns shall be permitted only upon obtaining a written permit from the Town Clerk upon application duly made prior to such use or proposed use, stating the time when and place where the use thereof is contemplated. While applications for lawful assemblies and election campaigns shall be granted, reasonable time, place and manner restrictions may be placed upon the permit.

b. **Exceptions.** This permit requirement shall not apply to organizations

or clubs and business establishments which use amplified sound producing devices for normal business functions and/or entertainment purposes, provided that such establishments comply with the time limitations set forth in this Local Law.

SECTION 6. Penalties for Offence. Quasi Criminal.

Any person committing an offense against any provision of this Local Law shall be guilty of a violation and upon conviction thereof shall be punishable for each offense by fine of not more than \$1,000.00.

SECTION 7. Validity.

If any section, sentence, clause or phrase or term of this local law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this local law.

Section 8. Effective date.

This local law shall become effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

SCHUYLER

LL1 2001 FLOOD DAMAGE PREVENTION

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

JUL 27 2001

**MISCELLANEOUS
& STATE RECORDS**

County

City of Schuyler

Town

Village

Local Law No. 1 of the year 2001

A local law for the purpose of regulating flood damage prevention in the Town
(Insert Title)
of Schuyler

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

County

City of Schuyler

Town

Village

as follows:

See attached Local Law No. 1, 2001

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20⁰¹ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on July 11, 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

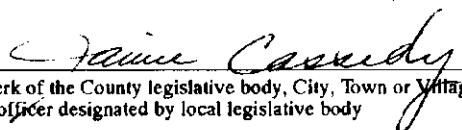
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 7-26-01

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

STATE OF NEW YORK
COUNTY OF HERKIMER

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


Signature

Town Attorney

Title

~~County~~

~~City~~

~~Town~~

~~Village~~

of Schuyler

Date: July 24, 2001

**Town of Schuyler
Local Law No. 1 of the year 2001**

A local law for FLOOD DAMAGE PREVENTION

as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation law, Article 36.

Be it enacted by the Town Board of the

Town of Schuyler Herkimer County, N.Y. as follows:

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The Town Board of the **Town of Schuyler** finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the **Town of Schuyler** and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;

- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-

related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Schuyler.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency

- (1) Flood Insurance Rate Map (multiple panels) Index No. 360318 0005-0020, whose effective date is June 20, 2001.
- (2) A scientific and engineering report entitled "Flood Insurance Study, Town of Schuyler, New York, Herkimer County" dated June 20, 2001.
- (3) Flood Boundary and Floodway Map (multiple panels) Index No. 360318 0005-0020, whose effective date is June 20, 2001.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:
Town of Schuyler Town Offices 2090 State Route 5 Utica, New York 13502.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through November 1, 1989 and shall supersede all previous laws adopted for the purpose of flood damage prevention, and specifically Local Law No. 1, 1987.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Schuyler from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Schuyler, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Codes Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

- (1) All applications for a floodplain development permit shall be accompanied by an application fee of \$500. In addition, the applicant shall be responsible for reimbursing the Town of Schuyler for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the

applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Schuyler agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Schuyler for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Schuyler for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the Town of Schuyler agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Schuyler for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Schuyler for all costs related to the final map revisions.

5.2 STANDARDS FOR ALL STRUCTURES

5.2-1 ANCHORING

- (1) New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating, and air conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards, in addition to the standards in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES, apply to structures located in areas of special flood hazard as indicated.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above one foot above the base flood level.
- (2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot more than the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above one foot above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below one foot above the base flood level with walls substantially impermeable to the passage of water. All structural components located below One foot above the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot more than the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

- (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
- (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (4) and (5).
- A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either:
- (i) outside of an existing manufactured home park or subdivision as herein defined;
 - (ii) in a new manufactured home park or subdivision as herein defined;
 - (iii) in an expansion to an existing manufactured home park or subdivision as herein defined; or
 - (iv) in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor is elevated to or above one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (3) A manufactured home to be placed or substantially improved in Zone A1-A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:
- (i) elevated in a manner such as required in paragraph 5.5(2), or
 - (ii) elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- (4) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- (5) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as one foot more than the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Planning Board as established by the Town of Schuyler shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Planning Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

- (5) Upon consideration of the factors of Section 6.1 (4) and the purposes of this local law, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure".
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met;
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Be it enacted this 13th day of June, 2001 by the Town Board, of the Town of Schuyler,
Herkimer County, New York, to be effective
June 20, 2001 _____.

SEAL

ATTEST _____ CLERK

Attachment A
**MODEL FLOODPLAIN DEVELOPMENT
APPLICATION FORM**

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign):

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

(APPLICANT'S SIGNATURE) _____ DATE _____

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT)

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
-------------	----------------	------------------

APPLICANT

BUILDER

ENGINEER

PROJECT LOCATION:

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A sketch attached to this application showing the project location would be helpful.

DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

<u>ACTIVITY</u>	<u>STRUCTURE TYPE</u>
<input type="checkbox"/> New Structure	<input type="checkbox"/> Residential (1-4 Family)
<input type="checkbox"/> Addition	<input type="checkbox"/> Residential (More than 4 Family)
<input type="checkbox"/> Alteration	<input type="checkbox"/> Non-residential (Floodproofing? <input type="checkbox"/> Yes)
<input type="checkbox"/> Relocation	<input type="checkbox"/> Combined Use (Residential & Commercial)
<input type="checkbox"/> Demolition	<input type="checkbox"/> Manufactured (Mobile) Home
<input type="checkbox"/> Replacement	(In Manufactured Home Park? <input type="checkbox"/> Yes)

ESTIMATED COST OF PROJECT \$ _____

B. OTHER DEVELOPMENT ACTIVITIES:

- ☐ Fill ☐ Mining ☐ Drilling ☐ Grading
☐ Excavation (Except for Structural Development Checked Above)
☐ Watercourse Alteration (Including Dredging and Channel Modifications)
☐ Drainage Improvements (Including Culvert Work)
☐ Road, Street or Bridge Construction
☐ Subdivision (New or Expansion)
☐ Individual Water or Sewer System
☐ Other (Please

Specify) _____

After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

SECTION 3: FLOODPLAIN DETERMINATION (To be completed by LOCAL ADMINISTRATOR)

The proposed development is located on FIRM Panel No. _____, Dated _____.

The Proposed Development:

- ☐ Is NOT located in a Special Flood Hazard Area (Notify the applicant that the application review is complete and NO FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED).
- ☐ Is located in a Special Flood Hazard Area.
FIRM zone designation is _____.
100-Year flood elevation at the site is:
_____ Ft. NGVD (MSL)
☐ Unavailable
- ☐ The proposed development is located in a floodway.
FBFM Panel No. _____ Dated _____
- ☐ See Section 4 for additional instructions.

SIGNED _____ DATE _____

- ☐ A site plan showing the location of all existing structures, water bodies, adjacent roads, lot dimensions and proposed development.
- ☐ Development plans, drawn to scale, and specifications, including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water resistant materials used below the first floor, details of floodproofing of utilities located below the first floor and details of enclosures below the first floor.
Also,
- ☐ Subdivision or other development plans (If the subdivision or other development exceeds 50 lots or 5 acres, whichever is the lesser, the applicant must provide 100-year flood elevations if they are not otherwise available).
- ☐ Plans showing the extent of watercourse relocation and/or landform alterations.
- ☐ Top of new fill elevation _____ Ft. NGVD (MSL).
- ☐ Floodproofing protection level (non-residential only) _____ Ft. NGVD (MSL). For floodproofed structures, applicant must attach certification from registered engineer or architect.
- ☐ Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 100-year flood. A copy of all data and calculations supporting this finding must also be submitted.
- ☐ Other:

I have determined that the proposed activity: A. ☐ Is
 B. ☐ Is not

in conformance with provisions of Local Law # _____, (yr) _____. The permit is issued subject to the conditions attached to and made part of this permit.

SIGNED _____, DATE _____

If BOX A is checked, the Local Administrator may issue a Development Permit upon payment of designated fee.

If BOX B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may request a hearing from the Board of Appeals.

APPEALS: Appealed to Board of Appeals? ☐ Yes ☐ No
Hearing date: _____
Appeals Board Decision --- Approved? ☐ Yes ☐ No

Conditions _____

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by **APPLICANT** before Certificate of Compliance is issued)

The following information must be provided for project structures. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 or 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest structural member of the lowest floor, excluding piling and columns) is: _____ FT. NGVD (MSL).
2. Actual (As-Built) Elevation of floodproofing protection is _____ FT. NGVD (MSL).

NOTE: Any work performed prior to submittal of the above information is at the risk of the Applicant.

SECTION 7: COMPLIANCE ACTION (To be completed by **LOCAL ADMINISTRATOR**)

The **LOCAL ADMINISTRATOR** will complete this section as applicable based on inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS: DATE _____	BY _____	DEFICIENCIES? <input type="checkbox"/> YES <input type="checkbox"/> NO
DATE _____	BY _____	DEFICIENCIES? <input type="checkbox"/> YES <input type="checkbox"/> NO
DATE _____	BY _____	DEFICIENCIES? <input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION 8: CERTIFICATE OF COMPLIANCE (To be completed by **LOCAL ADMINISTRATOR**)

Certificate of Compliance issued: DATE: _____ BY: _____

Attachment B

**SAMPLE
CERTIFICATE OF COMPLIANCE**

for Development in a Special Flood Hazard Area

**CERTIFICATE OF COMPLIANCE
FOR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA**

(Owner Must Retain This Certificate)

Premises located at:

Owner: ..

Address: ..

Permit No. ____ Permit Date:

Check One:

- ☐ New Building
- ☐ Existing Building
- ☐ Fill
- ☐ Other:

The Local Floodplain Administrator is to complete a. or b. below:

- a. Compliance is hereby certified with the requirements of Local Law No. ____,
(yr) ____.

Signed: _____ Dated:

- b. Compliance is hereby certified with the requirements of Local Law No. ____,
(yr) ____, as modified by variance no. ____
dated _____.

Signed: _____ Dated:

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

STB 01-01

RESOLUTION

Regular meeting of the Town Board of the Town of Schuyler, County of Herkimer, State of New York, held at the Town Offices, 2090 State Route 5, New York, on the 11th day of July 2001 at 7:00 PM.

Present: Supervisor Dodge, Council Members Desrochers, Lucenti, Szesny and VanDusen

Upon motion by Councilperson Lucenti, seconded by Councilperson Desrochers, the following resolution was introduced:

BE IT RESOLVED by the Town Board of the Town of Schuyler, New York, that the following Local Law No. 1, 2001, attached hereto and made a part hereof, be and the same hereby is enacted and adopted:

(See attached LOCAL LAW NO. 1, 2001)

The foregoing resolution was duly put to a vote on roll call which resulted as follows:

Supervisor Dodge	-	Aye
Councilperson Desrochers	-	Aye
Councilperson Lucenti	-	Aye
Councilperson Szesny	-	Aye
Councilperson VanDusen	-	Aye

The resolution was thereupon declared duly adopted.

CERTIFICATION

I hereby certify that this is a true copy of the Resolution No. STB 01-01 the Town of Schuyler lawfully adopted on the date and at the place stated therein.

Dated: July 11, 2001



JANICE CASSIDY, Town Clerk

SCHUYLER

LL2 2008 PROHIBIT ILLICIT DISCHARGES

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town

Village

of

Schuyler

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

DEC 01 2008

Local Law No. 2 of the year 2008.

MISCELLANEOUS
& STATE RECORDSA local law Prohibit Illicit Discharges, Activities and
(Insert Title)
Connections to separate Storm Sewer SystemBe it enacted by the Town Board of the
(Name of Legislative Body)

County

City

Town

Village

of

Schuyler

as follows:

See attached Local Law No. 2, 2008

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2008 of the (County)(City)(Town)(Village) of Schuyler was duly passed by the Town Board on July 9 2008, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

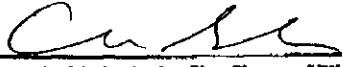
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

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



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 7/10/08

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

STATE OF NEW YORK

COUNTY OF Herkimer

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



Signature

Town Attorney

Title

County

City

Town of

Village

Schuyler

Date: 11/29/08

Town of Schuyler Local Law #2 - 2008
to
Prohibit Illicit Discharges, Activities and Connections to
Separate Storm Sewer System

SECTION 1. PURPOSE/INTENT.

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the **Town of Schuyler** through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- 1.1 To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
- 1.2 To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- 1.3 To prohibit Illicit Connections, Activities and Discharges to the MS4;
- 1.4 To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
- 1.5 To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

SECTION 2. DEFINITIONS.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have meanings set forth below:

- 2.1 **Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 2.2 **Clean Water Act.** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- 2.3 **Construction Activity.** Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

- 2.4 **Department.** The New York State Department of Environmental Conservation.
- 2.5 **Design professional.** New York State licensed professional engineer or licensed architect.
- 2.6 **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 2.7 **Illicit Connections.** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:
 1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- 2.8 **Illicit Discharge.** Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this law.
- 2.9 **Individual Sewage Treatment System.** A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.
- 2.10 **Industrial Activity.** Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.
- 2.11 **MS4.** Municipal Separate Storm Sewer System.
- 2.12 **Municipal Separate Storm Sewer System.** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 1. Owned or operated by the **Town of Schuyler**;
 2. Designed or used for collecting or conveying stormwater;
 3. Which is not a combined sewer; and
 4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2
- 2.13 **Municipality.** The **Town of Schuyler**.
- 2.14 **Non-Stormwater Discharge.** Any discharge to the MS4 that is not composed entirely of stormwater.
- 2.15 **Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 2.16 **Pollutant.** Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological

materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

2.17 Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

2.18 Special Conditions.

1. **Discharge Compliance with Water Quality Standards.** The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
2. **303(d) Listed Waters.** The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
3. **Total Maximum Daily Load (TMDL) Strategy.** The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
4. **The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges.** Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

2.19 State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

2.20 Stormwater. Rainwater, surface runoff, snowmelt and drainage.

2.21 Stormwater Management Officer (SMO). An employee, the municipal engineer or other public official(s) designated by the **Town of Schuylers** to enforce this local law. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

2.22 303(d) List. A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state

surface water quality standards and are not expected to improve within the next two years.

2.23 TMDL. Total Maximum Daily Load.

2.24 Total Maximum Daily Load. The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

2.25 Wastewater. Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

SECTION 3. APPLICABILITY.

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

SECTION 5. SEVERABILITY.

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

SECTION 6. DISCHARGE PROHIBITIONS.

6.1 Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

6.1.1 The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

- 6.1.2 Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.
- 6.1.3 Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- 6.1.4 The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

6.2 Prohibition of Illicit Connections.

- 6.2.1 The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- 6.2.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- 6.2.3 A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

SECTION 7. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- 7.1 The backup of sewage into a structure.
- 7.2 Discharges of treated or untreated sewage onto the ground surface.
- 7.3 A connection or connections to a separate stormwater sewer system.
- 7.4 Liquid level in the septic tank above the outlet invert.
- 7.5 Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- 7.6 Contamination of off-site groundwater.

SECTION 8. PROHIBITION AGAINST ACTIVITIES CONTAMINATING STORMWATER

- 8.1 Activities that are subject to the requirements of this section are those types of activities that:
 - 8.1.1 Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - 8.1.2 Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.
- 8.2 Such activities include failing individual sewage treatment systems as defined in Section 7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- 8.3 Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

SECTION 9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

- 9.1 Best Management Practices. Where the SMO has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
 - 9.1.1 The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
 - 9.1.2 Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - 9.1.3 Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- 9.2 Individual Sewage Treatment Systems - Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants Where individual sewage treatment systems are contributing to the municipality's being subject to the Special Conditions as defined in Section 2 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:
 - 9.2.1 Maintain and operate individual sewage treatment systems as follows:
 - 1. Inspect the septic tank annually to determine scum and sludge accumulation.
Septic tanks must be pumped out whenever the bottom of the scum layer

is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee.

2. Avoid the use of septic tank additives.
3. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
4. Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items
- 5 Most tanks should be pumped out every two to three years. However, pumping may be more or less frequent depending on use. Inspection of the tank for cracks, leaks and blockages should be done by the septage hauler at the time of pumping of the tank contents.

9.2.2 Repair or replace individual sewage treatment systems as follows:

1. In accordance with 10NYCRR Appendix 75A to the maximum extent practicable.
2. A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - a. Relocating or extending an absorption area to a location not previously approved for such.
 - b. Installation of a new subsurface treatment system at the same location.
 - c. Use of alternate system or innovative system design or technology.
3. A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

SECTION 10. SUSPENSION OF ACCESS TO MS4.

Illicit Discharges in Emergency Situations.

- 10.1 The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- 10.2 Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an

offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

SECTION 11. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

SECTION 12. ACCESS AND MONITORING OF DISCHARGES.

12.1 Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.

12.2 Access to Facilities.

12.2.1 The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.

12.2.2 Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.

12.2.3 The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

12.2.4 The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

12.2.5 Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.

12.2.6 If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 14. ENFORCEMENT.

14.1 Notice of Violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

14.1.1 The elimination of illicit connections or discharges;

14.1.2 That violating discharges, practices, or operations shall cease and desist;

14.1.3 The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

14.1.4 The performance of monitoring, analyses, and reporting;

14.1.5 Payment of a fine; and

14.1.6 The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

14.2 Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers

generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

SECTION 15. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the SMO to the (City Council/Town Board/Village Board of Trustees) within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

SECTION 16. CORRECTIVE MEASURES AFTER APPEAL.

- 16.1 If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- 16.2 If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

SECTION 17. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 18. ALTERNATIVE REMEDIES.

- 18.1 Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
 - 18.1.1 The violation was unintentional
 - 18.1.2 The violator has no history of previous violations of this Law.
 - 18.1.3 Environmental damage was minimal.
 - 18.1.4 Violator acted quickly to remedy violation.
 - 18.1.5 Violator cooperated in investigation and resolution.

SCHUYLER

LL3 2016 ADOPTION OF 2015 INTERNATIONAL BUILDING CODE

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

AUG 03 2016

DEPARTMENT OF STATE

County

City

Town

Village

of ~~Town of Schuyler~~ Herkimer CountyLocal Law No. ~~#3~~ of the year 2016A local law ~~Entitled "Adoption of 2015 International Building Code Law"~~

(Insert Title)

Be it enacted by the ~~Town Board~~ of the

(Name of Legislative Body)

County

City

Town

Village

of ~~Town of Schuyler~~ Herkimer County as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. #3 of 2016 of the (County)(City)(Town)(Village) of Town of Schuylar was duly passed by the Town Board on July 13 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

Barbara J. Boulin

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 7/25/16

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

STATE OF NEW YORK
COUNTY OF Herkimer

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

[Signature] Misiaszek

Signature _____
Title Town Attorney

County _____
City of Town of Schuyler Herkimer County
Town _____
Village _____

Date: 7/25/16

RESOLUTION:

At a meeting of the Town Board on July 13, 2016, Town of Schuyler, County of Herkimer, at 2090 State Route 5, Utica, New York.

PRESENT: Supervisor Kenneth M. Dodge, Council members, Eric Kane, Anthony Lucenti, Councilwoman Bette Szesny, and Councilman Robert VanDusen.

Upon a motion by Lucenti, second by Szesny to adopt Local Law # 3 of the year 2016 Entitled ADOPTION OF INTERNATIONAL BUILDING CODE 2015; all in favor.

BET IT RESOLVED BY THE TOWN Board of the Town of Schuyler, New York.

That the following Local Law #3 of the year 2016 attached hereto and made a part hereof, be the same herby is enacted and adopted:

ADOPTION OF 2015 INTERNATIONAL BUILDING CODE LAW

The foregoing resolution was duly put to a vote on roll call which resulted as follow:

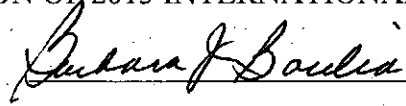
Supervisor Dodge AYE
Councilman Kane AYE
Councilman Lucenti AYE
Councilman VanDusen AYE
Councilwoman Szesny AYE

The resolution was thereupon declared duly adopted.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS ISA TRUE COPY OF THE RESOLUTION, OF the Town of Schuyler Local Law # 3 of the Year 2016.,
ENTITLED: ADOPTION OF 2015 INTERNATIONAL BUILDING CODE LAW:

DATED July 15, 2016

 Barbara J. Boulia, Town Clerk