

VILLAGE  
OF  
THERESA

ZONING LAW

*FINAL DRAFT*

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VILLAGE OF THERESA  
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## ARTICLE I INTRODUCTION

Section 100: Purpose and Authorization: For the purpose of promoting the public health, safety and welfare, and the most desirable use for which the land in each district may be adapted, of conserving the value of buildings and of enhancing the value of land throughout the Village, pursuant to the authority conferred by Village Law, and with reasonable consideration, among other things, of the character of each district and its peculiar suitability for the particular uses, and pursuant to the authority granted by Article 7 of the Village Law and Section 10 of the Municipal Home Rule Law, the Village Board of the Village of Theresa, County of Jefferson, State of New York, hereby ordains and enacts as follows:

Section 110: Short Title: This Law shall be known and may be cited as "The Village of Theresa, New York, Zoning Law."

### Section 120: Application of Regulations:

- A. No land shall be subdivided, no building, structure or land shall be used or occupied and no building, structure or part thereof shall be erected, moved nor altered (to change its exterior physical dimensions) unless in conformity with the regulations specified by this local law.
- B. No building shall hereafter be erected or altered:
  - 1. To exceed the height, or
  - 2. To accommodate or house a greater number of families, or
  - 3. To occupy a greater percentage of lot area, or
  - 4. To have narrower or smaller rear yards, front yards, side yards than is specified herein for the district in which such building is located.
- C. The regulations established by this law shall be minimum regulations and shall be applied uniformly to each class or kind of structure or land.
- D. Where an application has been pursued for a use not specifically listed herein, reference can be made to the criteria for a use so listed that is deemed similar.
- E. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as a part of a yard or other open space similarly required for another building.
- F. Only one (1) principle use is allowed on a lot unless the minimum lot area, setbacks and lot frontage can be met by all principle uses on the lot. The distance between principle uses on the lot shall not be less than thirty (30) feet.

Section 130: Prior Existing Laws: Local Law #3 of 1985, Village of Theresa Zoning law and all amendments thereto are hereby repealed.

## ARTICLE II DEFINITIONS

When used in this Law, words in the present tense include the future and words of one gender include all genders. The singular includes the plural and the plural includes the singular. The term "shall" is intended to be mandatory. When used in this Law, unless otherwise expressly stated, the following words and terms shall have the meanings indicated.

ACCESSORY APARTMENT: A second dwelling unit either in or added to an existing detached single-family dwelling, or in a separate accessory structure on the same lot as the principal building, for use as a complete, independent facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling unit is an accessory use to the principal building.

ACCESSORY STRUCTURE\USE: A structure\use which is customarily incidental to that of the principal structure\use and which is located on the same lot as that occupied by the principle structure\use. A garage, pool, satellite dish and sheds are common examples of accessory structure\uses.

ADULT ENTERTAINMENT: Any activity by any person, establishment, business or any other use which has 10% or more of its net available physical space set aside for, or 10% or more of its stock-in-trade devoted to, the display, viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or related to "Sexual Activity" or "Specified Anatomical Areas", including but not limited to: bookstores, video (or other media) sales or rental business, motion picture theaters, massage establishments employing persons giving massages not licensed to do so by the State of New York, and any activity by any establishment that allows or promotes dancers, performers, employees or invitees, whether male or female, to display "Specified Anatomical Areas."

AGRICULTURAL OPERATION: The raising, keeping, or production of crops, livestock, poultry, dairy products, fish or other wildlife, trees, maple syrup products, and other similar pursuits. Tree growing and harvesting, animal husbandry, horticultural operations, forestry operations; and the sale, at wholesale or retail, of farm products upon the premises where the same are grown or produced shall be considered agricultural operations.

ALTERATION: To change or rearrange any exterior structural part of the existing facilities of a building or structure, by enlarging the building or structure, whether by extending any side or increasing the height thereof, or to move the same from one location or position to another. It shall not be considered an alteration if there is no expansion of exterior dimensions. For instance; replacement of windows, doors, siding, roofing, etc.; as well as interior alterations; shall not be considered an alteration for the purposes of this Law.

ANIMAL CARE FACILITY: A place where animals or pets are boarded, bred or given medical or surgical treatment on a commercial basis.

BAR: A commercial establishment where patrons are served alcoholic beverages.

BED AND BREAKFAST: A house, or portion, thereof, where short-term lodging rooms are provided. Meals may also be provided to guests only. The operator of the inn shall live on the premises or in adjacent premises.

BILLBOARD: Any sign which is greater than 20 sq. ft. in size.

BUILDING: Any structure having a roof supported by columns or by walls which is used or occupied for the shelter, housing or enclosure of animals, persons or property. The term, unless specified, includes both principle and accessory buildings.

BUILDING AREA: The total area, taken on a horizontal plane at main grade level, consumed by the principle building and all accessory buildings, excluding chimneys,, uncovered porches, patios, terraces, steps and open area ways.

BUILDING LINE: The line that is formed by the face of the building/structure, or the attached part of the building/structure, nearest the lot line. This shall include measurement from such structures as uncovered porches, patios, terraces, open areaways, roof overhands, cornices, eaves and other similar protrusions.

CAMPGROUND (COMMERCIAL): Any area of land, operated for commercial gain, on which are located one (1) or more recreational vehicles, tents, shelters, or other accommodations of a design or character suitable for seasonal or other temporary living purposes.

CEMETERY: Property used for the interring of the dead.

DANGEROUS USE: The manufacture, bulk storage or handling of explosives, illuminating gases, lethal or toxic chemicals or other explosives, combustible, inflammable, lethal or toxic substances in such quantities or in such manner as may or does endanger the public safety. The term does not include the operation of a motor vehicle service station.

DAY CARE CENTER/NURSERY SCHOOL: A facility duly permitted by the New York State Department of Social Welfare for the care of seven or more children for less than twenty-four hours each day.

DWELLING: A building or portion thereof, used or occupied as living quarters for one or more families. The term does not include trailers or mobile homes.





DWELLING, ATTACHED SINGLE FAMILY: A one-family dwelling in a row of at least three such in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. This term is commonly referred to as a townhouse.

DWELLING, DETACHED SINGLE FAMILY: A detached building, designed for and occupied exclusively by one family and containing not more than one dwelling unit. This term includes modular home.

DWELLING, MULTIPLE FAMILY: A building designed for or occupied by three or more families living independently of each other. The term shall include garden apartments.

DWELLING, TWO FAMILY: A detached building where not more than two individual families live with separate cooking, sanitary, living and sleeping facilities.

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

FAMILY: One or more persons occupying a single dwelling unit and sharing kitchen and bathroom facilities.

FENCE: See definition of Wall.

FLOOR AREA: The total horizontal area of all floors of a building, excepting the basement and attic thereof, measured along the faces of the interior walls.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremony connected therewith before burial or cremation.

GROSS FLOOR AREA (GFA): The gross size of the total floor area of the outside dimensions of a building.

GROSS LEASABLE AREA (GLA): The floor area designed for the exclusive use of tenants, clients, and customers, not including public or common areas, such as public toilets, corridors, stairwells, elevators, lobbies or enclosed atria.

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

HOME OCCUPATION: Any use of a service character conducted within a dwelling by the residents thereof which is clearly secondary to the use of the dwelling for living purposes.

HOSPITAL: Any hospital, sanatorium or other institution used or occupied for the care of persons mentally or physically ill, incapacitated or disabled. The term includes nursing and convalescent homes.

HOTEL: A building, or a group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but open to the general public. This term includes the terms motels, auto cabins, auto courts, motor lodges, tourist courts, rental cottages, and similar terms.

JUNKYARD: Any place for outdoor storage or deposit, whether in connection with a business or not, of:

- A. Waste paper, rags, scrap metal, waste building materials, appliances, and farm equipment no longer intended for use.
- B. Two or more inoperative motor vehicles, whether for the purpose of resale of used parts, for the purpose of reclaiming for use, some or all of the materials, such as metal, glass, or fabric, or for the purpose of disposing of the materials.

LARGE PRODUCT RETAIL: Includes sales and service for new and/or used automobiles, trucks, mobile homes, boats, recreational vehicles, farm implements, auctions where auctions take place on-site, furniture and large appliance sales, and building supplies. This term shall include trucking operation.

LIGHT INDUSTRIAL OPERATION: A facility which manufactures a product for wholesale or retail sale and does not employ over 35 people. This operation does not produce high volumes of pollution waste.

LOT: A parcel of land used or occupied, or capable of being used or occupied, by a building or structure and the accessory buildings, structures or uses customarily incidental to it including such yards as are required by this Local Law.

LOT, CORNER: A parcel of land at the junction of and fronting on two or more intersecting streets.

LOT LINE: A line dividing one lot from another lot or one lot from the street line. The lot line on a waterfront lot is determined by the high water line.

LOT LINE, FRONT: The lot line adjoining a street line. If a lot adjoins two or more streets, highways, or waterfront, it shall be deemed to have a front lot line respectively on each. In the case of waterfront property the lot line adjoining the high water line shall be the front lot line.

LOT LINE, REAR: The lot line opposite and most distance from the front lot line.

LOT LINE, SIDE: Any lot line other than the front or rear lot lines.

LOT, WATERFRONT: A lot which abuts a waterway or waterbody.

LOT WIDTH: The horizontal distance between the side lot lines measured at the required setback lines.

MANUFACTURED BUILDING: Has the following characteristics:

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

MEMBERSHIP CLUB: A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualification, payment of fees or dues, regular meetings, a constitution or by-laws.

MINING OPERATION LOCAL: Any mining operation that does not meet the New York State Department of Environmental Conservation's definition of a mining operation.

MINING OPERATION, N.Y.S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATED: An area of land where more than one thousand tons or seven hundred and fifty cubic yards, whichever is less, of minerals is being excavated or proposed to be excavated from the earth within twelve successive calendar months or an area of land adjacent to any body of water not subject to the jurisdiction of Article 15 of the Environmental Conservation Law or to the public lands law where more than one hundred cubic yards of minerals is excavated or proposed to be excavated.

MOBILE HOME: A manufactured building built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other forms of recreational vehicle.

MOBILE HOME PARK: Any lot on which 3 or more mobile homes are located regardless of whether or not a charge is made for such accommodations.

MODULAR HOME: A dwelling unit which is manufactured in two or more sections off-site, transported to the placement site and assembled there and designed to be permanently anchored to a foundation to become a fixed part of the real estate, and equipped for, or used for year-round living purposes, and is a minimum of twenty-four (24) feet on any side.

MOTEL: See definition of Hotel.

MOTOR VEHICLE, INOPERATIVE: Any motor vehicle which is unregistered or incapable of motion under its own power for a period of six successive months or longer.

MOTOR VEHICLE SERVICE STATIONS: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline, motor vehicle fuels, oils or lubricants, or for the polishing, greasing, washing, repair, painting, bodywork or servicing of motor vehicles.

NOXIOUS USE: Any use which is noxious, offensive or injurious by reason of the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or vibration.

NURSING HOME: A dwelling where 5 or more persons are lodged and furnished with meals and nursing care for commercial purposes. This shall not include homes for mentally handicapped, drug or alcohol rehabilitation patients, etc.

OFF-STREET PARKING : A space for parking off the public streets.

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet (10' x 20') exclusive of passage ways and accesses thereto, and having direct access to a street or highway.

PRINCIPAL USE/STRUCTURE: The principal use/structure for which any land or structure is used or occupied.

PROFESSIONAL OFFICE: The use of office and related space for such professional service as provided by medical practitioner, attorney, architect, engineer and similar profession.

PUBLIC AND SEMI-PUBLIC FACILITY: Any one or more of the following uses, including grounds and accessory buildings necessary for their use:

- A. Religious Institutions.
- B. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
- C. Schools.
- D. Public Libraries.
- E. Not-for-Profit fire, ambulance, and public safety building.
- F. Hospitals.

RECREATIONAL FACILITY: A building or lot that contains space and facilities for any of a range of recreational pursuits that are run for commercial gain. The term includes bowling alleys, roller rinks, health clubs, theater, and the like.

RECREATIONAL VEHICLE: A vehicle which is: 1) 400 sq. ft. or less when measured at the widest horizontal projection; 2) Self propelled or permanently towable by a motor vehicle; and 3) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RELIGIOUS INSTITUTION: Includes church, temple, parish house, convent, seminary and retreat house.

RESTAURANT: Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. Alcoholic beverages may be served with the meal. Any lounge area in the restaurant shall be only for patrons waiting to be seated. Any lounge area that caters to non-dining patrons shall be considered a bar. However, a snack bar or refreshment stand at a public or quasi-public or community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

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

SEXUAL ACTIVITY: Any act or sexual intercourse or any physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person female, breast.

SHOPPING CENTER: A group of three or more commercial establishments built on a site that is planned, developed, owned and managed as an operating unit relating in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the type and total size of the stores.

SIGN: Any kind of, sign board, pennant, or other shape or device or display, used as a business identification, advertisement or announcement.

SIGN, AWNING: Any visual message incorporated into an awning attached to a building.

SIGN, FREE STANDING: Any sign not attached to or part of any building, but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type.

SIGN, PORTABLE: A sign that is not permanently affixed to a building, structure or the ground.

SIGN, PROJECTING: A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure. An awning sign is considered a projecting sign.

SMALL RETAIL ESTABLISHMENT: A business that is intended to sell and trade retail goods or products to residents in the immediate community. Such enterprises shall include grocery stores, greenhouses, small implement dealers, and similar operations. It shall not include industrial or manufacturing operations.

SMALL SERVICE ESTABLISHMENT: A business that is intended to provide services to residents in the immediate community. Such businesses shall include beauty and barber shops, laundromats, shoe repair, and other similar operations. It shall not include any industrial or manufacturing operations.

SPECIFIED ANATOMICAL AREAS: Human male or female genitals, pubic area, buttocks or female breast with less than full opaque covering.

STREET LINE: For the purposes of this law the street line shall be the right-of-way of the street or highway involved.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term includes dwelling units, buildings, swimming pools, platforms, stadiums, towers, decks, billboards and signs, but is not intended to include conventional sidewalks, driveways, curbs, fences, chimneys, hedges or walls.

TOWER: Any structure that is high, compared to its lateral dimensions and usually constructed for a singular or specific purpose (e.g. radio tower, TV antenna).

TRUCKING OPERATION: A lot where cargo is stored and trucks load and unload cargo on a regular basis. This term shall also include a lot where trucks and heavy equipment are stored.

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

USE, PERMITTED: Any use permitted under the provisions for the district in which the land, building or structure is located.

WALL: A facility of wood, stone or other materials or combination thereof intended for defense, security, screening, partitioning, or enclosure; or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads. A fence shall be considered a wall.

WASTE MATTER: Any refuse, rubbish, waste matter, litter, garbage, carcass, sewage, excrement, sludge, hazardous liquids or substances (as per State Environmental Conservation Law), ashes, tin cans, crates, boxes, or other substances or material offensive to the public or detrimental to its health, safety, and welfare by virtue of its volume or untreated nature.

WHOLESALE ESTABLISHMENT: An establishment or place of business engaged in selling merchandise to retailers; to industrial; commercial; institutional or professional business users; or to other wholesalers.

YARD: Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line or street line. A yard may also be established by measuring the required yard distance away from the lot line or street line.

YARD, FRONT: The space within and extending the full width of the lot from the street line to the building line which is nearest to such street line. If a lot adjoins two or more streets or highways, it shall be deemed to have a front yard respectively on each. In the case of waterfront property, the front yard shall be the space between the high water line elevation and the building line.

YARD, REAR: The space within and extending the full width of the lot from the rear lot line to the building line nearest to such lot line.

YARD, SIDE: The space within and extending the full distance from the front yard to the rear yard and from the side lot line to the building line nearest to such lot line.

ZONING PERMIT: A permit issued under the regulations of this Local Law, allowing a new use or construction/placement of a building or structure.

### ARTICLE III: Zoning Regulations

Section 300: Establishment Of Zoning Districts: The Village of Theresa is hereby divided into the following districts:

- A. General Residential District - GR
- B. Business District - B

Section 310: Zoning Map: The boundaries of the above named zoning districts are bounded as shown on the map entitled "Zoning, Map, Village of Theresa," dated August 13, 1985 and filed in the Village Clerk's office, a copy of which is hereby made a part of this Law.

Any changes in district boundaries or other matter shown on the map shall be promptly made on the map, with a signed statement describing the nature of the change.

Section 320: Interpretation Of District Boundaries: Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the final decision will be made by the Village Zoning Appeals Board.

- A. Lots in Two Districts: Where a district boundary line divides a lot in single or joint ownership, existing at the time of enactment of this Law, the use authorized on, and the district requirements of the least restricted portion of such lot shall be understood as extending to the entire lot.
- B. District boundary lines generally follow or parallel, at set distances, center lines of roads, existing lot lines, and other man-made and natural features. The Code Enforcement Officer shall be given the authority to scale these lines from the map and relate them to accurate ground points.



# SECTION 330 SCHEDULE OF USE REGULATIONS

DISTRICT	PURPOSE	PERMITTED USES	SITE PLAN REVIEW USES
<b>GENERAL - RESIDENCE</b>	The purpose of this District is to promote residential uses and provide for the orderly placement of compatible uses and to enhance convenience and the aesthetic qualities of the Village.	Accessory Use/Structure Attached Single-Family Dwelling Bed and Breakfast Billboards Detached Single-Family Dwelling Home Occupation Mobile Home Two-Family Dwelling	Above Ground Fuel Storage Agricultural Operation Animal Care Facility Cemetary Commercial Campground/R.V. Park Day Care Center Funeral Home Hotel Junkyard Large Product Retail Light Industrial Operation Mining Operation Mobile Home Park Motor Vehicle Service Station Multi-Family Dwelling Public and Semi-Public Facility Restaurant Shopping Center Small Service Establishment Wholesale Establishment
<b>BUSINESS</b>	The purpose of this District is to promote and enhance the existing business center of the Village.	Accessory Use/Structure Attached Single-Family Dwelling Bed and Breakfast Detached Single-Family Dwelling Home Occupation Two-Family Dwelling	Above Ground Fuel Storage Adult Entertainment Bar Commercial Campground/R.V. Park Day Care Center Funeral Home Hotel Large Product Retail Membership Club Motor Vehicle Service Station Multi-Family Dwelling Professional Office Public and Semi-Public Facility Recreational Facility Restaurant Small Retail Establishment Small Service Establishment Wholesale Establishment

# SECTION 340 SCHEDULE OF BULK REGULATIONS

DISTRICT and USES*	MINIMUM LOT AREA (sq. ft.)	MINIMUM LOT WIDTH (feet)	MINIMUM FRONT YARD (feet)	MINIMUM REAR YARD (feet)	MINIMUM SIDE YARD (feet)	MAXIMUM HEIGHT** (feet)
<b>GENERAL RESIDENCE</b>						
Permitted	15,000	100	30	25	15	35
Accessory	-	-	30	15	15	35
Site Plan Review	20,000	100	50	50	25	35
<b>BUSINESS</b>						
Permitted	6,500	65	25	25	15	35
Accessory	-	-	25	5	5	35
Site Plan Review	6,500	65	50	50	15	35

\* Check Supplemental Regulations for specific requirements of individual uses.

\*\* Maximum height may be increased if the setbacks are increased 2 feet for every 1 foot over 35 feet.

#### ARTICLE IV SITE PLAN REVIEW PROCEDURE

Section 405: Purpose: The purpose of the site plan review procedure is to allow the Planning Board to attach reasonable safeguards and conditions to those uses which might otherwise produce deleterious effects on the environment, the neighborhood character, or the Village residents' health, safety and welfare. Furthermore, it is the purpose of the site plan procedure to authorize the Planning Board to disapprove a plan for any use, the deleterious effects of which cannot be mitigated because of the particular site it is to occupy.

#### Section 410 Scope:

- A. In addition to the regulations which apply to permitted uses in each district, site plan review uses shall be controlled by the regulations in this Article, Article V and Article VI.
- B. No zoning permit shall be issued for any such use until it has been granted site plan approval by the Planning Board.
- C. The Planning Board shall review and approve, approve with conditions, or disapprove site plan review applications for all uses which require site plan review under the terms of this law.
- D. No changes in an approved site plan shall be permitted without following the same procedure as originally required. If the project is abandoned, the land and structures may only be used for permitted uses in the district, unless site plan approval for the new use is obtained.

Section 415: Application for Site Plan Review: All applications for site plan review shall be submitted to the Planning Board.

- A. Presubmission Conference: If the applicant so requests, one presubmission conference between the applicant and the Planning Board shall be held to review the proposed development in light of existing conditions and to generally determine the information to be required on the site plan. At the conference the applicant shall provide a statement and a rough sketch describing what is proposed and showing the location of the tract and its relationship to surrounding area.
- B. Application Requirements: The Planning Board may require at the presubmission conference that any or all of the following elements be included in the site plan review application. If no presubmission conference is held, then all of the following elements shall be included in the site plan review application.
  - 1. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings;
  - 2. Date, northpoint, written and graphic scale;
  - 3. Boundaries of the area plotted to scale, including distances, bearings, and areas;

4. Location and ownership of all property within 100 feet as shown on the latest tax records;
  5. Location, name, and existing pavement width and right-of-way of adjacent streets;
  6. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use, on or adjoining the property;
  7. Location, size, design of the following: existing and proposed buildings, driveways, parking, outdoor storage, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, snow storage.
  8. Plans for controlling soil erosion and sedimentation during the development.
  9. Plans for grading and drainage showing existing and proposed contours of five foot intervals;
  10. Designation of the amount of gross floor area and gross leasable area proposed for each non-residential use;
  11. A Environmental Assessment Form (EAF) or draft Environmental Impact Statement (E.I.S.), where required;
  12. Other elements integral to the proposed development as considered necessary by the Planning Board including identification of any federal, state, or county permits required for the project's execution.
- C. Once a completed application has been formally received by the Planning Board, at a meeting of the Board, the Board shall have a maximum of 120 days (from the date of receipt) to review and approve, approve with conditions, or disapprove the proposal.
- D. Within 60 days from the date the Planning Board has accepted the completed application, a public hearing shall be held on the proposal to entertain public comment. At least five (5) days advance public notice of the hearing shall be published in the official newspaper.
- E. The final decision by the Planning Board must be made within 60 days following the hearing, in writing, specifying any conditions that may be attached to an approval, the reasons that the Planning Board approved or denied the proposal, the motions and vote by the Planning Board members. All decisions shall be filed in the Office of the Village Clerk and a copy mailed to the applicant.
- F. If 50 percent or greater of the landowners within 500 feet of the proposed project protest, approval must be by a majority plus one vote. The distances shall be measured from lot line to lot line.

Section 420: Review Criteria: The Planning Board's review of the site plan application shall include, where appropriate, the following considerations:

- A. Status of any federal, state, or county permits required.
- B. Environmental (including physical, social and economic factors) impact on community and adjacent areas.
- C. Compatibility with the General Plan.
- D. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- E. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, roads widths, pavement surfaces, dividers and traffic controls.
- F. Location, arrangement, appearance and sufficiency of off-street parking and loading.
- G. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian safety.
- H. Adequacy of stormwater and drainage facilities.
- I. Adequacy of water supply and sewage disposal facilities.
- J. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- K. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- L. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- M. Conformance with all other provisions of this law.

Section 425: Reasonable Conditions: The reasonable safeguards and conditions that the Planning Board may attach to any site plan may include, but not be limited to, approval of any required federal, state or county permits; redesign of building access, parking, pedestrian path location or arrangement; additional landscaping or screening; intersection improvement or traffic controls; and redesign or additional facilities for drainage, water provision and sewage disposal.

Section 430: Guarantees For Installation and Maintenance of Improvements:

- A. Installation Guarantee: In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board shall require that the applicant complete said improvements before final approval is granted or that the applicant shall enter into one of the following agreements with the Village:
1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board. Such bond shall require the approval of the Village Board and the Village Attorney as to form, sufficiency, manner of execution and surety.
  2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Village. Acceptable substitutes, if furnished, shall be kept on deposit with the Village for the duration of the bond period.
- B. Maintenance Guarantee: In order that the Village has the assurance that the improvements mentioned above function properly for a reasonable period, the applicant shall enter into an agreement with the Village upon completion of the work required under the installation guarantee so that:
1. Such work is guaranteed for a minimum of two (2) years after it is completed and inspected;
  2. Such work is guaranteed for a minimum of ten (10) percent of the total improvement costs or \$5,000, whichever is greater.
- A maintenance bond shall be the preferred guarantee, but other methods are permitted, provided they are acceptable to the Village Attorney and the Village Board.
- C. Acceptance of Roads and Facilities: When the Village Superintendent, in the case of roads, or the Code Enforcement Officer, in case of other facilities, following final inspection of the improvements, certify to the Village Board that all installation and improvements have been completed in accordance with the contract, the Village Board may, by resolution, proceed to accept the roads or facilities for which bond has been posted or check deposited.

#### Section 435: General Requirements:

- A. Traffic: A traffic impact study, conducted by a qualified traffic engineer shall be required for any development of 20 or more dwelling units or 20,000 or more square feet of nonresidential floor area or may be required for smaller developments if the Board feels there is cause for concern. Such study shall show current and projected levels of service of public roads within 1 mile of the development, and shall describe any on or off-site improvements required to offset any significant traffic impact. Such study shall be conducted at the developer's expense. The Village may, at the developers expense, retain a consultant to perform a second traffic impact study.

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

- B. Screening: Where an industrial or commercial use will be adjacent to a residential use or where a multi-family dwelling or mobile home park will be adjacent to a single or two-family dwelling, the Planning Board may require that an opaque screen be provided from the ground to a minimum height of six (6) feet. Such a screen may be comprised of living plants, walls of wood or brick, landforms (berms, mounding), or combinations of the above.

C. Drainage:

1. Drainage shall be based on a 100-year frequency rainstorm.
2. The peak discharge of storm water resulting from the development shall not exceed the peak discharge calculated prior to the development.
3. Provisions for storm drainage shall be designed to safely retain storm water or adequately carry and discharge accumulated run-off into drainage channels, storm sewers or natural water courses so it does not cause increased damage or increased flooding downstream.

D. Erosion and Sedimentation Control:

1. The erosion and sedimentation control plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.

2. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following:

- (a) Topography;
- (b) Soils;
- (c) The proposed alteration to the area;
- (d) The amount of run-off from the project area and the upstream watershed area;
- (e) The staging of earthmoving activities;
- (f) Temporary and permanent control measures;

3. Restoration:

- (a) Upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion shall be prevented.
- (b) Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed.
- (c) Upon completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils shall be stabilized.

- E. Outdoor Storage: Outdoor storage of materials that are not mainly intended for sale to the general public shall be screened to the satisfaction of the Planning Board, from the road and from adjacent properties. Such storage shall not be permitted within 100 feet of the street line.



ARTICLE V: SPECIFIC SITE PLAN REVIEW USE REGULATIONS

Section 500: Animal Care Facility:

- A. Impact on adjacent properties by noise, odors and unsightly appearance of the use shall be minimized by use of buffers.
- B. All buildings, structures, and accessory uses (except off-street parking) shall be at least 100 feet from any lot line.

Section 505: Day Care Center:

- A. All such institutions shall be located at least 50 feet from any lot line.
- B. The use shall be screened from adjacent residential lots. Screening may consist of fencing or hedges and shall be of such density as to reduce noise.
- C. Traffic access to the site shall be of adequate capacity to handle exiting and entering traffic concurrently.

Section 510: Mining Operation:

- A. N.Y.D.E.C. regulated mining operation.
  - 1. Access roads to the mining operation shall be located no closer than 100 feet from lot lines.
  - 2. Routing of mineral transport vehicles on roads controlled by the local government may be regulated.
  - 3. Requirements and conditions, concerning setbacks, public thoroughfare rights-of-way, natural or manmade barriers to restrict access, dust control, and hours of operation, placed on the mining operation by N.Y.D.E.C. as part of their permit shall also become requirements and conditions of the local approval.
- B. Locally regulated mining operation.
  - 1. No below ground level excavation of materials shall be located within 75 feet of any public street or other residential lot line; or 25 feet from any non-residential lot line.
  - 2. Where such operation is between 75 and 150 feet from a residential lot line there shall be screening to reduce visibility of the operation and eliminate noise and/or dust from residential lots.
  - 3. All excavation slopes in excess of one foot horizontal to two feet vertical shall be completely fenced to prohibit entrance by children and unauthorized individuals.

Section 515: Motor Vehicle Service Station:

- A. All motor vehicle service stations shall be so arranged and all gasoline and/or fuel pumps shall be so placed, as to require all servicing on the premises no closer to any street line than 50 feet. No gasoline pump shall be placed closer to any side lot line than 30 feet.
- B. All junk waste, and servicing materials shall be stored within a structure or enclosed within fencing so as not to be visible from off the property.
- C. Underground tanks shall adhere to NYS Department of Environmental Conservation regulations relating to tank setbacks but in no case be less than 20 feet from the lot line.
- D. Entrance and exit driveways shall be located at least five (5) feet from side or rear property line.

Section 520: Above Ground Fuel Storage Tanks:

- A. All above-ground fuel storage tanks shall be in conformity with the applicable standards and regulations of the National Fire Protection Association's National Fire Codes, New York State Department of Environmental Conservation, if applicable, and other appropriate agencies.
- B. All such installations shall be located on sites so graded and sufficiently large: (i) to contain any run-off from accidental rupture, overfilling, leakage or explosion; and (ii) to contain on site the impact of any potential accident, fire or explosion without damage to adjacent structures or property.
- C. The recommendations of the local fire chief possessing jurisdiction shall be considered prior to granting approval for such a use.
- D. All storage tanks shall adhere to NYS Department of Environmental Conservation regulations dealing with above ground fuel tank setbacks but in no case shall they be located closer than 50 feet from any side or rear lot lines and at least 50 feet from any street line.
- E. All storage tanks shall be located at least 50 feet from any building on the site and at least 150 feet from any building or structure off the premises.

Section 525: Small Retail and Service Establishments:

- A. Any outside storage area shall not be larger than the square footage of the first floor of the building containing the principle use.
- B. Any outside storage shall be contained within a fenced area, the type of which shall be approved by the Planning Board.

- C. One identification sign shall be permitted. It shall meet all other pertinent sign regulations found elsewhere in these regulations.
- D. The small retail/service use must be at least 50 feet from lot line.
- E. The small retail/service use shall be in keeping with other similar uses permitted in the District and shall not conflict with neighboring residential and agricultural uses.
- F. Parking spaces shall be adequate to meet the requirements for Off-Street Parking of Section 630.
- G. Such uses shall not cause electrical disturbances that will disrupt neighborhood communication reception.
- H. No junk, waste, discarded parts or materials used in the business shall be stored outside a building unless it is enclosed by a fence and not visible from neighboring properties.

Section 530: Multi Family Dwellings:

- A. Certificate of Occupancy. No certificate of occupancy shall be issued for any such building or buildings, unless the proposed use conforms in all respects to the site plan and the conditions stated herein.
- B. Distance Between Buildings. If more than one building is proposed:
  - 1. The front or rear of any principle building shall be no closer to the front or rear of any other principle building than 40 feet.
  - 2. The side of any principle building shall be no closer to the side, front, or rear of any other principle building than 30 feet.
- C. Recreation Space. There shall be provided on the site of such a use an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of an area not less than twenty-five (25) percent of the total living space of all dwelling units served.

Section 535: Junk Yard:

- A. Such areas shall be at least 500 feet from any lot line, lake, or stream and 500 feet from any neighboring church, school, hospital, public building or place of public assembly.
- B. Any vehicles stored must be drained of all fluids to avoid ground contamination.
- C. There must be erected and maintained, an eight (8) foot high aesthetically pleasing fence adequate to prohibit the entrance of children and others into the area of the activity or business and

contain within such fence, the materials dealt with by the operator of a junkyard. All the materials dealt with by the operator of a junkyard shall be kept within such fence at all times. Whenever the junkyard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. The Planning Board may waive the requirement of fencing where topography or other natural conditions effectively prohibit the entrance of children or others and totally screen the junkyard from view.

- D. Where a junkyard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junkyard from view. In addition, the Planning Board may require planting of evergreen trees or shrubbery between the fence and street line.
- E. A junkyard shall not be used as a dump by the public.

Section 540: Hotel:

- A. Proper Landscaping: Where adjacent land use is residential in nature and within 50 feet of the property line buffer zones shall be required to eliminate visibility, noise, and dust from the use. The area shall be seeded before September 1, or if this is impossible, mulched until seeding can take place.
- B. Open Space: A minimum of twenty-five percent of the site shall be developed as open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.
- C. The land area per unit shall not be less than 3,000 square feet.
- D. The distance between structures shall not be less than 15 feet.

Section 545: Mobile Home Parks:

- A. Park Location, Conditions, and Size.
  - 1. Parks shall be located where orderly development can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
  - 2. Parks shall have generally level to gently rolling topography over an area of sufficient size to allow development without significant alteration or disturbance of existing natural features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcropping.

3. Parks shall be free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.
4. Parks shall be four (4) acres in size, minimum.
5. Side and rear lot lines shall be densely planted with trees and shrubs.

B. Mobile Home Sites.

1. Parks shall be divided (exclusive of internal roads, open space or common areas) and marked off into sites numbered consecutively, the number being conspicuously posted on each site with such number to correspond to the site shown on the site plan submitted.
2. Sites shall be a minimum of ten thousand (10,000) square feet, and at least one hundred (100) feet wide.
3. All mobile homes, including expansions, extensions or other additions thereto, patios, porches, or garages and all other accessory structures shall satisfy the following setback requirements.
  - (a) Minimum of thirty (30) feet from the interior street line.
  - (b) Minimum of fifteen (15) feet from side and rear site lines.
4. The total number of sites shall not exceed four (4) per acre and there shall not be more than one (1) mobile home per site.
5. All mobile homes located in parks shall adhere to the requirements of individual mobile homes in Article VI, Section 640.

C. No site, internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within ten (10) feet of lot lines of the park.

D. Park Design.

1. Access Roads and Entrances.
  - (a) Access roads connecting internal roads with public streets shall be required to serve any park having three (3) or more mobile homes.

- (b) Access roads shall intersect public streets at right angles and at compatible grades. The access road shall be at least twenty-four (24) feet wide, consisting of a durable surface compacted to a twelve inch (12") depth.
- (c) Entrances shall be located directly opposite or a minimum of two hundred (200) feet from the nearest intersection of public streets, if any, and at least one hundred fifty (150) feet from any other entrances to the park, if any.
- (d) Entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles.
- (e) Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public street.

## 2. Internal Roads.

- (a) Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, especially with mobile homes attached.
- (b) All sites shall face and be serviced by internal roads.
- (c) All internal roads shall be provided with a durable surface of either blacktop, gravel, or concrete and shall be designed, graded and leveled so as to permit the safe passage of emergency and other vehicles at a speed of fifteen (15) miles per hour.
- (d) Cul-de-sacs may be provided in lieu of closed end roads, with a turn around having an outside diameter of at least ninety (90) feet.
- (e) All internal roads shall have a minimum twenty-four (24) foot right-of-way, sixteen (16) feet of which must be of a durable surface.

## 3. Recreational areas, and open space. Easily accessible and usable open spaces shall be provided in parks of twenty-five (25) or more mobile home sites. Such open space shall have a total area equal to at least 10 percent (10%) of the gross land area of the park and shall be in the form of developed recreation areas to be usable for active recreation purposes.

## 4. Walkways. A four (4) foot wide hard surfaced pedestrian walkway shall be provided along each access road between the entrance to the public highway and either the first unit or such location within the park as may be required by the planning board to assure pedestrian safety.

5. Water Supply and Sewage Disposal. Systems shall be designed and constructed in compliance with all New York State Health Department and Environmental Conservation Department requirements and applicable local laws.
6. Utility Lines. All electrical cable, telephone, etc., lines shall be placed underground.
7. Fuel Oil.
  - (a) All fuel oil tanks shall be placed at the rear of mobile homes and no closer than five (5) feet from any exit.
  - (b) Supports or standards for fuel oil storage tanks shall be of a non-combustible material.
8. Liquefied Gas.
  - (a) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
  - (b) Systems shall have at least one accessible means for shutting off gas. This means it shall be located outside of the dwelling unit.
  - (c) All liquid propane gas piping shall be well supported and protected against mechanical injury.
  - (d) Storage tanks shall not be less than one hundred (100) pounds and must be located at the rear of dwelling units and no closer than five (5) feet from any exit.
  - (e) Supports or standards for gas storage tanks shall be of a non-combustible material.
9. Park Office. The owner or manager of a park shall maintain an office in the immediate vicinity of the park.
10. Storage Facilities. Each manufactured housing park shall provide one hundred twenty-five (125) cubic feet of secure storage space for each dwelling unit. Such facilities shall be located either on each site or be a permanent structure within the park which is easily accessible to the park residents at all times.
11. Service Buildings. Service buildings housing sanitation facilities and/or laundry facilities shall be setback at least thirty (30) feet from the street line and fifteen (15) feet from side and rear lot lines and shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. All service buildings and the grounds of the park shall be well lighted.

12. Lighting may be required along park roadways and walkways to insure safety for residents. It shall meet Village standards.
13. Postal Service. Provisions for mail delivery shall be approved by the United States Postal Service.
14. Parking. Two (2) off street spaces shall be provided on-site for each mobile home. At least one (1) additional space for every three (3) mobile homes shall be provided to accommodate guest parking.

E. Park Operations.

1. The park owner shall operate the park in compliance with the standards set forth in this law and shall provide adequate supervision to maintain the park, its common grounds, roads, facilities, and equipment in good repair and in a clean and sanitary condition.
2. The park operator shall place or supervise the placement of each manufactured housing unit on its site which includes ensuring its stability by securing all tie-downs and installing all utility connections.
3. The park operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each manufactured home. Such register shall be available to any authorized person inspecting the park.
4. The park occupant shall be responsible for the maintenance of his mobile home and any appurtenances thereto, and shall keep all yard space on his site in a neat and sanitary condition.
5. A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.
6. Recreational vehicles shall not be used for residential purposes, whether permanently or temporarily, in any park.
7. No open fires shall be permitted any place within the park with the exception of outdoor grills used for the preparation of foods.
8. All receptacles, including cans and dumpsters, shall be kept in a sanitary condition at all times. It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the park. All areas of the park shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.



Section 550: Large Product Retail:

- A. Such sales and rental operations shall be located at least 100 feet from the nearest residential lot line and from the street line.
- B. When within 200 feet of a residential structure, such operations shall be screened from adjacent residential property by a fence, hedge or other planting.
- C. Such operations that also have service facilities shall meet the requirements of Section 515 "Motor Vehicle Service Stations".
- D. The lot where the products are displayed and the parking spaces on-lot shall be constructed of all-weather (e.g. gravel, paved, etc.) materials.
- E. The use shall adhere to the public space requirements for business uses under the off-street parking schedule in Section 630.

Section 555: Shopping Centers: A proposed shopping center development shall be in accordance with a unified site plan and architectural scheme. A site plan proposal showing: layout of center, occupancy commitments, parking, drainage, utilities, landscaping, walkways, and other similar features shall be provided by applicant.

- A. Off-street parking shall meet the requirements of Section 630.
- B. Off-street loading and unloading space shall be provided. It shall meet the off-street loading requirements of Section 630.
- C. No building shall be placed closer to any street line than 50 feet. No parking space shall extend nearer to any street line than 20 feet, or closer to any other lot or right-of-way line than 25 feet, and the boundaries along all sides and rear lot lines shall be appropriately landscaped and seeded. All front yards shall be fully landscaped.
- D. No shopping center shall be constructed closer than 100 feet to the nearest residential lot line.

Section 560: Light Industrial Operations:

- A. Such uses shall not produce exterior noise levels exceeding seventy-five (75) dcb at the lot line.
- B. Such uses shall not produce high volumes of polluting wastes.
- C. All handling of waste must be in conformance with NYS DEC regulations.
- D. Such uses shall not employ more than 35 people.
- E. Any manufacturing, fabricating or servicing relating to the operation must take place within a building designed to accommodate the use.

- F. Any materials used in the operation that are stored outside must be enclosed by a fence at least five (5) feet in height. The storage area shall not be larger than the square footage of the first floor of the principal building.
- G. The use shall be at least two hundred (200) feet from any residential lot line and the street line.
- H. Landscaping shall include adequate vegetative ground cover to prevent erosion.
- I. Trees shall be retained when possible.

Section 565: Commercial Campground/R.V. Park:

- A. No camping or R.V. park site shall be closer to a street line than 50 feet or other lot line than 200 feet.
- B. The campground shall be located on a well drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
- C. The campground shall have an adequate access road at least 24 feet wide. The roadway shall be constructed of all-weather materials as specified by the Village. It shall be posted for slow speeds.
- D. Individual campground sites shall have an area of not less than 1,500 square feet.
- E. Side and rear lot lines shall be densely planted with trees and shrubs.
- F. Campgrounds shall provide an open space area consisting of at least 10 percent of the gross site area, for recreation.
- G. Refuse shall be disposed of in a manner acceptable to the Village and to the New York State Health Department or other appropriate State agency. There shall be no on-lot exposed garbage, junk, or other wastes. One garbage can shall be provided for no more than four (4) sites.
- H. Where electrical service is provided to sites, it shall be weatherproofed and of a type that is in conformance with the NYS Uniform Fire and Building Code.
- I. Campgrounds shall meet with the requirements of the New York State Department of Health regulations. Swimming areas shall also meet State standards.

Section 570: Adult Entertainment:

- A. All such uses shall be at least 100 feet from the Residential District line. All measurements shall be made from the lot line of the proposed establishment to the nearest Residential District line.

- B. All such uses shall be at least 120 feet from any private, public or parochial school, library, park, play-ground or other recreational facility, etc. where large numbers of minors regularly congregate.
- C. All such uses shall not be located within a 500 foot radius of any other such use.
- D. All building openings, entries, windows, doors, etc. shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public place.
- E. Outside advertising for all such uses shall be limited to one (1) advertising sign, as stipulated by the Supplemental Regulations Section of this Law. No sign shall have any photographic or artistic representation whatsoever thereon.

Section 575: Recreational Facility:

- A. Shall be located at least 50 feet from a lot line or street line.
- B. If it is a private facility and is intended to serve a membership or clientele over 25 people on a regular basis the facility building/area shall not be closer than 100 feet from a residential lot line.
- C. Appropriate screening to reduce noise and dust shall be required when located adjacent to a residential lot. This screening may include fencing or hedges of appropriate density.
- D. Off-street parking spaces shall be provided. The Planning Board will approve the number of spaces required depending on the specific type of use.

Section 580: Agricultural Operations:

- A. Any such operation as defined within this law shall require a minimum lot area of 5 acres.
- B. Any agricultural operation shall be done in such a manner as not to constitute a noxious use as defined in this law.
- C. Such facilities shall be located at least 100 feet from any lot line.
- D. Animal wastes shall be disposed of in an environmentally safe manner that does not pollute the air, land and water. State Environmental Conservation and Health Laws shall be adhered to.

Section 581: Bars\Restaurants:

- A. All solid waste, garbage, bottles, cans, etc., shall be stored within principal building or within an accessory building or completely enclosed waste container.

- B. Adequate lighting shall be located on-site to provide proper security. Lighting shall be shielded to avoid illumination or glare upon neighboring properties.
- C. Screening, fencing and/or buffers may be required by the board to reduce the impact on adjacent uses or structures.
- D. The off-street parking requirements of Section 630 must be met.

Section 582: Professional Offices:

- A. Parking areas shall be screened from adjacent residential lots with appropriate landscaping materials.
- B. Exterior lighting shall be located in such a way as to prevent glare upon streets or neighboring properties.
- C. A four (4) foot wide minimum sidewalk shall be provided from the parking areas to the main entrance of the building.

Section 583: Public and Semi-Public Facilities:

- A. The buildings and structures used to provide service for the general population shall be in keeping with the character of the neighborhood.
- B. Sufficient parking spaces shall be provided in accordance with the off-street parking provisions of Section 630.
- C. Adequate screening and/or buffering shall be installed to prevent any objectionable noise, dust, odors, lighting glare or other conditions affecting nearby properties.

Section 584: Wholesale Establishment:

- A. There shall be no outdoor storage.
- B. One identification sign shall be permitted.
- C. Parking shall meet the requirements of Section 630.
- D. No junk, waste, discarded materials shall be stored outside a building unless it is enclosed by a fence and not visible from neighboring properties.

Section 585: Tower:

- A. No radio\TV antenna tower shall be permitted in a front yard, nor in any yard fronting on the Indian River and its tributary waters.
- B. No radio\TV antenna tower shall be permitted in any side yard adjacent to a church, school or public building.

- C. Such towers shall be positioned so as not to interfere with or obstruct the vision of drivers entering or leaving any public or private access road.
- D. Such towers shall comply with all the sideyard and rear yard setback requirements of the district in which located.
- E. Such towers shall be positioned so as not to interfere with the view from any adjacent or neighboring property.
- F. Residentially used towers shall be erected to prevent any possible contact with any electrical power line.

## ARTICLE VI: SUPPLEMENTAL REGULATIONS

The following supplemental regulations are applicable to uses in all districts in the Village.

Section 600: Inoperative Motor Vehicle: No inoperative motor vehicle shall be kept on the premises for a period longer than 45 days unless stored within a structure or in such a fashion as not to be visible from off the property.

Section 610: Fences, Hedges and Walls: No fence, hedge, wall or similar facility shall be constructed or allowed to develop in a front yard in excess of three feet in height.

Section 620: Signs/Billboards: Shall conform to the following:

- A. A maximum of one (1) free-standing or projecting sign shall be allowed per parcel.
- B. No free-standing sign shall exceed twenty-five (25) feet in height.
- C. In the Business District, no free-standing or projecting sign shall exceed twenty (20) square feet in area.
- D. The maximum sign area upon a building shall be limited to thirty-two (32) square feet.
- E. The aggregate sign area per parcel shall not exceed thirty-two (32) square feet.
- F. Any business that permanently discontinues operation shall remove its sign(s) within 90 days.
- G. With regard to home occupations, a nameplate shall be not larger than two square feet in area.
- H. Portable signs shall be subject to the issuance of a 90 day permit issued through the Village Code Enforcement Officer.
- I. The use of mechanically moving, flashing or self-illuminating signs shall not be permitted.
- J. Flood lights for the illumination of signs shall be so located and/or shielded so as not to interfere with the enjoyment of residential use or detract from the safety of motorists.
- K. Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of eight (8) feet.

L. Billboards:

1. Shall not exceed one hundred (100) square feet in size.
2. A distance of one half mile must be maintained between billboards on the same side of a highway.
3. Billboards shall be regarded as structures within the minimum meaning of the law and shall meet the required setbacks.

Section 630: Off-Street Parking/Loading:

- A. All uses shall be required to have one parking space per employee, in addition to the following off-street parking requirements:

<u>USES</u>	<u>REQUIRED PARKING SPACES</u>
(1) Public and Semi-Public Facility, Membership Club Day Care Center	- 1 per 200 sq. ft. of GLA, or 1 per 3.5 seats, whichever is greater.
(2) Motel/Hotel Bed and Breakfast	- 1 per sleeping room.
(3) Light Industrial Operation	- 1 per employee in the maximum shift.
(4) Restaurant, Bar, Adult Entertainment, Funeral Home	- 1 per 50 sq. ft. of patron space.
(5) Small Retail and Small Service Establishment, Animal Care Facility	- 1 per 200 sq. ft. of GLA.
(6) Wholesale Establishment	- 1 per 400 sq. ft. GFA.
(7) Professional Office	- 1 per 200 sq. ft. of first floor GFA and 1 per 300 sq. ft. of GFA on the second floor and above. Five (5) spaces minimum for doctor & dentist offices.
(8) Large Product Retail	- 1 per 400 sq. ft. GLA.
(9) Home Occupation	- Minimum of three spaces.
(10) Dwelling & Mobile Home	- Two for each dwelling unit.
(11) Shopping Centers	

a. Shopping Center Site (sq. ft. GLA)

25,000 - 400,000	- 1 per 250 sq. ft. GLA.
400,000 - 600,000	- 1 per 225 sq. ft. GLA.
600,000 +	- 1 per 200 sq. ft. GLA

b. Office space occupying greater than ten (10) percent GLA must meet professional office standards.

(12) Facilities with Drive Up-Service windows.

Three twenty (20) feet car length waiting spaces for each drive up lane. Where multiple drive up windows exist, there shall be one additional waiting space which shall be a common lane.

(13) Recreational Facilities

Required parking will be set by Planning Board during site plan review.

B. Off-Street Loading Requirements: In all districts, in connection with every building or building group or part thereof and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing or commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

1. 4,000 - 25,000 sq. ft. - 1 berth
2. 25,001 - 40,000 sq. ft. - 2 berths
3. 40,001 - 60,000 sq. ft. - 3 berths

For each additional 50,000 square feet - 1 berth

The loading berth required in each instance shall be not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard. Such space may also be a part of a required parking area.

Section 640: Individual Mobile Homes:

A. To ensure that all mobile homes comply with the Federal Mobile Home Construction and Safety Standards, each mobile home shall either:

1. Have been manufactured after June 15, 1976, or
2. Have engineered plans showing the mobile home meets current standards for mobile home construction.



- B. Mobile Homes shall be constructed in accordance with regulations set forth, dealing with the appropriate zones contained in the Village, in the Code of Federal Regulations (CFR), Title 24, Housing and Urban Development, Chapter XX, Office of Assistant Secretary for Housing - Federal Housing Commission, Department of Housing and Urban Development, Part 3280, Manufactured Mobile Home Construction and Safety Standards.
- C. Mobile Home Skirting.
1. Each mobile home shall be provided with a skirt to screen space between the mobile home and the ground.
  2. Such skirts shall be of permanent material similar to that used in the mobile home and providing a finished exterior appearance.
  3. The material used shall be non-combustible.
- D. Mobile Home Stand.
1. Each mobile home shall be provided with a stand consisting of the following:
    - (a) having dimensions approximately but not less than the width and length of the mobile home and any extensions thereof.
    - (b) grading to ensure adequate drainage but in no event shall the difference in grade exceed six (6) inches from one end of the stand to the other.
    - (c) A full reinforced concrete slab at least four (4) inches thick, or  
  
Six (6) inches of compacted gravel with a reinforced concrete runner on each side of the stand to provide support. Such runner shall be a minimum of three (3) feet wide, and total the length of the mobile home, and four (4) inches thick.
- E. Each mobile home shall have a minimum gross floor area of 670 square feet.

Section 650: Home Occupations:

- A. No home occupation shall be permitted that:
1. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood.
  2. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance.

B. The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:

1. Dressmaking, sewing, and tailoring.
2. Painting, sculpturing, or writing.
3. Telephone answering.
4. Home crafts, including model making, rug weaving, lapidary work, cabinet making, ceramics, and similar crafts.
5. Tutoring.
6. Home cooking and preserving.
7. Computer programming and data processing.
8. Bed and breakfast.
9. Beauty\Barber shops.

C. The following are prohibited as home occupations:

1. Animal hospitals/Kennels.
2. Private clubs.
3. Restaurants.
4. Motel/Hotel.
5. Motor Vehicle Service Stations.

D. Any proposed home occupation that is neither specifically permitted by paragraph B nor specifically prohibited by paragraph C shall be considered a site plan review use.

E. Notwithstanding any provision of this section, no home occupation will be permitted if it employs more than one nonresident of the dwelling.

#### Section 660: Lot Coverage

The maximum lot coverage shall be 35 percent in the Residential District and 50 percent in the Business District. Lot Coverage includes the principle building\use, accessory structure\use and any required parking.

#### Section 665 - Storage Trailer

Storage trailer shall meet the setback requirements of accessory uses of the District in which it is located. It shall not be allowed to remain for more than a six month period. They shall be for temporary use only, not for permanent storage.

## ARTICLE VII NON-CONFORMITIES

Section 700: Intent: The intent of this section is to recognize certain uses, lots of record and structures which legally existed at the time of enactment of this local law and which would be prohibited or unreasonably restricted by the provisions, regulations, standards, or procedures herein. This section shall not, however, be construed to perpetuate or encourage the survival or expansion of such uses, lots, or structures.

Section 710: Uses and Structures:

- A. A nonconforming structure or use may not be enlarged to occupy a greater land area, altered, rebuilt, or resumed except in conformity with the regulations for the district in which it is located if:
  - 1. It has once been changed to a conforming use; or
  - 2. A nonconforming use of a structure or land has ceased for a consecutive period of twelve months or for a cumulative twenty-four months during any three year period.
- B. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this Law.
- C. Nothing in this Law shall be deemed to prevent the strengthening or restoring to a safe condition of any non-conforming structure declared unsafe by a duly designated official.
- D. A non-conforming use may be rebuilt or restored if destroyed or partially destroyed by fire or an act of God to its original state of non-conformity.
- E. District Changes: Whenever an area is transferred from a district of one classification to a district of a different classification, the above regulations shall apply to nonconforming uses created by such transfer.

Section 720: Lot of Record: Any lot held under separate ownership prior to the enactment of this local law and having lot width, area or both less than the minimum area requirements set forth in this local law may be developed with any compatible use listed for the zone in which such lot is located without requiring a variance provided that such lot:

- A. Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to non-conforming dimensions.

- B. Has sufficient area and width to undertake development which will:
  - 1. Maintain the required minimum front setback,
  - 2. Meet or exceed at least two-thirds (2/3) of the required minimum side and rear setbacks,
  - 3. Not exceed the maximum permitted lot coverage; and
- C. Otherwise satisfies all applicable provisions of this local law.

Section 730: Mobile homes on individual lots:

- A. A non-conforming mobile home is one that does not meet the regulations of Section 640 at the time of this Law's adoption.
- B. Any mobile home that is unoccupied for 18 months must either meet the requirements of Section 640 or be removed from the site.
- C. Any non-conforming mobile home may be replaced by a mobile home of the same or greater size but shall meet the requirements of Section 640.

Section 740: Signs:

- A. Any non-conforming sign painted, pasted, or otherwise applied to a fence, walk, facade, or building shall not be repainted, restored, or replaced.
- B. Any non-conforming free standing sign shall be properly maintained, but not replaced except by a sign conforming to the requirements of this Law.

## ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

### Section 800: Zoning Permit:

- A. No building or structure shall be erected or substantially altered until a permit therefore has been issued. The enclosed structural area of a building shall not be enlarged until a permit therefore has been issued. Except upon written order of the Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Law.
- B. There shall be submitted with all applications for zoning permits two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon, the size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Law. Upon submittal of a completed application for a zoning permit official action shall be taken within thirty days. Such a zoning permit shall expire one (1) year from the date of issue if construction is not started.
- C. A fee to be determined by the Village Board shall be paid for each zoning permit issued. The Code Enforcement Officer shall report to the Village Board the number of permits issued and fees collected at regular Village Board meetings.
- D. Temporary permits may be issued by the Code Enforcement Officer for a period not exceeding one year, for non-conforming uses incident to housing and construction projects, including such structures and uses as the storage of building materials and machinery, the processing of building materials, and a real estate office located on the tract being offered for sale, provided such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit. Such permits may be renewed yearly upon application to the Code Enforcement Officer.

Section 810: Code Enforcement Officer: This Local Law shall be enforced by the Village of Theresa Code Enforcement Officer, who shall be appointed by the Village Board.

- A. The Code Enforcement Officer's authorities shall include:
  - 1. Issue and deny permits.
  - 2. Scale and interpret district boundaries on Land Use Maps.
  - 3. Inspect and certify that the sanitary waste regulations of this Local Law and New York State have been adhered to.
  - 4. Issue or deny Certificate of Occupancy.

5. Refer appropriate appeal matters to the appropriate Board.
6. Revocation of a permit where there is false, misleading or insufficient information. Revocation of a permit and/or certificate of occupancy where the applicant has not done what was proposed on the application.
7. Issue stop work orders.
8. The Code Enforcement Officer shall report to the Village Board the number of permits issued and fees collected at regular Village Board meetings.
9. Issue appearance tickets.

Section 820: Zoning Appeals Board:

- A. Creation, appointment, and organization: A Board of Appeals is hereby created. Said Board shall consist of five members. The Village Board shall appoint the members of the Board of Appeals and shall select the Chairman and Vice Chairman. The first appointments of members of the Board shall be for terms so fixed that at least one will expire at the end of each official year commencing at the end of the current such year and continuing in succeeding year until the entire original appointments run out. At the expiration of each original appointment the succeeding members shall be appointed for five year terms. Terms shall meet the requirements of the appropriate Section 7-712 of Village Law.
- B. Powers and duties: The Board of Appeals shall have all the power and duties prescribed by Section 7-712 of the Village Law and by this law, which are more particularly specified as follows:
  1. Interpretations, requirements, decisions, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, or decision the appeal is taken.
  2. Use variance.
    - (a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such local law, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the local law.

- (b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that
- (1) Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
  - (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - (4) That the alleged hardship has not been self-created.
- (c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

### 3. Area Variance

- (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such local law, to grant area variances from the area or dimensional requirements of such local law.
- (b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - (3) Whether the requested area variance is substantial;

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

#### C. Procedure

1. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in article seven of the public officers law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order requirement, decision or determination of the board of appeals shall immediately be filed in the office of the Village clerk and shall be a public record.
3. Assistance to board of appeals. Such board shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village board.
4. Hearing appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the board of appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this article. Such board shall have the authority to call upon any department, agency or employee



of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village board. Such department, agency or employee shall be reimbursed for any expenses incurred as a result of such assistance. The concurring vote of a majority of the members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Village.

5. Time of appeal. Such appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of such ordinance or local law by filing with such administrative official and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken. The costs of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal.
6. Stay upon appeal. An appeal shall stay all proceeding in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
7. Hearing on appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in a paper of general circulation in the Village of a notice of such hearing, at least five days prior to the date thereof.
8. Time of decision. The board of appeals shall decide upon the appeal within sixty-two days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.

9. Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the Village clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
10. Notice to park commission or planning agency. At least five days before such hearing, the board of appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by section two hundred thirty nine-m of the general municipal law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.
11. Compliance with state environmental quality review act. The board of appeals shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.

Section 830: Planning Board:

- A. Power and Duties: The Planning Board shall have the following powers and duties with respect to this Law.
1. Approval, approval with conditions, or disapproval of site plans in accordance with Article IV.
  2. Submission of an advisory opinion, when requested to do so to the Zoning Board of Appeals.
  3. Submission of an advisory opinion to the Village Board for proposed amendments to the Law.
  4. All other powers granted by State Law.

Section 840: County Planning Board: The Village Board, Planning Board or Zoning Board of Appeals shall refer all amendments, site plans, and variances that fall within those areas specified under General Municipal Law Article 12-B, Section 239m to the County Planning Board prior to the Local Board's vote thereon. This includes actions that fall within 500 feet of the boundary of the Village; a state/county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; and state or county land where a public building or institution is located. If the County Planning Board does not respond within thirty (30) days from the time it received a full statement on the referral matter then the local board may act without such report. The local board must report to the County Planning Board on its final action within seven (7) days of that event.

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Section 850: Certificate of Occupancy:

- A. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Enforcement Officer stating that the building or proposed use thereof complies with the provisions of this Law.
- B. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this Law.
- C. The Enforcement Officer or Village Clerk shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- D. Under such rules and regulations as may be established by the Zoning Board of Appeals, a temporary certificate of occupancy for not more than thirty (30) days for a part of the building may be issued by the Enforcing Officer. Such temporary certificate may be renewed upon request for an additional thirty (30) days.

Section 860: Violations And Penalties:

- A. Violations and penalties: A violation of this Law is an offense punishable by a fine, not exceeding three hundred fifty (\$350.00) and each week's continued violation shall constitute a separate offense.
- B. Complaints of violations: Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Village Board.

Section 870: Procedure For Amendments: The Village Board may from time to time on its own motion, or on petition, amend, supplement, or repeal the regulations and provisions of this local law, after public notice and hearing.

The Village Board by resolution adopted at a stated meeting shall fix the time and place of public hearing on the proposed amendments and cause notice to be given as follows:

- A. By publishing a notice at least ten days prior to the time and place of such hearing in the official news-papers.
- B. A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any State Park or Parkway shall be given to the Regional State Park Commission having jurisdiction over such State Park or Parkway at least ten days prior to the date of such public hearing. Also, notice shall be given to any municipality within 500 feet of the affected area.

A local law for the Village of Theresa - Unsafe Buildings and Structures Law.

Article 1. - Statement of Authority. The Board of Trustees of the Village of Theresa, pursuant to the authority granted it under Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. Unsafe buildings and structures pose a threat to life and property in the Village of Theresa. Buildings and structures may become unsafe by reason of damage by fire, the elements, age, or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this local law to provide for the safety, health protection, and general welfare of persons and property in the Village of Theresa by requiring such unsafe buildings and structures to be repaired, demolished, or removed.

Article 3. - Enactment.

Section 1. - Definitions.

- 1) Building means any building, structure, or portion thereof, used for residential, business, commercial, or industrial purposes.
- 2) Building Inspector means Building Inspector of the Village of Theresa or other person appointed by the Board of Trustees of the Village of Theresa to enforce the provisions of this local law including, but not limited to, any peace officer, or code enforcement officer.

Section 2. - Investigation and Report. The Building Inspector, when in his own opinion or on receipt of information that a building:

- 1) is or may become dangerous and unsafe to the general public,
- 2) is open at the doorways and windows, making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants or transients,
- 3) is or may become a place of rodent infestation,
- 4) presents any other danger to the health, safety, and morals of the general public, or

- 5) is unfit for the purposes for which it may be lawfully used,

shall cause or make an inspection thereof and report in writing to the Village Board, his findings and recommendations in regard to its repair, demolition, and/or removal.

Section 3. - Village Board Order. The Village Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that the building is unsafe and dangerous, an order that it be made safe and secure or removed, and further order that a notice be served on such persons and in the manner provided herein.

Section 4. - Notice; Contents. The notice shall contain the following:

- 1) A description of the premises.
- 2) A statement that the particulars in which the building is unsafe or dangerous.
- 3) A report outlining the manner in which the building is to be made safe, secure and/or removed.
- 4) A statement that the securing or removal of such building shall commence within thirty days of the service of the notice and shall be completed within sixty days thereafter, unless for good cause shown, such time shall be extended.
- 5) A date, time, and place for hearing before the Village Board in relation to such dangerous or unsafe building or structure, which hearing shall be scheduled not less than ten business days from the date of service of the notice.
- 6) A statement that in the event of neglect or refusal to comply with the order to secure or remove the building, the Village Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the owner, and to institute a special proceeding to collect the cost of demolition, including legal costs.

Section 5. - Service of Notice. The notice shall be served on the owner, his executor, legal representative, agent, lessee, or any other person having a vested or contingent interest in the subject property, either personally or by certified mail, addressed to the last known address, as shown on the most recently completed tax roll for the Village. If such service is made by certified mail, a copy of such notice is to be posted on the premises.

Section 6. - Notice to the County Clerk. A copy of the notice served as provided herein, shall be filed in the office of the Jefferson County Clerk.

Section 7. - Refusal to Comply. In the event of a failure or refusal of the owner to comply with the Village Board, the Village Board, after hearing, may provide for the demolition and removal of such building or structure, either by Village employees or by contract. Except in the event of an emergency as provided herein, any contract for demolition and removal of a building in excess of \$20,000.00 shall be awarded through competitive bidding.

Section 8. - Assessment of Costs.

- a) The Village Board may assess all costs and expenses incurred by the Village in connection with the proceeding to remove or secure, including the cost of actually removing said building or structure as a special assessment on the tax roll against the land on which such buildings and structures are located.
- b) The Village Board, may as an alternative, commence a special proceeding in a court of competent jurisdiction to collect all costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the costs of actually removing such buildings or structures, from the owner of any building or structures.

Section 9. - Emergencies. Where it reasonably appears that there is present a clear and imminent danger to life, safety, and health of any person or property, unless an unsafe building is immediately repaired and/or secured or demolished, the Village Board may, by resolution, authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition may be recovered as set forth above.

Article 4. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.