

Village of Sackets Harbor

Zoning and

Subdivision Law

July 28, 2014

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- I. HISTORIC REVIEW GUIDELINES**
- II. LOCAL WATERFRONT REVITALIZATION POLICIES**
- III. SIGN GUIDELINES**
- IV. GENERAL GUIDELINES**

ARTICLE I TITLE, SCOPE, AND PURPOSES

§1-1 TITLE

This Local Law is known and may be cited as "The Village of Sackets Harbor Zoning Law."

§1-2 USER GUIDE

A. Intent

This Zoning Law enables Sackets Harbor to protect the historic and rural character of the Village while also providing opportunities for traditional neighborhood and commercial development that is appropriate to this character. It is designed to enable the Village to grow according to its historic development pattern and to achieve the community's goals as expressed in the Village's Comprehensive Plan, while protecting the property interests of landowners and providing a development approval process that is predictable, efficient and fair.

B. How To Use This Zoning Law

Landowners and others who use this Zoning Law are encouraged to meet with the Zoning Officer to discuss how this Zoning Law applies to their property. For any large-scale development (a large business or a development of several homes) it is also a good idea to consult the Village's Comprehensive Plan to understand how to make a proposed development fit within the Village's vision of its future. The usual sequence of steps in using this Zoning Law is as follows:

1. Check the Zoning Map located in the Village Clerk's office, to determine what zoning district(s) your land is in, including whether or not the land is covered by the Historic Preservation (HP) Overlay District. If the land is in the HP Overlay, see sections 4-3.
2. Consult Table 1, Use Table, and the text in §3-1, along with any relevant definitions in Article XI, to determine whether your proposed use or building is allowed in that district, and what type of approval is needed to approve it. Also check the other sections that affect your proposed land use in Articles III and IV. (Many of these are referenced in the Use Table.)
3. Consult the Development Standards in Article IV to see what dimensional and other development standards apply.
4. If you have an existing use that is no longer permitted, or if your existing building or lot does not comply with dimensional standards for your zoning district, check Article VI to determine what you can do with it.
5. If the Use Table indicates that your proposed use or structure can go forward with just a zoning permit, refer to Article VII. If the use will require a Special Permit or site plan approval, turn to Article VIII for the procedures to follow.
6. If your proposed use or structure is not permitted, you may want to petition for either a variance from the Zoning Board of Appeals under §7-7 or a Zoning Amendment from the Village Board (as provided in Article VIII). These options should be discussed with the Zoning Officer before they are pursued. Any zoning amendment must be consistent with the Comprehensive Plan.

§1-3 SCOPE, AUTHORITY AND PURPOSES

This local law regulates the location, design, construction, alteration, occupancy, and use of structures and the use of land in the Village of Sackets Harbor, dividing the Village into zoning districts. This Local Law is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Article 2, § 10 et seq., and the Consolidated Laws of the State of New York, Chapter 62, Article 16. This Local Law is enacted in accordance with the updated Village of Sackets Harbor Local Waterfront Revitalization Plan and its Comprehensive Plan, (as it may be modified from time to time), in order to protect and promote public health, general welfare, safety, comfort, convenience, economy, as well as the Village's natural, agricultural, aesthetic,

historic and cultural resources, and to implement the community's goals as expressed in the Village of Sackets Harbor Comprehensive Plan. To the extent not prohibited by law, the Village of Sackets Harbor is exempt from this Zoning Law.

§1-4 INTERPRETATION OF PROVISIONS

All provisions of this Local Law shall be construed to advance the goals and purposes of the Comprehensive Plan.

§1-5 OTHER LAWS; SPECIAL AGREEMENTS

The provisions of this Local Law shall be considered the minimum requirements for the promotion of the public health, safety, convenience, comfort, and general welfare. It is not intended by this Local Law to interfere with or abrogate or annul any easement, covenant, or other agreement between parties; provided, however, that when this Local Law imposes a greater restriction on the use of structures or land or on the heights of structures, or requires larger open spaces, or imposes any higher standards than are imposed or required by any easement, covenant, or agreement, the provisions of this Local Law shall control. Where the requirements of this Local Law differ from the requirements of another statute, law, ordinance, rule, or regulation, the more restrictive standard shall govern, unless this Local Law specifically states otherwise. All Local Laws specifically pertaining only to established Planned Development Districts, which are in effect at the time of the adoption of this Local Law, shall remain in full force and effect. With the exception of those Local Laws pertaining to specific Planned Development Districts, all previous Local Laws pertaining to Zoning and the Subdivision of Lands, are hereby repealed, including: Local Law No. 2 of the year 1987, Local Law No. 1 of the year 1988, Local Law No. 2 of the year 1988, Local Law No. 1 of the year 1989, Local Law No. 2 of the year 1989, Local Law No. 2 of the year 1993, Local Law No. 2 of the year 1996, Local Law No. 1 of the year 2000, Local Law No. 2 of the year 2000, Local Law No. 1 of the year 2006, Local Law No. 1 of the year 2007, Local Law No. 1 of the year 2008, and Local Law No. 2 of the year 2010, Local Law No. 1 of 1992 (Junk Vehicles); Local Law No. 2 of 1994 (signs); Local Law No. 3 of 1996 (Vehicle and Equipment Storage); Local Law No. 5 of 1996 (number of ZBA and PB members); and Local Law No. 2 of 2003 (number of PB members).

ARTICLE II LAND USE AND OVERLAY DISTRICTS

§2-1 ESTABLISHMENT OF DISTRICTS

The Village of Sackets Harbor is hereby divided into the following zoning districts:

Village Center District (VC)

The purpose of this district is to maintain and enhance the historic mixed-use character of the Village Center, while encouraging infill development that is compatible with that character, providing greater amenities to residents and a range of housing options and commercial opportunities.

Village Residential District (VR)

The purpose of this district is to maintain and enhance the residential neighborhoods surrounding the Village Center, allowing a variety of housing types, quality business development in scale with the neighborhoods, and flexibility of uses.

Rural Conservation District (RC)

The purpose of this district is to provide a greenbelt around the core area of the Village (VC, PDD, and VR Districts), to encourage agricultural uses of land, protect farmland and environmental resources, create a network of trails through the greenbelt, and to allow limited compact development that provides a reasonable return to landowners.

Planned Development Districts (PDD)

The purpose of these districts is to enable Planned Developments that were approved prior to the adoption of this Local Law to continue to develop pursuant to the approvals received and to allow new PDDs in appropriate circumstances.

Historic Preservation Overlay District (HP)

The purpose of this Overlay District is to protect the traditional character of portions of Village with important historic value, as further described in §4-3. This district includes all of the VC District and portions of the VR and PDD districts.

§2-2 ZONING MAP

- A. The boundaries of the zoning and overlay districts are hereby established on a map entitled "Village of Sackets Harbor Zoning Map." An unofficial reduction of this map is appended to this Local Law for reference purposes only.
- B. The official Zoning Map shall be kept in the office of the Village Clerk, and shall be reviewed for accuracy and updated by the Village Board or its designee at least once annually. Changes may be made in district boundaries or other matters portrayed on the Zoning Map only by a zoning amendment adopted by the Village Board pursuant to Article X of this Local Law. Such changes shall be noted by the Village Clerk on the official Zoning Map promptly after the Village Board adopts an amendment.
- C. In the event of a conflict between the zoning map in the Village Clerk's office and the specific local law adopting a zoning map amendment, the specific local law shall be the controlling authority as to the current zoning status of lands, structures and uses in the Village.
- D. An unauthorized map change made by any person shall be considered a violation of this Local Law, punishable under §7-5 of this Local Law.

§2-3 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts shown on the Zoning Map, the following rules apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or railroad tracks shall be construed to follow such centerlines. If such lines change, the boundaries shall be construed to follow the new lines.
- B. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
- C. Boundaries indicated as following shorelines of ponds and lakes shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
- D. Boundaries indicated as following centerlines of streams shall be construed to follow such centerlines and, in the event of change in the centerline, shall be construed as moving with the actual centerline.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

ARTICLE III USE REGULATIONS

§3-1 ALLOWABLE USES

No structure or land shall be used except as provided in the Use Table (Table 1) below. See § 11-2 for Definitions of the use categories. In the event that a particular proposed use in the RC, VR, or VC districts does not fit into any of the categories shown on the Use Table for a district, and is not otherwise prohibited by law, it may be allowed by Special Permit issued by the Village Board. The meaning of the symbols on the Table is as follows:

- Permitted: Use permitted by right. Usually requires a zoning permit from the Zoning Officer, but does not require review by any municipal board.
- Site Plan: Use permitted by right, subject to Site Plan review by the Planning Board (see sections 8-6 through 8-7).
- Special Permit: Use permitted by Special Permit issued by the Planning Board or Village Board (see sections 8-1 through 8-5).
- Prohibited use: Not permitted.

A. Prohibited Uses

Any use, whether or not listed in the Use Table, is prohibited if it does not satisfy the applicable standards and criteria in this Zoning Law. The following uses are prohibited under all circumstances (existing uses may be continued pursuant to the nonconforming use provisions of Article VI): heavy industry, asphalt and plants, junkyards, and facilities for disposal of hazardous or radioactive material or hazardous or radioactive waste. In addition, within the RC District, the importation for dumping or disposal of snow or ice collected from roadways or parking lots is prohibited into or within 200 feet linear distance of any wetland or watercourse carrying water six months or more out of the year. Any actual use of land that is prohibited or illegal at the time of the effective date of this Zoning Law will not be allowed to continue as a “nonconforming use” as provided in Article VI, unless it enjoyed non-conforming use protection under the prior zoning law. For example, if a junkyard operated illegally in the past, it will not be allowed to continue.

B. Accessory Uses

Uses customarily incidental and subordinate to principal uses shown on the Use Table shall be allowed on the same basis as the principal uses (i.e. by right, or subject to site plan or special permit), unless otherwise indicated on the Use Table. Non-commercial recreational use shall be permitted as an accessory use in all districts, provided that it does not create noise, traffic, dust, odor, or other impacts that exceed those normally associated with single-family residential uses. Keeping animals as an accessory use is regulated by §3-7.

**TABLE 1: USE
TABLE**

USE CATEGORY	ZONING DISTRICTS			Applicable Section
	Rural Conservation (RC)	Village Residential (VR)	Village Core (VC)	
RESIDENTIAL USES				
Single-family Dwelling	Permitted	Permitted	Site Plan Review	
Two-family Dwelling	Site Plan Review	Site Plan Review	Site Plan Review	
Multi-family Dwellings	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Accessory Apartment	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	§3-3
Upper-floor Apts in Mixed-use Building	Special Permit (PB)	Site Plan Review	Site Plan Review	
Residential Care Facility	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	§3-10
Mobile Home Park	Special Permit (VB)	Prohibited	Prohibited	§3-9
Alternative Energy Systems	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	§3-13
Adult Uses	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	§3-8
BUSINESS USES¹				
Agriculture	Permitted	Special Permit	Prohibited	§3-8
Bed & Breakfast	Site Plan Review	Site Plan Review	Site Plan Review	
Craft Workshop	Site Plan Review	Site Plan Review	Site Plan Review	
Day Care Center	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Home Occupation	Permitted ²	Permitted ²	Permitted ²	§3-4
Kennel	Special Permit (PB)	Prohibited	Prohibited	§3-7
Light Industry	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	§4-9
Lodging Facility	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Marina	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	
Office	Special Permit ³ (PB)	Special Permit (PB)	Site Plan Review	
Public Utility Facility	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	
Recreational Business	Special Permit (PB)	Special Permit (PB)	Special Permit (PB)	
Restaurant	Special Permit ³ (PB)	Special Permit (PB)	Site Plan Review	
Retail Business (not listed elsewhere)	Special Permit ³ (PB)	Special Permit (PB)	Site Plan Review	

USE CATEGORY	ZONING DISTRICTS			Applicable Section
	Rural Conservation (RC)	Village Residential (VR)	Village Core (VC)	
Service Business	Special Permit ³ (PB)	Special Permit ³ (PB)	Site Plan Review	
Small Scale Business	(PB)	NA	NA	§3-1 E
(not listed elsewhere)	(PB)	(PB)		
Veterinary Hospital	Special Permit (PB)	Special Permit (PB)	Prohibited	
Warehouse/Wholesale Business	Special Permit (PB)	Prohibited	Prohibited	
Riding Academy	Site Plan Review	Prohibited	Prohibited	
Use Not Listed	Special Permit (VB)	Special Permit (VB)	Special Permit (VB)	
COMMUNITY USES				
Cemetery	Special Permit (PB)	Special Permit (PB)	Prohibited	
Educational/Charity/Religious	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Health Care Facility	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Membership Club	Special Permit (PB)	Special Permit (PB)	Site Plan Review	
Place of Public Assembly	Special Permit (PB)	Special Permit (PB)	Site Plan Review	

¹Subject to limitations on building footprint in §4-2C.

²Requires a Special Permit if more than one non-resident employee or occupies 30% of dwelling unit floor space.

³See §3-1E.

C. Mixed Use

The Village of Sackets Harbor encourages the mixing of uses where such mixing does not create land use conflicts. Accordingly, all Special Permit and/or Site Plan reviews for the same project shall be consolidated into one proceeding before the Planning Board (except where the Village Board has jurisdiction over a Special Permit). For example, if someone wants to operate a retail store with apartments above, only one application will be required.

D. Change of Use or Structure

A change of use is the initiation of a use that is in a different use category, as listed on the Use Table, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category, shall not be considered a change of use, unless the change would result in the enlargement or addition of a sign or an increase in the number of required parking spaces for the new use.

1. Permitted Uses.

Any change of use of land or existing structures to a use permitted by right without Site Plan review ("Permitted" on the Use Table) shall not require approval from the Planning Board or the Zoning Officer.

2. Uses Subject to Site Plan Review.

Any change of the use of an existing structure to a use subject to Site Plan review shall require Site Plan

review.

3. Uses by Special Permit.

A Special Permit shall be required for any change of use from a use that does not require a Special Permit to a use that does require a Special Permit. Once a Special Permit has been granted, the special use shall run with the land and apply to the approved use and to all subsequent owners, tenants, and occupants engaged in the same use, unless the Special Permit is granted for a specified time period or under certain conditions which may change over time. The Special Permit shall also apply to any subsequent use of the property in the same use, provided that such use has no greater impact on adjoining properties, complies with all terms and conditions of the Special Permit, and does not involve new construction, enlargement, exterior alteration of existing structures, increased parking, or other changed use of outdoor areas. Any change to another use allowed by Special Permit shall require the granting of a new Special Permit or a Special Permit amendment.

E. Small-Scale Business Uses in the RC District

Residential structures in the RC District that were in existence as of the effective date of this zoning law may be used for office, restaurant, retail, and service business uses by Special Permit, provided that their exterior appearance is not significantly modified and that the business use does not occupy more than 4,000 square feet of floor area. New structures not exceeding 4,000 square feet in floor area may be built if they comply with this section, provided that they maintain a residential appearance and that all parking areas are screened from view from adjoining properties and public roads. Any changes to an existing structure or construction of a new structure should comply with all applicable design guidelines in this Local Law.

§3-2 PLANNED DEVELOPMENT DISTRICTS

A. Purpose

This section enables the Village to establish Planned Development Districts at designated specific locations by amending the Zoning Law. Any Planned Development District approved under previous zoning laws shall remain in full force and effect and may continue to develop according to the terms of its original approval. The purpose of establishing a PDD is to allow a variety of compatible uses such as residential, commercial and recreational development so the demands for housing may be met by greater variety in type, design and siting of dwellings, and by the conservation and more efficient use of land. To accommodate such development, this section allows greater freedom and imagination in design than is otherwise possible, while adhering to the Village's planning policies and development objectives. This flexibility in design and land use regulations is guided by the following objectives:

1. To ensure that development is consistent with historic character of Sackets Harbor, complies with architectural guidelines, and meets the overall intent of this Law.
2. To provide for efficient use of land that facilitates a more economic arrangement of buildings, circulation systems, and utilities.
3. To the greatest extent possible, to preserve the amenities of the site, open space, historic and cultural resources, and existing landscape features.

B. Allowed Uses

All uses listed in Table 1, and any other uses compatible with the purposes and objectives of this Article and Zoning Law as determined by the Village Board, shall be allowed in planned development districts. The approved site plan and local law creating the PDD shall specifically describe the uses allowed in the PDD, and the locations, conditions and restrictions for each use. Customary accessory or associated uses, such as private garages, storage spaces, patios, signs, greenhouse and swimming pools shall also be permitted as appropriate.

C. Lot Dimensions

1. All lot dimensions shall be at the discretion of the Village Board, upon the recommendation of the Planning Board, but the total number of dwelling units shall in no case exceed six (6) per acre.

2. Lots shall vary in size, shape and frontage length and shall be alternated in location along the street to avoid the appearance of uniform lot sizes.
3. The nonresidential uses of a commercial or business nature shall not exceed the square footage devoted to residential (and its accessory) uses. This shall be determined by building floor area. Such commercial or service area may be in separate buildings or incorporated within two-family or multi-family structures or in suitable combinations of these alternatives.

D. General Requirements for Planned Development Districts

A proposal must meet the following requirements to be considered for Planned Development District status:

1. **Minimum Area:** The proposal must include at least three (3) contiguous acres of land.
2. **Ownership:** The land involved may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner, or jointly by owners, of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
3. **Location:** If the applicant can demonstrate that the proposal's characteristics meet the objectives of this section, PDD may be designated in any area of the Village.
4. **Community Property:** Common property is not required for Planned Development Districts, however, it is often characteristic of such proposals. Common property is a parcel(s) of land, with or without improvements, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, its ownership may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the improvement, operation and maintenance of the common property and facilities, including private streets, drives, parking areas, recreational and open space areas.
5. **Specific Use Regulations:** The Planning Board and Village Board may use the standards established for specific uses (see Article III) as a basis for approving the PDD plan.

E. PDD Procedure

Following are procedural steps that shall be followed when applying for PDD status.

1. To establish Planned Development Districts, the zoning map must be amended in accordance with the following procedures and the regulations for amendments to the zoning law.
2. Application for a Planned Development District shall be made to the Village Board by the owner(s) of the property included in the proposed PDD. A complete application must be submitted to the Village Clerk at least fourteen (14) days prior to the Village Board meeting at which the application is to be considered. The application shall consist of all the information required for a Site Plan Review, as stated in §8-6B. Within seven (7) working days of receiving the application, if the application is complete, the Village Board shall refer the application to the Planning Board for consideration.
3. The Planning Board shall review the application according to the criteria and procedure for Site Plan Review, §8-6 and §8-7, except that a public hearing by the Planning Board is not required. The Planning Board shall have a maximum of 60 days from the formal receipt of the application to make its recommendation.
4. The Planning Board shall recommend (rather than take final action) approval, approval with conditions, or disapproval to the Village Board within the same time as they would normally take final action on a Site Plan review use.
5. Within forty-five (45) days of receiving the Planning Board recommendation, the Village Board must hold a public hearing on the proposal, then deny, approve, or approve with modifications the PDD proposal.
6. If the PDD is approved, the permitted development must be confined to the specific designated area and adhere to the approved site plan. Anything different from this constitutes a violation of this zoning law.
7. In order to exceed any of the above time frames for adoption of a PDD, there must be agreement by both the applicant and the Village Board.
8. If no noticeable intent to develop has been demonstrated within one (1) year from the date PDD status is granted, the land shall revert to its former zoning status.

F. Changes

1. All significant changes to the PDD shall be approved by the Village Board following a complete PDD procedure as outlined in this section. The following are considered significant changes:
 - a. Changes in the size or exterior boundaries of the PDD,
 - b. Increase in the density of dwelling units,
 - c. Increase in the number of dwelling units,
 - d. Change in non-residential square footage,
 - e. Change in location or amount of land devoted to specific uses,
 - f. Change in use from one of the major categories of use (Residential, Business, Community) to another, as described in the Use Table, or
 - g. Any other changes not specifically described in subsection F.2 below.
2. The following minor changes to the PDD shall be approved by the Planning Board following site plan review:
 - a. A decrease in density (e.g. multi-family to single family), or number of dwelling units,
 - b. Any change of user of non-residential buildings or change of use within the same major category of uses, as described in the Use table,
 - c. Any activity normally subject to Planning Board review under §4-3, §4-4, or §4-5 unless it is subject to Village Board approval under section F. 1 above.

§3-3 ACCESSORY APARTMENTS

One accessory apartment per single-family dwelling may be located in an accessory structure as provided in the Use Table. An accessory apartment may be allowed by Special Permit granted by the Planning Board subject to the following conditions:

1. The lot containing the accessory apartment must contain the minimum area required by the Dimensional Table, unless it is located in the RC district or in an approved Conservation Subdivision,
2. The exterior appearance of the accessory structure and lot cannot be significantly changed to develop the accessory apartment, and
3. The accessory apartment shall not adversely impact the character of the neighborhood.
4. The accessory apartment must have a separate water meter in accordance with Village water law, and
5. There must be adequate off-street parking consisting of at least one space allocated for the occupants of the accessory apartment.

The accessory apartment shall not be counted as a residential unit for purposes of determining density. No special permit or zoning permit shall be granted for an accessory apartment without all other required permits and approvals.

§3-4 HOME OCCUPATIONS

A. Purpose and Intent

The conduct of small-scale low-impact business and professional uses on residential properties shall be permitted under the provisions of this section. It is the intent of this section to:

1. Ensure the compatibility of home occupations with other uses;
2. Maintain and preserve the rural and historic character of the Village; and
3. Allow residents to engage in gainful employment on their properties while avoiding excessive noise, traffic, nuisance, fire hazard, and other possible adverse effects of non-residential uses.

B. Criteria and Standards

1. Home Occupation as Use Permitted by Right.

Home occupations shall be permitted uses which do not require a zoning permit if they are in compliance with the following conditions and the standards in subsection 3:

 - a. The home occupation may be conducted only by residents of the dwelling unit plus no more than one non-resident assistant or employee at any one time.
 - b. An area no larger than 30% of the floor area of the primary dwelling unit may be occupied by

home occupations, up to a maximum of 500 square feet, including screened exterior storage space.

2. Home Occupation by Special Permit.

A home occupation occupying an area greater than that permitted in subsection (B)(1)(a) above or employing more than one non-resident employee may be allowed by Special Permit, provided that it satisfies all criteria for granting of Special Permits as well as all other criteria and standards in subsections (B)(3)(a) through (g) below. Such criteria shall become standard conditions of the Special Permit. In no case shall the area occupied by home occupations allowed by special permit exceed the lesser of 40% of the floor area of the primary dwelling unit or 2,000 square feet, including screened exterior storage space.

3. Standards for All Home Occupations

- a. A home occupation may be conducted within a dwelling unit and/or within accessory structures.
- b. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, and does not alter the character of the neighborhood.
- c. Signs used in conjunction with a home occupation shall not be animated or illuminated and shall not exceed four square feet.
- d. Parking shall be adequate for non-resident employees and customers or clients. No business vehicle larger than 10,000 pounds gross vehicle weight may be parked regularly in a location visible from a public road or neighboring properties.
- e. There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation, unless screened from the road and from other properties.
- f. No offensive appearance, noise, vibration, smoke, electrical interference, dust, odors, or heat shall occur. The use of substances in a manner which may endanger public health or safety or which pollute the air or water shall be prohibited.
- g. More than one home occupation may be conducted on a lot, provided that the combined impact of all home occupations satisfies these criteria and standards.

§3-5 DRIVEWAYS

New driveway entrances (including the conversion of farm roads into residential or commercial driveway entrances) also shall require permission from the Village Superintendent of the Department of Public Works, the County Department of Public Works for county roads, or the New York State Department of Transportation for state roads.

§3-6 OUTDOOR STORAGE

A. Junk Vehicles

No junk vehicles, to include, but not limited to, an automobile, bus, trailer, truck, motor home, motorcycle, boat or snowmobile, or any other type of device originally intended for travel or transportation, shall be kept in the Village for a period longer than sixty (60) days unless they are enclosed within a structure or fence and are not visible from any other lot or public way.

B. Recreational and Commercial Vehicles

1. Boats, trailers, docks and other seasonal or recreational vehicles used in the previous year may be stored, maintained, or parked on a driveway or out of sight from a public street unless such location is not feasible. Any boat, trailer, dock, or other seasonal or recreational vehicle that is unregistered and has not been used for its intended purpose in the previous calendar year shall be removed immediately, or in accordance with an enforcement action taken under section 7-5.
2. Unless authorized by a Special Permit or Site Plan approved in connection with a business use, no commercial vehicle exceeding 10,000 pounds gross vehicle weight or 20 feet in box length shall be parked

overnight in the VR or RC districts where it is visible from adjoining properties or public streets. The Planning Board may allow larger vehicles by Special Permit. This provision shall not apply to trucks used in connection with commercial agriculture, provided that parked trucks are set back at least 100 feet from property lines of adjacent residential landowners.

C. Equipment and Materials

Any construction materials, unused equipment, supplies, fixtures, and furnishings shall not be stored longer than one month, unless enclosed by a structure or fence and not visible from any other lot or public way.

Construction equipment and other heavy equipment, exceeding 10,000 pounds gross vehicle weight, may not be stored, maintained, or parked in any location visible from adjoining properties or public roads, except for purposes of loading and unloading.

D. Temporary Storage Devices

Shipping containers, Portable On Demand Storage (PODS) units, portable garages/carports and other similar temporary storage devices are allowed in all districts for a maximum 30 days per calendar year. Only one temporary storage device may be placed at any residential property at one time. Portable storage devices shall not be converted to permanent structures.

§3-7 KEEPING OF ANIMALS

Kennels

1. A kennel may be allowed by special permit in the Rural Conservation District provided it complies with the requirements of this subsection.
2. No kennel shall be established within 200 feet of a property line.
3. The minimum lot area required to establish a kennel shall be four (4) acres.

§3-8 PROTECTION OF AGRICULTURE

A. Agricultural Buffers

The Planning Board may, at its discretion, require applicants for non-agricultural uses, which abut agricultural uses, to provide buffers and screening consistent with the nature of its application.

B. Required Disclosure

In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat or Site Plan, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, inclusion in an offering plan or real estate listing information sheet, or letter of notification. This section may also be applied to any commercial development at the discretion of the Planning Board.

C. Agricultural Data Statement

1. Any application for a Special Permit, Site Plan approval, use variance, or subdivision approval requiring municipal review and approval by the Village Board, Planning Board, or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm operation, or on property with boundaries within five hundred feet of a farm operation located in an agricultural district (Southwest Agricultural District #3), shall include an agricultural data statement as defined in § 11-2. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district.
2. An agriculture data statement shall include name and address of the applicant, a description of the proposed project and its location, name and address of any owner of land within the agriculture district –

which land contains farm operations and is located within five hundred feet of the property upon which the project is proposed, and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agriculture data statement.

D. Keeping Livestock as an Accessory Use

Subsections A through C above shall not apply where farm animals are kept on residential properties as an accessory use and are not part of a farm operation. See §3-7.

E. Agricultural Zoning Exemptions

Within an agricultural district as defined in Article 25AA of the New York State Agriculture and Markets Law, adopted by the County and certified by the State, the following exemptions from provisions of this Zoning Law shall apply to land and buildings on farm operations:

1. There shall be no height limits on agricultural structures, including but not limited to barns, silos, grain bins, and fences, as well as equipment related to such structures, as long as they are being used in a manner that is part of the farm operation.
2. There shall be no lot line setback restrictions on agricultural structures, except setbacks from lots that are either not within the agricultural district or lots that have existing residential uses. Agricultural structures containing animals, animal feed, or animal waste shall be set back at least 200 feet from watercourses and from lots that have existing residential uses, whether or not such residential lots are within an agricultural district. This setback requirement shall not apply to preexisting non-conforming structures.
3. Agricultural structures and practices shall not require Site Plan review or special permit approvals, except that agricultural structures with a footprint greater than 15,000 square feet shall require site plan approval pursuant to §8-6.

F. Manure Management

The storage and land application of manure for agricultural purposes shall follow reasonable agricultural practices and be in accordance with NYS DEC Regulations.

§3-9 MOBILE HOME AND CONSTRUCTION TRAILER REGULATIONS

A. Mobile home parks

1. New mobile home parks shall be allowed by Special Permit from the Village Board only within the RC District.
2. Mobile home parks shall fully comply with all standards for Conservation Subdivisions, except as follows:
 - a. The number of permitted homes in any mobile home park shall be determined as provided by the formula in §5-12, using three dwelling units per acre as the maximum allowable density.
 - b. The minimum protected open space shall be 30%.
 - c. The development shall provide playground and recreational facilities for the use of residents.
 - d. The maximum number of mobile homes in any mobile home park shall be forty.
 - e. The minimum parcel size shall be 20 acres.
 - i. All mobile homes shall be screened from view from public roads and other publicly accessible land including trails used by the public.
 - ii. All mobile homes shall be set back at least 100 feet from property lines.
3. All mobile home parks shall comply with all applicable state and federal regulations and all applicable special permit and Site Plan review standards and criteria in this Local Law. If the mobile home park will involve the creation of separate lots, the Village of Sackets Harbor Subdivision Law shall also apply.

B. Individual Mobile Homes Outside of Mobile home parks

1. Individual mobile homes permanently located outside of mobile home parks shall be prohibited, except in connection with farm operations as provided in subsection E.

2. Non-conforming mobile homes may be replaced by mobile homes that comply with currently applicable federal and state building standards.

C. Construction Trailers

Construction trailers may be placed temporarily (without permanent footings) on construction sites for a period not to exceed the construction period, if allowed pursuant to a Special Permit, Site Plan, Variance, or subdivision approval and subject to any restrictions deemed appropriate by Planning Board. Such trailers may be used for office, storage, or workshop space, and shall not be used for residential purposes.

D. Farm Operations

Mobile homes shall be permitted by right on farm operations, provided that they comply with all state and federal standards and satisfy all applicable health regulations. Such mobile homes shall be located within the boundaries of the farm parcel operated by the applicant farm operator, subject to the following conditions:

1. The mobile home shall be used exclusively for the housing of a farm employees and the immediate family of such employees.
2. Such employees shall be employed full-time in the occupation of the applicant farmer and derive the majority of their annual income from employment in agricultural operations on the farm.
3. The mobile home(s) shall be placed in such a manner and/or position or location that observation by adjoining property owners will be minimized.
4. If the mobile home is not occupied by persons who qualify under 1 and 2 above, the mobile home shall be removed from the premises.

§3-10 RESIDENTIAL CARE FACILITIES

In addition to generally applicable Special Permit and Site Plan review requirements, the applicant shall comply with the following:

A. Required Information for Application

An application for a Special Permit for a residential care facility shall satisfy the submission requirements of Article VIII and shall also include the following:

1. A list of all agencies which must license or otherwise approve the establishment or operation of the facility.
2. A list of regulations established by the public or private agencies listed in subsection A(1) above.
3. Copies of applications submitted to the agencies.
4. A written statement explaining the status of such applications stating any facts known to the applicant which might result in the denial or delay of any required approval.
5. A map identifying the location of all other residential care facilities in the Village of Sackets Harbor at the time of the Special Permit application.

B. Findings

In making its determination upon a Special Permit for a residential care facility, the Planning Board shall, in addition to making the findings required by §8-4, make the following specific findings:

1. That the proposed facility, given its unique nature, will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, parking, utility facilities, and other matters affecting public health, safety, and general welfare.
2. That the proposed facility will not generate a level of traffic which would be burdensome to the neighborhood, considering the number of visitors its residents may expect, truck delivery and loading requirements, and the availability and nature of public or private transportation.
3. That the decision made by the Planning Board represents a reasonable accommodation to the needs of persons protected under the Federal Fair Housing Act, if applicable.

§3-11 ADULT USES

The Village of Sackets Harbor finds that adult uses, as defined in Article XI, may have negative impacts upon the neighborhood and surrounding area where they are located. Such impacts include physical deterioration, disinvestment, and increased crime. Adult uses shall be allowed by Special Permit in any district where they can comply with the location standards below:

1. No adult use shall be located within 1,000 feet of any single-family, two-family, or multi-family residence, or of any school, day care center, library, religious institution, lakeshore, park or other public recreation area, or recreational business.
2. No adult use shall be located within 1,000 feet of any other adult use.
3. No more than one free-standing sign, not exceeding 12 square feet, shall be permitted for an adult use in a location visible from a public street. Such sign shall be limited to the name and address of the business. One wall-mounted sign, not exceeding 12 square feet, shall be permitted on the building, provided that it complies with subsection 4.
4. Adult uses shall be set back at least 100 feet from all public rights-of-way and shall be screened from view by a buffer at least 50 feet wide consisting of trees and shrubs.

§3-12 UNSAFE AND DANGEROUS BUILDINGS

Dangerous or unsafe buildings are governed under Local Law (see Local Law No. 4 of 1996 or current local law).

§3-13 ALTERNATIVE ENERGY GENERATING SYSTEMS

A. Energy Systems

All alternative energy systems may be allowed by Special Permit of the Village Board. As exceptions, the following do not require a zoning permit:

1. Standby generators for temporary use during power outages, and
2. Indoor wood or wood pellet burning stoves.

B. Outdoor wood-burning furnaces are prohibited by Local Law (see Local Law No. 3 of 2008 or current local law).

§3-14 WATERFRONT STRUCTURES

A. Purpose and Scope

The purpose of this section is to protect and preserve the natural and historic resources of the Village's harbor, waters and shores; to promote and preserve the public's access to the Harbor, Black River Bay and Lake Ontario for recreational and commercial uses; to protect the waters abutting the Village and their unique and sensitive environmental and aesthetic qualities; and to promote and protect the public's safety, health, comfort and general welfare. Some of the specific goals of this section of the local law include:

1. To ensure that development and land-use activity along the shorelines of Lake Ontario and Black River Bay are consistent with the policies, purposes and objectives of the Sackets Harbor Local Waterfront Revitalization Program (LWRP).
2. To provide sufficient space in appropriate waterfront locations for recreational activities, certain commercial activities and other water-dependent and/or water-enhanced uses, in order to meet the recreational needs of the Village of Sackets Harbor's present and future populations.
3. To recognize the sensitivity of waterfront areas as unique environmental and recreational resources and to protect those areas from environmentally destructive uses and activities.
4. To provide for a desirable mix of water-oriented commercial uses and active and passive recreational opportunities that take advantage of the unique locations and characteristics of the Village's waterfront areas.
5. To encourage development that is appropriately designed and in harmony with the environment and that does not conflict with the preservation of the natural beauty of the Village's water areas.
6. To permit development in areas which, by virtue of their location, topography, accessibility, relationship to surrounding land uses, zoning patterns and natural utilities, are best suited for a particular purpose; and, to preserve areas that are naturally unsuited for development or that have unique historical, aesthetic or environmental significance.
7. To encourage a flexibility of design, preservation of unique environmental features, and maintenance of the aesthetic quality of waterfront areas by permitting the Village Planning Board to establish minimum dimensional requirements, and to review other pertinent design aspects of such proposed projects.

8. To preserve, wherever practicable, the existing vegetation and natural features of water areas, and to prevent, as much as possible, significant problems of erosion, sedimentation and drainage both during and after construction.
9. To encourage and facilitate water-dependent and water-enhanced recreational development within the waters abutting the Village as permitted uses where compatible with the Village's LWRP, zoning, land use and water use laws and regulations, and the other goals and provisions of local laws.
10. To protect waterfront and water areas as much as possible from excessive traffic flow, and safety problems related to such traffic flow.
11. To protect waterfront and water areas from congestion as much as possible, by requiring the provision of open areas for rest, recreation and navigation wherever practicable.
12. To promote the maintenance and extension of public access to the shore where practical and feasible.

B. Site Plan Review

1. No structure shall be constructed, placed, enlarged, modified or used in, on, or under any waters in, abutting or surrounding the Village without site plan review and approval by the Planning Board pursuant to Article VIII.
2. Normal repairs and maintenance do not require site plan review or a zoning permit. Normal repairs and maintenance shall include the restoration and reconstruction of a damaged or destroyed structure, provided the restoration or reconstruction is substantially completed within one year of the damage or destruction to the structure. Normal repairs and maintenance does not include enlargements or substantial modifications or alterations to a structure as it existed prior to the damage or destruction.

C. Criteria

The Planning Board's review of the plans shall include the following considerations:

1. The construction of all structures and facilities shall be undertaken in such a way so as not to impair water quality, cause harm to fish spawning grounds, destroy the natural beauty of the shoreline, reduce the stability of steep slope areas, cause erosion or sedimentation problems along the shoreline, create obstructions or hazards for navigation, interfere with the public or adjoining neighbors' use and enjoyment of the water surface or shoreline, or otherwise threaten the public health and safety.
2. All structures and facilities shall only be constructed of materials which are stable, chemically inert, and insoluble and which will have no adverse effects on water quality. Such materials shall be in compliance with all federal and state laws and regulations.
3. The grading, dredging, earth moving and disturbance of land above and below water during the construction of all structures and facilities shall be minimized as much as possible and shall be consistent with the permit requirements of all federal and state agencies.
4. To permit the free circulation of water, reduce the effects of fluctuating water levels, and prevent adverse modifications of the shoreline, piers, docks, and wharves shall be of floating construction wherever feasible, and shall not be of rock-filled cribbing, sheet piling, closely spaced piling, or such other construction which would significantly impair water circulation.
5. There shall be no superstructure permitted above the decks of piers, docks or wharves except those structures that are necessary to marinas.
6. No pier, dock or wharf shall be constructed in a configuration other than straight, "T", "L", "U" or "F" shaped, unless specifically approved by the Planning Board and only if the Planning Board specifically finds that the proposed configuration will not adversely impact on the purposes or intent of this law, obstruct navigation, or interfere with adjoining riparian owner's rights.
7. No dock shall be constructed to extend offshore to within fifteen (15) feet of the vessel regulation zone, unless it can be clearly demonstrated that any additional length is necessary to achieve adequate water depth for proposed boat dockings and that such extensions will not adversely affect navigation or the riparian rights of others.
8. The width of any dock shall not exceed (8) feet and must meet all applicable setback requirements.
9. The number of private piers, docks or wharves permitted for each waterfront lot used for single-family residential purposes shall not exceed one such structure for any parcel with less than 100 feet of shoreline. One additional dock or pier per lot, with no more than four (4) additional boat slips, is allowed

for each additional 50 feet or portion thereof of water frontage.

10. The number of piers, docks or wharves permitted for each waterfront lot used for multi-family, homeowner's associations, condominiums, townhouses or similar uses shall not exceed those necessary to provide two (2) boat slips per residential unit. Such docks shall not be developed or configured on the site in any manner that adversely affects existing environmental conditions or natural features, or negatively impacts navigation or riparian rights of others.
11. Setbacks
 - a. Water Structures. Every structure constructed shall have a minimum clearance or setback of twenty (20) feet from an imaginary boundary line in the water which runs perpendicular to the shoreline at shore terminus of the boundary line between separate littoral lots. The Planning Board may establish another angle, other than perpendicular for the imaginary boundary line in the water between littoral lots, if the Planning Board specifically finds that the establishment of the imaginary boundary line in the water at an angle other than perpendicular will not adversely impact on the riparian rights of other littoral landowners.
 - b. For lots on the shoreline of Lake Ontario, all principal and accessory buildings and structures, other than fences, seawalls, decks, gazebos, docks, boathouses, and storage sheds for boats and related equipment, shall be set back the average distance from the one hundred year flood line of the principal building on the immediately adjacent parcels, or thirty (30) feet, whichever is greater.
12. During the hours of darkness structures that are one hundred (100) feet or longer must be lighted and marked in such a manner so as to not constitute a hazard to navigation. Lighting must not be confused with navigational lighting, and must meet U.S. Coast Guard standards.
13. Lighting of the surface of any structure shall be provided in such a manner so as not to produce any offensive glare when viewed from the water or the land. The use of low-mast lighting fixtures and deflector shields to direct the light downward may be required to reduce or eliminate glare.
14. The owner or operator of a marina or harbor may be required to furnish information concerning water quality, current patterns and intensities of boat activity, shoreline alterations, and any other conditions which may be altered by the construction of the marina or boat basin for a period of one year after completion of the facility.
15. The approval of the installation and operation of aeration systems, bubbling systems or other ice prevention systems shall be subject to the approval of the New York State Department of Environmental Conservation. In the event that such systems are permitted to be installed, the property owner shall be responsible for installing warning signage, of a size and location to be determined by the Planning Board, on the water surface of the Village of Sackets Harbor, during the winter months.
16. For all signs and structures, other than simple docks, to be located in or on the waters adjacent to or substantially contiguous to the Historic Preservation Overlay District as established by the Zoning Law, shall be designed, constructed and operated in conformity to and in compliance with the criteria contained in the Zoning Law relating to the Historic Preservation Overlay District. It is the intent and purpose of this subsection to require all signs and structures, other than simple docks, to comply with the Zoning Law's Historical Preservation Overlay District's criteria and requirements in the same way and manner as if those signs and structures were located on the lands within the Historic Preservation Overlay District.

ARTICLE IV DEVELOPMENT REGULATIONS

§4-1 PURPOSE OF THIS ARTICLE

This Article contains regulations that apply to the location, site planning, and design of development within the Village of Sackets Harbor. In order to maintain the distinctive character of the Village, these regulations deal with the relationships between buildings, streets and other public spaces to require that the facades of buildings effectively enclose and give form to the streetscape and other public areas.

§4-2 DIMENSIONAL STANDARDS

Table 2 below indicates, by district, allowable dimensional standards that apply to lots in each zoning district. Explanatory provisions that more fully describe the tables and further explain exemptions requirements are set forth below in sections 4-2A through 4-2G. All setbacks shall comply with NYS law and regulations.

TABLE 2: DIMENSIONAL STANDARDS

	RC (See §5-12)	VR	VC
SIZE AND AREA OF LOT			
Minimum Lot Width	100 ft.	100 ft.	30 ft.
Minimum Lot Area	15,000 sq.ft.	10,000 sq. ft.	2,500 sq. ft.
IMPERVIOUS SURFACE COVERAGE			
	60% max.	60% max.	80% max.
SETBACKS			
Front Setback (min./max.)	30 ft	15 ft	0 ft / 12 ft.
Side Setback	15 ft min.	15 ft min.	5 ft min.
Rear Setback (*see G. below for waterfront)	30 ft min.	30 ft min.	5 ft min.
MAXIMUM BUILDING HEIGHT			
Principal Building	35'	35'	35'
Garage/Accessory Building	No higher than princ. bldg	No higher than princ. bldg	No higher than princ. bldg

A. Building and Structure Height

1. Building height shall be measured, on the side of the building facing the street (front), from the ground to the peak.
2. An accessory structure shall not exceed the height of the principal building measured in feet.
3. Height limits do not apply to belfries, cupolas, steeples, clock towers, chimneys, receiving antennas, elevator or stair bulkheads, parapets, railings, or similar non-habitable structures, provided that such structures are firmly attached to the roof or side of a building and cover no more than 10% of the roof area.
4. Barns, silos, and solar energy facilities, may exceed height limits in Table 2, provided that they comply with applicable sections of this Article IV, and provided that for every one foot by which such structures exceed the height limit, the minimum setback requirements are increased by one foot.
5. "Building height" as used in this zoning law applies not only to buildings, but to all structures.

B. Building Placement

1. Front facades shall be built parallel to the street with a minimum frontage setback as specified on Table 2.
2. When building a new building on a lot where there are existing buildings on one or both adjoining lots, the front setback may match one of the existing adjacent lot setbacks rather than the setback specified in Table 2.
3. Corner lots shall be deemed to have two front yards, two side yards, and no rear yard.

C. Maximum Building Footprint

No new building used for business purposes shall exceed 5,000 square feet in building footprint. The Planning Board may waive this limitation in the case of a hotel, conference center, grocery store, or place of public assembly, or other use if it determines that such use contributes significantly to the economy and/or character of the Village. In order to receive such a waiver the applicant must demonstrate that the proposed building satisfies all applicable design standards and guidelines, is consistent with the intent and purpose of this Zoning Law, and will not adversely affect the quality of public spaces, including the streetscape, public parks, and other places for public gatherings.

D. Allowable Encroachments

1. Steps and stairs may encroach up to four feet into a required side or rear setback area, provided there is adequate access without trespassing on an adjoining parcel.
2. Cornices, eaves, and other similar architectural features may encroach up to three feet into any required setback area.
3. Bay windows and other similar enclosed building elements may encroach up to 2 feet into a required setback area.
4. Where the minimum front setback is zero, building overhangs such as trellises, canopies and awnings may encroach horizontally into the public right of way up to a maximum of 6 feet, provided that such overhangs have no vertical supports and are at least 8 feet above the sidewalk grade.
5. An open or enclosed carport shall be considered a part of the building in determining compliance with setback requirements.

E. Setbacks for Accessory Structures and Uses

Any accessory structure attached to a principal building, and any detached barn, garage, stable, tennis court, or swimming pool shall comply with the setback requirements applicable to the principal building. Other detached accessory structures or uses may encroach halfway into required setback areas provided that they:

1. Are not used for human habitation;
2. Have a footprint no larger than 120 square feet;
3. Do not exceed 12 feet in height;
4. Are not used for housing animals.

F. Setback Exceptions for Fences (Including Hedges) and Walls

1. The setback requirements of this section shall not apply to retaining walls of any height, to hedges, or to permitted fences.
2. See section 4-8 for additional regulations on fences and walls.

G. Setbacks for Shoreline Lots

For lots on the shoreline of Lake Ontario, all principal and accessory buildings and structures, other than fences, seawalls, decks, gazebos, docks, boathouses, and storage sheds for boats and related equipment, shall be set back the average distance from the one hundred year flood line of the principal building on the immediately adjacent parcels, or thirty (30) feet, whichever is more. The yard along the street shall be considered the front yard. Waterfront construction shall comply with local law No. 4 of 1985 regulating flood hazard zone construction. See also §4-8.

§4-3 SPECIAL REGULATIONS FOR THE HISTORIC PRESERVATION OVERLAY DISTRICT

A. Purpose

The Village of Sackets Harbor is endowed with a wealth of buildings, sites, structures and areas which have significant and unique historic, archeological, and architectural value for the community and its heritage. This endowment of historic value contributes educationally, culturally, and economically to the character of the Village and general welfare of the public. It is a matter of public policy that the protection, enhancement, perpetuation and use of these significant buildings, structures, sites and areas of special character or historical interest and value is a public necessity required in the interest of the health, safety, welfare and prosperity of the people of Sackets Harbor. The Historic Preservation District Overlay is meant to accomplish the following purposes:

1. Preserve resources that represent or reflect elements of the Village's cultural, social, economic, political and architectural history;
2. Increase the educational and recreational appeal of the Village to residents and visitors through the promotion of its historic district and landmarks, and thereby advance the local economy; and
3. Stabilize and increase property value by fostering civic pride in the beauty and accomplishments of the past.

B. Applicability

In this district, all activities are subject to Site Plan Review as provided in Article VIII, unless listed as Exempt Activities in subsection C or Activities Subject to Zoning Permit Review in subsection D below. All regulations of the underlying district shall apply unless the regulations of this overlay district are more restrictive. Design requirements for properties outside the HP Overlay District are contained in §4-4.

C. Activities Exempt From Zoning Review

The following activities are exempt from the provisions of this section:

1. Ordinary maintenance and repair of any exterior architectural feature of a structure that does not involve a change in design, material, or outward appearance.
2. Temporary signs in accordance with §4-7.
3. Painting or repainting a structure the same color, shade and tint.

D. Activities Subject to Zoning Permit Review Only

The following activities require a zoning permit and review by the Zoning Officer, but do not require Site Plan review by the Planning Board:

1. Exterior replacement or maintenance of windows, siding, flashing, roofing, lighting and other architectural features using different materials provided that the materials used for such replacement are of the same style and dimensions and on a list approved by the Planning Board, and that the activity does not change the exterior appearance of the structure.
2. Changes in color if the new color is from the color pallets approved by the Village Board upon the recommendation of the Planning Board, and applied in the traditional manner, style, and scheme.
3. Activities to reconstruct historic structures or features shown by conclusive documentation to have existed on the building, with the same type of materials and architectural detailing, resulting in original appearance.
4. The Zoning Officer shall apply all relevant provisions of subsection F below in addition to other applicable sections of this local law when reviewing the application.

E. Activities Requiring Site Plan Review

1. Site Plan review in the Historic Preservation Overlay District shall be conducted by the Planning Board for the activities listed in subsections 2 through 6, according to the criteria in subsection F below and Article VIII. If the proposed use or activity is subject to special permit review according to the Use Table (Table 1), applicable criteria in Article VIII shall also apply.
2. Exterior Alteration of Structures: The Planning Board may approve exterior alterations of structures that:

- a. Are consistent in architectural style and detail with the structure,
 - b. Use materials appropriate for the same period and architectural style of the original structure or different materials provided that the materials are of the same style and dimensions and on a list approved by the Planning Board, and
 - c. Comply with the design guidelines of subsection F below.
3. Demolition: See section 4-10.
4. Relocation: An historic building or structure may be relocated provided that the Planning Board finds that all of the following circumstances apply:
- a. Relocation is the only remaining alternative to demolition.
 - b. Relocation is the only means of obtaining a reasonable return on the property.
 - c. Every reasonable effort is taken to:
 - i. Relocate the structure to another property within the HP Overlay district where its historic character and architectural styles would be compatible; however, in the event there is no suitable location within the HP Overlay, the structure may be relocated to a location outside the HP Overlay, and
 - ii. Give maximum protection to important architectural features or elements as well as the structural integrity and stability of the subject building or structure during the actual moving.
5. New Construction in the Historic District:
New structures shall be permitted if they are consistent in architectural style and detail with surrounding structures and contribute to the historic character of the HP Overlay District as determined by the Planning Board.
6. Other Non-Structural Activities: The following standards shall apply to all properties within the Historic Preservation District:
- a. Blasting, tunneling, trenching and other excavation, filling and grading shall be allowed on or adjacent to historic properties to the extent that such activities do not threaten historic buildings or structures by subjecting their foundations to heavy vibrations, leaching from poor drainage, or stress from undermining, erosion, exposure, or otherwise weakening their load bearing capability.
 - b. Paving, fencing, landscaping, and lighting on or adjacent to properties with historic structures, shall be allowed to the extent that:
 - 1. Paving is:
 - a. Limited to driveway and rear parking areas when available
 - b. Screened as much as possible by low shrubs, hedges, or other plantings whenever located in the principal view (typically the front) or any other significant view of an historic property as seen from a public property or right-of-way;
 - c. Undertaken so as to ensure positive drainage away from the foundations of historic buildings or structures;
 - d. Done in a manner that avoids removal of mature trees, hedges or other plantings, benches, walkways, or any other exterior features which contribute to the property's historic value.
 - 2. Fence height, type of construction, and growth characteristics of plantings may not block or seriously obscure the principal view (typically the front) or any other significant view of an historic property as seen from a public property or right-of-way. Fencing on or adjacent to historic properties shall be of materials that are in keeping with the historical structure, site or area and shall comply with the provisions of section 4-8.
 - 3. Light levels are no more than necessary for security and safety, avoiding intensity or glare uncharacteristic of the era from which the structure, site or area derives its historical significance. Whenever practical, lighting fixtures for historic properties should be compatible with the historic character of the surrounding area.
 - 4. Regulated signs on or adjacent to properties with historic structures, shall comply with the provisions of §4-7 of this Local Law.

F. Guidelines for Design Review

The Planning Board shall refer to the following sources for guidance in its review of applications in the Historic Preservation Overlay district.

1. The following general design review guidelines:
 - a. Height - The height of proposed buildings should be compatible with adjacent buildings. The height of new construction should be no lower than the average height of all buildings on the block face. Measurements should be made from street level to the highest point of the roofs.
 - b. Width - The width of proposed buildings or additions should be compatible with adjacent buildings and reflect the characteristic rhythm of facades along the street.
 - c. Window Proportions, Size and Placement - the window proportions (height versus width) shall be visually compatible with those of other windows in the same building and in other adjacent historic buildings. Also, the ratio of window area to solid wall should be similar to those on surrounding facades.
 - d. Rhythm - The relationship of the building to the open space between it and adjoining buildings shall be visually compatible to others prevailing in the area. Rhythms that carry throughout the block should be incorporated into new facades.
 - e. Directional Emphasis - Alterations should respect the directional emphasis of the original building, and new construction shall be related harmoniously to its immediate neighbors. "Directional emphasis" refers to the basic vertical, horizontal or non-directional design of a building.
 - f. Materials - Materials and textures visually compatible with the existing building or adjacent buildings should be used. Many different materials on a single structure or closely-related group of structures can lead to visual confusion and a chaotic appearance. Alterations of existing buildings and construction of new buildings should maintain the harmony of the streetscape. Diagonal and vertical siding are not permitted. Synthetic or composite materials may be allowed at the discretion of the Planning Board if the new material provides the same appearance as the original material.
 - g. Roof Forms - The roof pitch employed on a new building or addition should be similar to those found on adjacent buildings. If a gable-type roof, its orientation to the street should be the same as in neighboring buildings. Roofing materials should be harmonious with existing roofing materials in the District, and roof colors should not dominate (dark neutral colors and materials are preferred).
 - h. Landscaping - Tall foundation plantings which obscure an historic building's features should be avoided.
2. The United States Secretary of the Interior's Standards for Historic Preservation, at <http://www.nps.gov/hps/tps/standguide>.
3. The intent of these standards is to assist in the long-term preservation of historic materials and features by maintaining the integrity of the historic resource. Integrity is based on the following seven aspects:
 - a. Location: where the historic property was constructed or where the historic event occurred.
 - b. Design: the combination of elements that create the form, plan, space, structure, and style of a property.
 - c. Setting: the physical environment of a historical property.
 - d. Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property."
 - e. Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
 - f. Feeling: a property's expression of the aesthetic or historic sense of a particular period of time.
 - g. Association: the direct link between an important historic event or person and a historic property.
4. The "Historic Preservation Zoning District Manual for Village Planning Board Members", dated 1986, prepared by Crawford and Stearns, referred to as "the Crawford and Stearns Report. (Appendix I)
5. The design guidelines in Appendix II.

§4-4 SPECIAL REGULATIONS OUTSIDE THE HP OVERLAY DISTRICT

A. Purpose

The Village of Sackets Harbor has developed over the years following a traditional growth pattern for a core business district surrounded by residential neighborhoods, and rural, open spaces. The residential neighborhoods display a variety of architectural styles including Federal, Georgian, Greek Revival, Victorian, Craftsman, and Cape Cod. This traditional growth pattern with its variety of architectural styles significantly contributes historically, educationally, culturally, and economically to the character of the Village and the general welfare of the public. It is a matter of public policy that the protection, enhancement, perpetuation and use of these two key elements is a public necessity required in the interest of the welfare and prosperity of the people of Sackets Harbor.

B. Procedures

1. The Zoning Officer shall review all applications for new construction, and applications for the demolition of principle buildings and accessory buildings greater than 120 sq. ft.
2. The Zoning Officer shall review to ensure that:
 - a. the style of the new building is substantially similar to the prevalent style of any existing buildings on the property,
 - b. the buildings are aligned on the lot in a traditional manner,
 - c. the building will be constructed and finished in a traditional manner,
 - d. the building or project overall is generally consistent to the surrounding neighborhood,
 - e. the building or project does not significantly detract from the character of the Village, and
 - f. a structure proposed to be demolished was not constructed prior to January 1, 1940.
3. If the Zoning Officer determines that the building or project fails to meet any of the above criteria, the application shall be referred to the Planning Board. If the Zoning Officer determines that a structure proposed to be demolished was constructed prior to January 1, 1940, the application shall be referred to the Planning Board and notice given to the Village Board. (See section 4-10). Minor accessory/appurtenant non-residential structures proposed to be demolished are exempt from the requirements of this section.
4. If upon initial review of the application, the Planning Board determines that the application fails to meet any of the criteria in subsection 2 above, it may require that the application be submitted for site plan review.

§4-5 GUIDELINES FOR THE RC DISTRICT – See Appendix IV. B.

§4-6 PARKING

A. Purpose

Large and highly visible parking areas represent one of the most objectionable aspects of commercial and multi-family development. Such parking lots damage the historic layout and architectural fabric of the Village, harm the natural environment and visual character of the community, interfere with pedestrian safety and accessibility, and reduce the quality of life. However, inadequate parking can diminish quality of life by creating traffic congestion, safety hazards, and inconvenience. The Village therefore seeks to balance the need for adequate parking with the need to minimize harm resulting from the provision of parking, and to avoid the negative impacts of excessive parking lot construction.

B. Required Spaces

All uses in every district shall meet the following off-street, non-municipal parking requirements. Uses may have off-street, off-site, non-municipal parking, but only within the Village Core. Non-conforming uses (with respect to parking) may change to other uses without meeting all the requirements of this section if the Planning Board grants approval under subsection E of this section.

1. Drive-In Services	Stacking lanes adequate for (5) vehicles per service window plus spaces as per underlying use.
2. Religious Institutions	1 for each 3.5 seats
3. Motel/Hotel and Tourist Homes	0.75 for each sleeping or dwelling room.
4. Light Industrial	1 for each employee at maximum working shift.
5. Restaurants, Bars	1 for each 70 square feet of Patron/Customer space, excluding kitchen and storerooms.
6. Retail	1 for each 400 square feet of floor area.
7. Offices, General	1 for each 200 square feet of first floor area, and 1 each per 300 square feet of floor area above.
8. Doctor, Dentist Offices	4 per doctor.
9. Dwellings, Mobile Homes	2 per dwelling or mobile home.
10. Home Occupation	1 per 200 sq. ft. of patron/customer space in addition to spaces required per dwelling.
11. Mortuary Establishment	1 per 100 square feet of floor area.
12. Marina	.6 spaces per berth or mooring.
13. Roadside Stands	3 minimum.
14. Other places of public/private Assembly	1 per 200 square feet of gross floor area, or 1 per 3.5 seats, whichever is greater.
15. Recreation: Outdoor Facilities	1 per 200 square feet of enclosed building area, plus 1 for each (3) three persons outdoor facilities are designed to accommodate.

C. Parking Space Dimensions

Each parking space shall measure at least 9' x 20', exclusive from necessary space devoted to turning maneuvers, ingress or egress.

D. Off-site Parking Lots

All required off-site parking lots and areas for all uses except mobile homes and one or two family dwellings, shall be reviewed by the Planning Board pursuant to Article VIII, Site Plan Review.

E. Parking Requirements

Notwithstanding the provisions of §4-6, "Required Parking", the following rules shall apply to off-street parking for uses in the Village Core:

1. Existing Uses
 - a. Existing uses on the effective date of this Local Law already providing on-site or off-site parking in excess of the requirements of this section may convert a portion of their existing parking areas to other uses with Site Plan approval.
 - b. Existing uses on the effective date of this Local Law that do not comply with this section shall be exempt from its provisions. If such uses are expanded, they shall be required to comply with all provisions.
2. Required off-street parking requirements may be satisfied in one or more of the following ways:
 - a. Parking in spaces on properties within or contiguous to the Village Core on premises that are owned or controlled by the owner or operator of the establishment, or available on a leased or shared-use basis, provided that adequate proof of such lease or shared-use is submitted. The provision of off-site parking spaces shall be documented by appropriate legal instruments satisfactory to the Planning Board and its attorney, showing ownership, lease, or joint use agreements for parking lots. Site Plans approved on the basis of such legal agreements shall be conditioned upon their continuation, which must be verified annually to the Zoning Officer between January 1 and March 31.
 - b. Subject to a written agreement with the Board of Trustees, dedication or long-term lease of a

portion of a lot to the Village for municipal parking purposes. Land dedicated for parking shall be treated as part of the original lot for purposes of calculating minimum lot size and required setbacks from property lines.

F. Relief from Parking Requirements

The number of parking spaces required may be reduced by the Planning Board based upon one or more of the following considerations, except that a reduction in the number of required spaces in the Village Core also must be approved by the Village Board. Any decision to reduce parking requirements shall include written findings indicating the basis for such reduction. Criteria to consider in reducing parking requirements shall include:

1. The maximum number of vehicles that would be driven to the use at times of peak usage.
2. If the building includes mixed uses, the potential for sharing parking spaces among the different uses in the building.
3. The size of the structure(s) and the site, and physical limitations of the site.
4. The historic importance and sensitivity of the site.
5. The availability of on-street parking.
6. The availability of municipal off-street parking within the District of the proposed use.
7. Hardship to the owner or operator in securing off-street parking.

G. Guidelines for Parking Areas for Non-Residential and Multi-family Residential Uses See Appendix V. C.

§4-7 SIGNS

A. Exempt Signs

The following types of signs may be erected and maintained without permits or fees, provided that such signs comply with subsection 4-7 C. and with all other requirements of this local law. As used in this subsection A, the term "residential uses" shall include mixed-use lots on which at least 50% of the floor area is residential. Within the Historic Preservation Overlay District, this exemption shall apply only to temporary signs and to those permanent signs listed in subsections 1(a), and 1(c) below.

1. Permanent Signs
 - a. Signs not exceeding one square foot in area and bearing information such as property numbers, postal route box numbers, or names of occupants of premises, or posting property boundaries, to include "No Trespassing" signs.
 - b. Subdivision or Multiple Dwelling Project Name Signs. One non-illuminated sign not to exceed twenty (20) square feet in area per exclusive entrance to a subdivision or Multi-family dwelling Project, such signs may identify the subdivision or Project name.
 - c. Flags and insignia of any government.
 - d. Public Information Signs. Signs providing noncommercial information to the public, whether installed by commercial or non-commercial entities, including community service information signs, public utility information signs, safety signs, danger signs, no trespassing signs, signs indicating scenic or historic points of interest by public or non-profit institutions, traffic control signs, directional parking signs, and all signs erected by a public officer in the performance of a public duty. Such public information signs shall not exceed eight (8) square feet in area.
 - e. One on-premise sign, either free-standing or attached, in connection with any residential building, for permitted professional offices or home occupations, not exceeding four (4) square feet and set back at least ten (10) feet from the highway right-of-way. Such signs may state name and occupation. Illumination shall not produce a direct glare beyond the property line.
 - f. One sign or bulletin board per street-front, not exceeding an area of twenty (20) square feet for the entire structure, setting forth the name of any public, non-commercial, charitable, or religious institution when located on the premises of such institution. The area of the sign includes the sign

and the total surface area framed by the structure of the sign.

2. Temporary Signs

- a. Temporary non-illuminated "For Sale" or "For Rent" real estate signs and signs of a similar nature, concerning the premises upon which the sign is located. For residential uses that are not part of a multi-unit development, one sign per lot, not exceeding six (6) square feet per side. For business or industrial uses that are not part of a multi-unit development, one sign per lot, not exceeding eight (8) square feet, set back a least fifteen (15) feet from all property lines. All such signs shall be removed within three (3) days after closing of the sale, lease, or rental of the premises. "Vacancy" and "For Rent" signs for multi-unit developments shall be limited to two (2) per development. Such signs shall not exceed twelve (12) square feet in area and may be two sided.
- b. Two temporary signs for a roadside stand selling agricultural produce grown on the premises in season, providing that such signs do not exceed twelve (12) square feet, and are removed at the end of the selling season.
- c. On-premises signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding seven (7) days.
- d. Political posters shall be allowed up to sixty (60) days prior to any primary or general election, and during the period between a primary and general election, and shall be removed within seven (7) days after the election.
- e. One sign, not exceeding six (6) square feet on residential uses or sixteen (16) square feet on non-residential uses, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation, or repair is in progress.
- f. Special Event Signs. Signs, portable or otherwise, advertising special events for non-profit organizations, such as firemen's field days, church bazaars, bake sales, etc. Such signs shall not exceed twelve (12) square feet in area and shall not be displayed for more than thirty (30) days.
- g. Sandwich Boards. One sandwich board, not to exceed two (2) feet wide by three (3) feet high, shall be allowed per business, provided it is placed immediately in front of the business and does not interfere with pedestrian traffic.

B. Prohibited Signs

1. No sign shall be illuminated internally or contain flashing, intermittent, rotating, or moving lights.
2. Portable signs that are mounted on wheels, including vehicles, shall be prohibited, except for those used to advertise special events for nonprofit organizations pursuant to section 4-7 (A)(2)(f).
3. No permanent sign or any part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other moving, fluttering, rotating, or revolving device. This shall not prevent the display of such devices as temporary seasonal decorations for holidays. One "Open" flag, not exceeding three feet by five feet in size, shall be permitted on the premises of a business or non-for-profit organization.

C. General Regulations

All signs that are not prohibited are regulated by this subsection. All signs that are not exempt under subsection 4-7A shall require a sign permit from the Zoning Officer.

1. Signs shall be erected and constructed in a manner that does not obstruct traffic movement or visibility.
2. Signs shall comply with the following design requirements:
 - a. Signs shall be consistent with the Guidelines for Quality Sign Design Village of Sackets Harbor Historic District, dated Spring 1993 (See Appendix III). In case of a conflict between this section 4-7 and such guidelines, the guidelines shall control.
 - b. Unless exempted from the zoning permit requirement by subsection 4-7A, applications for permits for new signs or proposed changes in existing signs shall include a scaled drawing showing the type of lettering, sign dimensions, colors, materials, and method of illumination, if any, and a plan showing the location of the sign on the building or property.
3. No permanent signs shall be placed, painted, or drawn on trees, rocks, or other natural features, or on

utility poles, bridges, culverts, or other road or utility structures, except for signs not exceeding one (1) square foot posting property boundaries. No permanent signs shall be placed on municipally owned property without permission of the Board of Trustees.

4. All signs shall be kept in good repair. Painted surfaces shall be kept neatly painted at all times.
5. Within the VC and VR Districts there shall be no more than one (1) square foot of cumulative sign area per lineal foot of building frontage on a public street or alley. For corner lots or buildings with both alley and street frontage, each facade shall be treated separately (i.e. frontages may not be combined). The Maximum amount of total sign area per frontage shall be 50 square feet.
6. Projecting signs shall not exceed twenty (20) square feet in area. The bottom of such signs shall be no lower than ten (10) feet and no higher than sixteen (16) feet above a sidewalk or public right-of-way.
7. Signs advertising an establishment or institution that has closed permanently shall be removed within three (3) months of such closure.
8. Any sign authorized in this section may contain an alternative message constituting a form of expression in lieu of other content.
9. The Zoning Board of Appeals, after a public hearing, may grant variances from the requirements of this section.

§4-8 FENCES AND WALLS

- A. Fences and walls are permitted accessory structures in all districts, subject to any required site plan approval and the following regulations. Other regulations may apply to specific uses.
- B. Materials shall only be wood, metal, brick, and/or native fieldstone, or synthetic equivalent similar in appearance to original or natural materials and constructed in a traditional manner and style, except that:
 1. An inconspicuous wire mesh may be attached to the inside of a fence for the purpose of containing animals or children.
 2. Chain link fencing is only permitted to enclose a private or public tennis court, a public basketball court, and uses, such as pools, that require this type of fencing for safety and security.
- C. Height shall not exceed four (4) feet in a front yard or six (6) feet elsewhere, except that a fence may be higher than six (6) feet if it encloses a utility site, swimming pool, or construction site, if it separates a commercial use from a residential use, or if changes in grade between adjoining properties make a higher fence appropriate. Regardless of the foregoing, no front yard fence may exceed five (5) feet, and no other fence may exceed eight (8) feet. No fence or wall between the principal building and the lakeshore (i.e. the “lake yard”) shall be greater than four (4) feet in height.
- D. All solid fences shall be installed so that the finished side shall face outward; all bracing shall be on the inside of the fence.
- E. A fence or wall located, constructed, or maintained in an easement or right-of-way, shall not be constructed in a manner that causes a safety hazard or obstructs immediate and full access.

§4-9 GENERAL ENVIRONMENTAL PERFORMANCE STANDARDS

A. Compliance with Performance Standards

No use shall hereafter be established, altered, moved, or expanded unless it complies with the performance standards set forth in this section. Continued conformance with such standards, once applicable, shall be a requirement for the continuance of any use.

B. Purpose of Performance Standards

Consistent with the general purposes of this Local Law, performance standards shall set specific controls on potentially objectionable external aspects of all uses in order to:

1. Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor, or other atmospheric pollutants outside the building in which the use is conducted.

2. Control noise and light perceptible beyond the boundaries of the site of the use.
3. Limit the discharge of treated wastes and prohibit the discharge of untreated wastes into any watercourse.
4. Limit the dissemination of vibration, heat, or electromagnetic interference beyond the immediate site on which the use is located.
5. Limit physical hazard by reason of fire, explosion, radiation, or any similar cause.
6. Regulate and control the generation and flow of vehicular traffic in order to prevent hazardous conditions, traffic congestion, and excessive noise in the streets.

C. Noise

All uses and activities shall be done in compliance with the Village Noise Law.

D. External Emissions Performance Standards

Reasonable efforts shall be made to ensure that the applicant is aware of, and complies with, all applicable laws and regulations pertaining to the following:

1. Vibration
2. Smoke, Dust, and Other Atmospheric Pollutants
3. Odors
4. Toxic or Noxious Matter
5. Radiation
6. Electromagnetic Interference
7. Fire and Explosion Hazard
8. Liquid and Solid Wastes

E. Lighting, Exterior Illumination, and Glare

No person, firm or corporation, or their respective agents, servants or employees, shall install, repair, alter, replace, re-locate, operate or maintain any permanent outdoor light fixture, lamp or other artificial means of radiating light (“exterior lighting”) on private property in the Village which is not in compliance with the following requirements:

1. All exterior lighting shall be either “fully shielded” or fitted with opaque hoods, shields, louvers, shades, and other devices to insure that all light generated by the light source is directed downward.
2. No exterior light source shall illuminate, reflect, spill over, or otherwise create a nuisance upon an adjoining property.
3. No flashing, laser, searchlight, strobe, tracing, pulsating, or neon lighting visible from the outside is permitted.
4. No recreational court, including tennis courts, basketball courts, or sports courts shall be artificially illuminated between the hours of ten p.m. and seven a.m.
5. Motion lights shall be located and configured in a manner to accomplish the intended purpose and to minimize the impact on neighboring parcels.
6. Any exterior lighting fixture existing on the effective date of this Law shall be replaced with lighting in conformance with these standards when replaced in the normal course of business.
7. The Zoning Board of Appeals, after a public hearing, may grant variances from the requirements of this section.

§4-10 DEMOLITION

Applications for demolition of structures in the HP and applications for demolition of structures that the Zoning Officer has determined were constructed prior to January 1, 1940, pursuant to section 4-4, shall be referred to the Planning Board for Site Plan review. Minor accessory/appurtenant non-residential structures outside the HP are exempt from the requirements of this section. For purposes of this section, demolition means tearing down of a structure or a significant part of a structure.

A. Determination of Architectural Significance

If the Planning Board confirms that the structure was constructed prior to January 1, 1940, then it shall determine, after site plan review, whether it has architectural or historic significance. "Significance" includes having particular important associations within the context of the architecture, history or culture of Sackets Harbor, the region, state or nation, and may include listing as "contributing" on the State and National Registers of Historic Places. The Planning Board will refer the application, with its findings as to architectural or historical significance and recommendations as to demolition, to the Village Board.

B. Structures with No Architectural or Historic Significance

The Village Board may approve an application for demolition if it finds that the structure proposed to be demolished has no historic or architectural significance.

C. Structures with Architectural or Historic Significance

The Village Board may approve demolition of a structure determined to have historical significance, upon the recommendation of the Planning Board, if the applicant demonstrates with adequate documentation that it meets the criteria below, and the Village Board finds that its removal or demolition would not be detrimental of the public interest given its architectural or historic significance.

1. If the Planning Board has determined that structure has architectural or historical significance, the applicant must demonstrate "good cause" as to why such structure cannot be preserved, and support its application with detailed and thorough documentation as follows:
 - a. The applicant shall document "best possible" efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Planning Board and Village Board. "Best possible" efforts shall include exploration of all potential uses, funding sources, public programs, and outreach to all relevant private and public entities. The relocation of structures may be permitted as an alternative to demolition;
 - b. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure. Documentation shall show aggressive efforts to advertise and market the structure over a significant period of time;
 - c. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or other owner, which would be economically feasible to maintain; and
 - d. For structures with commercial value, the applicant shall submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and cents proof" shall be required to demonstrate such hardship.
 - e. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans for the site. Such plans shall include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the proposed project.
2. The Planning Board shall hold a public hearing on an application for demolition of a structure with historic or architectural significance. If the Planning Board determines that the applicant has met the criteria for demolition sufficient to justify a recommendation for approval of the application, it shall forward the application with its recommendation to the Village Board for final decision.

ARTICLE V. SUBDIVISIONS

§5-1 ENACTMENT, AUTHORIZATION, PURPOSE, AND VARIANCE

A. Enactment and Authorization

Pursuant to the authority granted to the Village in section 10 of the Municipal Home Rule Law, and Article 7 of the Village Law, the Village Board of the Village of Sackets Harbor authorizes and empowers the Planning Board of the Village of Sackets Harbor to approve plats within the Village of Sackets Harbor; and to pass and approve the development of plats already filed in the Office of the Clerk of Jefferson County if such plats are entirely or partially undeveloped, and the Planning Board is authorized and empowered to approve or disapprove (a) changes in the lines of existing streets, highways, or public areas shown on subdivision plats or maps in the Office of Clerk of Jefferson County, and (b) the laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Village and highway laws applicable within the Village of Sackets Harbor.

B. Purpose

The purpose of this Article is to provide for orderly efficient growth within the community, and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.

C. Variance

If during the review of an application by the Planning Board, it is determined that a variance is required, the applicant shall be referred to the Zoning Board of Appeals. All variances required for an application shall normally be resolved by the Zoning Board of Appeals prior to any further action by the Planning Board.

D. Applications, Fees, Administrative Expenses

Whenever any subdivision of land is proposed to be made and before any contract of sale of, or any offer to sell such subdivision or any part thereof is made, the owner or his agent shall apply in writing to the Planning Board for approval. Applications may be obtained from and filed with the Village Clerk. The fees to cover the administrative expenses as established below shall be paid to the Village Clerk. Notwithstanding any other provision in this Local Law, this Article shall not be applied to any proposed subdivision of lands which are located in an approved Planned Development District if the proposed subdivisions were included in site plans approved by either the Village Board or Planning Board prior to the enactment of this Local Law, provided that such approval has not expired.

E. Fees

All applicants for any permit, approval or variance under this Article are required to pay a fee to cover the administrative expenses of the Village. Failure to pay such fee shall be deemed a violation of this Local Law. All applications for any approval, permit, or variance shall be accompanied by a cash deposit, certified check or surety bond payable to the Village of Sackets Harbor in an amount determined by:

1. Mayor for all applications requiring the Village Board of Trustees' final approval or other action;
2. Chairperson of the Planning Board, for all applications requiring the Planning Board's final approval;
3. Chairperson of the Zoning Board of Appeals for all applications requiring such Board's approval;
4. Zoning Officer for matters requiring his final approval or action.

The Mayor, Chairperson of the Planning Board, Chairperson of the Zoning Board of Appeals, and Zoning Officer, as the case may be, should obtain estimated expenses from the Village Engineer, Village Attorney, and Village Clerk prior to setting the amount of the cash deposit, certified check or surety bond required of each applicant. The Mayor, Chairperson of the Planning Board, Chairperson of the Zoning Board of Appeals or Zoning Officer, as the case may be, may require additional security for the Village's administrative expense, in accordance with the provisions of this section, in the event that the Village's potential liability for such expense exceeds the initial; amount deposited. Upon completion of the latter of (i) final approval, or rejection of, the subdivision plan, or (ii) final

approval of any and all completed improvements and submission of all final bills to the Village for its administrative expenses incurred as a result of the applicants proposed subdivision, all unused funds or proceeds from a surety bond shall be refunded to the applicant.

§5-2 REVIEW AND APPROVAL PROCEDURE

A. General

1. Minor subdivisions shall be processed in the following stages:
 - a. Sketch Plan Conference is optional at the discretion of the subdivider
 - b. Application
 - c. Public Hearing
 - d. Final Plat Approval
2. Major subdivisions shall be processed in the following stages:
 - a. Sketch Plan Conference is optional at the discretion of the subdivider
 - b. Application
 - c. Public Hearing
 - d. Preliminary Plat Approval
 - e. Second Public Hearing
 - f. Final Plat Approval

B. Pre-Application Procedure

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. The subdivider should study the site suitability and opportunities for development, discuss financing, planning and marketing with lending institutions, and he should develop with his licensed land surveyor a preliminary layout in sketch form, which in turn should be submitted to the Planning Board for advice and assistance and should include a preliminary environmental assessment form (EAF).

C. Sketch Plan Conference

If the subdivider wishes to have a sketch plan conference, the subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan at least two weeks in advance of regular meeting. The Village Clerk will notify the subdivider of the time, date, and the place that the Planning Board will meet to consider and review such sketch plan and the program as they relate to the Comprehensive Plan, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision. A minor subdivision may proceed directly to preparation of a final plat without submission and approval of a preliminary plat, which shall be required for a major subdivision. This step does not require formal application, fee or filing with the Planning Board.

D. New York State Department of Health

New York State Department of Health approval is required for any subdivision containing five (5) or more lots. Early contact by the subdivider with this Department is essential to Planning Board acceptance of a subdivision application.

E. Preliminary Plat

1. Application. All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available at the Village Office accompanied by all documents specified in section 5-3 herein.
2. Review of Subdivision. Following the review of the Preliminary Plat and supplementary material submitted for conformity to this Law, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the determination by the Planning Board that the application is

complete. The subdivider shall attend the hearing. This hearing shall also fulfill the requirements of the New York State Environmental Quality Review Act (SEQRA). Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove the preliminary plat and state its reasons for disapproval. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Chairperson of the Planning Board.

3. Notice of Public Hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) days before the hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems appropriate. Notice of the hearing shall be mailed to the owners of all adjoining properties within one hundred fifty (150) feet of the subdivided property and to the owners of the six parcels nearest to the subdivided property at least five (5) days before the hearing and shall be posted in at least three prominent places in the Village at least five (5) days prior to the hearing.
4. SEQRA Review. The lead agency in the SEQRA review process will be responsible for completion of a final Environmental Impact statement, or an appropriate Environmental Assessment Form, as applicable, prior to approval of preliminary plat. Environmental Impact Statement findings must accompany approval of any preliminary plat.
5. Notice of Decision. Within five (5) days of approval, the action of the Planning Board shall be noted on three (3) copies of the Preliminary Plat and reference made to any modifications determined. One (1) copy shall be returned by mail to the subdivider and the other two (2) copies retained by the Planning Board.
6. Effect of Approval. Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with this Article and all requirements set forth by the Planning Board in their review of the preliminary plat, and any other State Health Department requirements.

F. Final Plat

1. Application. All subdivisions, as defined herein, shall require Final Plat approval by the Planning Board. The subdivider shall file an application for Final Plat approval on forms available at the Village Office, accompanied by documentation as specified in section 5-3 herein, to the Planning Board. Such application shall be submitted at least fourteen (14) calendar days prior to the meeting at which it is to be considered by the Planning Board, and no later than six (6) months after the date of the preliminary plat approval.
2. Second Public Hearing. A public hearing shall be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat within forty-five (45) days of the public hearing. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board, including reference to any provision of this violated by the Plat. Failure of the Planning Board to render a decision within the stated forty-five (45) day period shall be deemed final approval of the plat.
3. Notice of Public Hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five (5) days before the hearing. Notice of the hearing shall be mailed to the owners of all adjoining properties within one hundred fifty (150) feet of the subdivided property and to the owners of the six parcels nearest to the subdivided property at least five (5) days before the hearing and shall be posted in at least three (3) prominent places in the Village at least five (5) days prior to the hearing.
4. Notice of Decision. Within five (5) days of approval, the subdivider shall be notified by mail of the final action of the Planning Board. He shall record the Final Plat, covenants and all other related documents in the Office of the Clerk of Jefferson County, New York within sixty-two (62) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Jefferson County, New York.
5. Conditional Approval. Upon conditional approval, pending final approval, of such final plat the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the conditional approval resolution. The plat shall be certified by the Village Clerk. A certified statement of the requirements shall accompany the plat which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of the requirements, the plat shall be signed by said

duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire one hundred-eighty (180) days after the date of the resolution granting conditional approval unless all conditional requirements have been met. The Planning Board may, however, extend the expiration time not to exceed two additional periods of ninety (90) days each.

6. Filing of Plats in sections. Prior to granting conditional or final approval of a plat in final form the Village Planning Board may permit the plat to be subdivided into two or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat. In the event the owner shall file only a section of such approved plat in the Office of the County Clerk or register, the entire approved plat shall be filed within thirty (30) days of the filing of such sections with the Village Clerk. Such section shall encompass at least ten (10) percent of the total number of lots contained in the approved plat and shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of section 7-728 of NYS Village Law.

§5-3 DOCUMENTS TO BE SUBMITTED

A. Information Required for all Plat Submissions

1. Name and address of the owner, agents, and professional advisers, including license numbers.
2. Map of property drawn to scale, at a scale of one (1) inch to fifty (50) feet, or one (1) inch to one hundred (100) feet, displaying the following information:
 - a. Subdivision name, linear scale, north arrow and date, and any revisions.
 - b. Subdivision boundaries.
 - c. Property boundaries and names of owners within 150 feet.
 - d. Existing and proposed street, utilities, structures, and proposed demolitions.
 - e. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
 - f. Proposed pattern of lots, including lot widths and depths, street layout, open space, drainage, water supply, and sewage disposal facilities.
 - g. Land contours, existing and proposed, at one (1) foot intervals, or as required by the Planning Board in consultation with Village Engineer.
 - h. Subsurface conditions on the tract, if required by the Board: Location and results of tests made to ascertain subsurface soil; rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of solid percolation tests if individual sewage disposal systems are contemplated.
3. Copy of tax map(s).
4. Existing restrictions on the use of land including easements, covenants and zoning.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost at time of application.
7. All applications shall be submitted in paper and digital format acceptable to the Planning Board.
8. All plans shall be stamped and signed by an appropriate professional, licensed in New York State.

B. Minor Subdivisions

The following shall be submitted with all applications for approval of a Final Plat for a minor subdivision:

1. One (1) copy of the plat to be submitted to the County clerk, drawn with ink on appropriate material, plus two (2) paper copies.
2. Information specified under section 5-3 A, updated and accurate.
3. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every street line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.

4. On-site sanitation and water supply facilities shall be designed to meet the specifications of the State Department of Health, and a statement to this effect shall be made on the application.
5. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
6. Additional information as deemed necessary by the Planning Board.
7. Any required fees.
8. Monuments.

C. Preliminary Plat - Major Subdivision

The following shall be submitted with all applications for approval a Preliminary Plat for a major subdivision.

1. Three (3) copies of the plat map, drawn to scale. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. All information specified under section 5-3 A, updated and accurate.
3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading and landscaping plans.
5. The width and location of any existing street or public ways; and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
6. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
7. Drainage report and plan, indicating site hydrology profiles of lines or ditches and drainage easements on adjoining properties, and draft Storm Water Pollution Prevention Plan.
8. Plan and cross-sections showing sidewalks, street lighting, street trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with dimensions and area of each lot.
11. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
13. Environmental Assessment Form (EAF) or a draft Environmental Impact Statement (EIS) as required.
14. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future-street and drainage system of the un-subdivided part shall be submitted for study to the Planning Board.
15. Additional information as deemed necessary by the Planning Board.
16. Any required fees.

D. Final Plat - Major Subdivision

The following shall be submitted with all applications for approval of a Final Plat for a major subdivision.

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on suitable material, plus (2) copies. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. Proposed subdivision name and the name of the Village and County in which the subdivision is located; the name and address of the record owner and subdivider; name, address, license number and seal of the surveyor and/or engineer.
3. Street lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
4. Sufficient data, acceptable to the Planning Board, to determine readily the location, bearing and length of every street line, lot line, boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
5. The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for each street. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true North point.
6. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the

- certificate of approval of the Village Attorney as to their legal sufficiency.
7. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
 8. Approval of the NYS Department of Health of water supply systems and sewage disposal systems proposed or installed; and approval of the NYS Department of Environmental Conservation of sanitary main extensions and water main extensions.
 9. An approved EIS or EAF, as required.
 10. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of street, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, completed SWPPP with NOI, pavements, and sub-base and other facilities in conformance with Village standards.
 11. Evidence of legal ownership of the real property which is subject of the final plat.
 12. Deed restrictions, existing and proposed in form for recording.
 13. A certificate by the Village Subdivision Inspector certifying that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accord with requirements of this Law and with the action of the Planning Board giving approval of the preliminary plat, or
 - b. A performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvement.
 14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this Law.

E. Waiver of Submission Requirements

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing street that requires no installation of public facilities, the planning Board may waive certain submission requirements it deems appropriate.

§5-4 DESIGN, STANDARDS AND REQUIRED IMPROVEMENTS

A. Street Design Standards

1. Conformity with the Comprehensive Plan. The arrangement, width, location and extent of all major streets and minor streets shall conform and be in harmony with any official map adopted pursuant to Article 7 of the Village Law, and the Comprehensive Plan. The intent of this Local Law, the Village of Sackets Harbor Zoning Law, any other relevant Local Laws of the Village and any officially adopted map of the Village are collectively referred to herein as the Comprehensive Plan. Streets not in the Comprehensive Plan shall conform to the recommendation of the Planning Board based on existing and planned streets, topography, public safety, convenience and proposed uses of land. The Superintendent of the Department of Public Works and Village Engineer shall be consulted by the Planning Board for an advisory opinion before the approval of any new street.
2. Location. When a proposed subdivision is adjacent to or contains a State Highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction. The Planning Board may require a marginal street approximately parallel to and on each side of such right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential districts, or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation.
3. Intersections. Streets shall intersect one another at angles as near to a right angle as possible, and no intersections of streets at angles less than eighty (80) degrees shall be approved. Street intersections shall be rounded with a minimum radius of thirty-four (34) feet measured at right-of-way line when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Planning Board. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

4. Street Layout. It is the stated general policy of the Village that all new streets should be laid out and arranged to provide for a grid pattern of streets which provide for connections of all existing, new and potential future streets that allows a means of accessing and developing in the future underdeveloped and undeveloped land adjoining or near the proposed subdivision. The use of permanent Dead End streets is strongly discouraged. All streets shall be arranged and laid out in such a manner as to allow snow plowing and other maintenance to be performed within the proposed street right-of-way with relative ease. The Planning Board shall refer the proposed layout of all streets to the Village Board for its review and approval prior to granting preliminary or final plat approval.
5. Access. In commercial and industrial districts, definite and assured provision shall be made for service access such as off street parking, loading and unloading consistent with and adequate for the uses proposed.
6. Names and Numbers. Names and new streets shall not duplicate existing or platted streets. New streets which are extended or in alignment with existing streets shall bear the name of the existing streets, unless otherwise approved by the Village Board. House numbers shall be assigned by lots or parcels.
7. Street Signs. The subdivider shall provide and erect street signs of a type to be approved by the Village Board at all street intersections prior to acceptance of the constructed streets.
8. Trees. If streetside trees are provided, they should be planted in such a manner as not to impair visibility at any corner, or interfere with public utilities.

9. Standards for Street Design	<u>MINOR STREETS</u>	<u>MAJOR STREETS</u>
Minimum width Right-of- way	50 feet	60 feet
Minimum width of pavement*	20 feet	20 feet
Minimum width of Shoulders*	2 feet	2 feet
Minimum radius of Horizontal Curves	150 feet	400 feet
(except street intersection corners)		
Minimum length of Vertical Curves shall provide 100 feet line of sight measured 3 feet above street level		200 feet
Minimum length of Tangents between Reverse Curves.	100 feet (except where excessive)	200 feet
Grades may be reduced to reasonable grades by shortening tangents		
Maximum Grade 10 % except that grades up to may be approved on short runs	14 %	6 – 8 %
Minimum Grade	1 %	1 %
Minimum Braking Sight Distance	200 feet	300 feet

* May be reduced or increased at the discretion of the Planning Board.

§5-5 STREET CONSTRUCTION STANDARDS

- A. Street improvements shall be installed at the expense of the subdivider.
- B. Streets shall be built in accordance with Village standards in effect at the time the application is made. .

§5-6 SIDEWALKS

Sidewalks shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary in accordance with Local Law No. 2 of 2008 and any amendments thereto.
2. Sidewalks must be constructed to comply with the detail specifications of the Village Engineer approved by the Planning Board.
3. Sidewalks shall be concrete and have a minimum width of four (4) feet in residential areas, and five (5) feet in commercial and industrial areas, except where it would result in a conflict in the extension of existing sidewalks.

§5-7 UTILITIES

Public utilities will be required and shall be installed at the expense of the development as follows:

1. Fire Protection: All hydrants shall be constructed in a manner and with materials approved by the Village Engineer or the Village Board to ensure consistency with existing systems.
2. Street Lighting: Poles, brackets and lights to be of size, type and locations approved by the Planning Board and the local power company. Developer shall contact the local power company to ascertain location of poles, lights and transformers, wiring, and any other requirements mandated by the power company.
3. Electricity: Power lines shall be placed underground and shall be approved by the Planning Board and the local power company. Developer shall contact the local power company for locations and other requirements of transformers and other equipment.
4. Utility Service: The local power company shall be contacted for verification and location of power transformers and contractor requirements for individual dwelling services.
5. Cable Television: Cable television lines shall be placed underground. Developer shall contact the local cable company for locations of other requirements (telephone).

§5-8 WATER SUPPLY

Potable water for domestic, commercial and fire protection use will be required and shall be installed at the expense of the development as follows:

1. All water mains and lines, as shown on the preliminary plan shall be installed from each lot to the municipal supply. Where no municipal supply is available, it must be furnished by the subdivider on a project or individual lot basis. All water lines, shall be buried not less than five (5) feet underground.
2. All piping required for transmission and distribution must, conform to current AWWA Standards and Specifications and must conform to New York State Department of Health regulations.
3. All water mains and service laterals shall be constructed in a manner and with materials specified by the Village Engineer or Village Board.
4. Curb stops shall be provided for each residence and each residence shall be metered at the developer's expense, with meter specified by the Planning Board upon the advice of the Superintendent of Public Works.
5. Except where noted above, all provisions from Recommended Standards for Water Works, Part Eight (8) "10 States Standards" shall prevail.
6. All water supply systems shall be approved and built in accordance with any other specification or requirement set forth by the Village Engineer and approved by the Planning Board. The mains and service laterals to the curb stop will be dedicated to the Village for ownership and maintenance. The sanitary lateral from the clean-out to the structure is the responsibility of the property owner.

§5-9 SEWER

1. All necessary mains and laterals for connection from the lots to public sewage system as shown on the preliminary plan shall be installed by the subdivider at his expense. All gravity sewers and force mains shall be constructed in a manner and with materials specified by the Village Engineer or Village Board.
2. If public disposal is not available (for whatever reason), such private facilities must be installed by the subdivider in accordance with all prevailing New York State Department of Health and Department of Environmental Conservation rules and regulations. Any and all local regulations must also be adhered to.
3. Dry sewers may be required in those parts of the Village deemed to have sufficient population density or potential to merit community sanitary sewer systems in the future. Such requirements shall be in harmony with the Comprehensive Plan for the Village.
4. Sanitary and storm sewers shall be separated.
5. All provisions of Article 20 "Design of Sewers" from the text "Recommended Standards for Sewage Works" shall prevail.
6. Where feasible, and subject to Village Board approval, all proposed storm sewers shall tie to existing Village infrastructure.
7. Any other details or specifications suggested by the Village Engineer and approved by the Planning Board shall be complied with.
8. The sanitary mains and laterals up to the clean-out at right-of-way will be dedicated to the Village for ownership

and maintenance. The sanitary lateral from the clean-out to the structure is the responsibility of the property owner.

§5-10 SURFACE DRAINAGE OTHER THAN STREETS

It is intended that surface drainage be managed in accordance with current SWPPP permit standards and NYS DEC Regulations, and current best practices. Where feasible based on drainage patterns and soil types, surface drainage should infiltrate into the ground on the same lot by using rain gardens, bio-retention areas, permeable pavement, and other on-lot green infrastructure techniques as outlined in the current New York State Stormwater Management Design Manual. If on-lot infiltration is not feasible, surface drainage shall be collected via catch basins conveyed via underground storm sewers to natural drainage areas such as wetlands, creeks, or rivers. A drainage plan shall require approval by the Planning Board. The use of current green infrastructure is encouraged in all projects.

§5-11 LOTS

1. Location. All lots, except island lots, shall have adequate frontage on public streets to ensure suitable access for road, water, sewer, and utility easements. Island lots shall be provided suitable water and/or road access.
2. Dimensions. The lot size, width, depth, shape and area shall comply with the Village Zoning Law. For major subdivisions, the Planning Board may require that the lots shall vary in size, shape and frontage length and be alternated in location along the street to avoid the appearance of uniform lot sizes.
3. Pedestrian Easements. In order to facilitate pedestrian access from streets to schools, parks, play areas or nearby streets, perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.
4. Setback. The provisions of the Village's Zoning Law shall apply regarding setback lines.
5. Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.

§5-12 CLUSTER SUBDIVISIONS

A. Authority

1. The planning board is authorized and empowered pursuant to section 7-738 of the NYS Village Law to modify certain provisions of this Zoning Law as allowed by this Article, simultaneously with the approval of any major subdivision application within the Village. Specifically, the planning board is authorized to reduce setbacks, lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish the purposes of this section. The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the planning board.
2. Density Incentives Notwithstanding any contrary provision of this Zoning Law, which may limit or restrict the maximum residential density of a proposed cluster subdivision, an applicant proposing a cluster subdivision may also apply for an incentive adjustment to the maximum density requirements of this Zoning Law in exchange for the preservation of significant natural and man-made resources and the provision of public facilities or amenities in accordance with this section. In considering an application for approval of a cluster subdivision plat or multifamily development project, the Planning Board is hereby authorized to adjust the maximum unit density requirements of the zoning district in which the property is located and in accordance with the standards and conditions set forth in subsection E below.

B. Policy and Purpose

1. Policy.

The Village of Sackets Harbor hereby establishes a policy of encouraging the preservation of critical resources and the provision of facilities and amenities that would benefit the Village by providing the opportunity for cluster development to applicants seeking approval of a major residential subdivision. The Village Board hereby finds that the system of cluster development and the density incentives set forth in this section is consistent with the Village Comprehensive Plan and that such provisions are compatible with the development otherwise permitted in the residential districts.

2. Purpose.

The purpose of the Village's system of cluster development zoning is to advance the goals and policies expressed in the Village Comprehensive Plan and this Article. This section encourages flexibility in the

design and development of land in order to promote its most appropriate use and to preserve important natural features and resources, wildlife habitat, water resources, ecological systems, and scenic areas for the benefit of present and future residents as permanent open space. A cluster subdivision plan involves grouping development on one or more portions of a parcel and modifying the minimum lot, area, setback or frontage requirements in order to achieve one or more of the goals stated in the criteria in subsection C.

C. General Criteria for Cluster Subdivisions

The planning board may allow, or require, cluster development when the proposed development will:

1. Be in harmony with the general purpose, goals, objectives, standards of the comprehensive plan and this law,
2. Provide long-term protection of natural and man-made resources identified in the Comprehensive Plan, as well as for facilities and amenities that would benefit the community,
3. Provide for the more economical and efficient provision of municipal utilities and road services, including the provision of road right-of-ways or for the protection of future road and trail right-of-ways.
4. Preserve open space where the preserved lands border active agricultural land or land which is suitable for agricultural use.
5. Not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance, and
6. Not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare,
7. Be served adequately by, or provide for, essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, schools, parks and recreation areas;
8. Be construed, arranged, and operated so as not to significantly interfere with the development and use of neighboring property; and
9. Complies with all applicable provisions of the zoning law, except as modified pursuant to the authority of this law.

D. Procedures.

1. Initiation

A cluster subdivision may be initiated at the request of the applicant or by requirement of the Planning Board. The use of a cluster subdivision plan is specifically encouraged when the parcel contains constrained land as described in subsection D(3) below or the site otherwise meets the criteria in subsection C above. The decision to permit a cluster subdivision is within the sole discretion of the Planning Board. The Planning Board shall consider requiring cluster development when necessary to achieve the planning goals or to preserve significant resources of the type described in subsections C(2-4) above.

2. Required Plans.

An application for cluster development shall include all plans and materials required for approval of a conventional subdivision as set forth in this Article. This will include a sketch plat showing a conventional, non-clustered subdivision, which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the Planning Board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the zoning law. All lots on the sketch plat shall be buildable lots or dedicated open space.

3. Determination of Overall Development Density

The maximum number of residential lots that may be approved for a cluster development shall not exceed the maximum number of lots capable of being developed within a conventional subdivision layout of the same property, prior to the application of any incentive densities that may be granted by the Planning Board pursuant to subsection H below. Lots shown on the conventional layout shall be fully consistent with the lot, area and other requirements for the zoning district in which the land is located and all applicable requirements of this Article. The Planning Board shall review the proposed plan and shall determine the number of building lots (BL) or dwelling units that could be practically created pursuant to said plan. The Planning Board shall determine the minimum lot area and yard setbacks for each lot created as part of a cluster subdivision. Any

regulations contained in this Zoning Law restricting the number of dwelling units permitted in a conventional subdivision shall also restrict the number of dwelling units permitted in a cluster development. The BL shall be determined by subtracting from the total acreage - the constrained land areas of the property (i.e., NYSDEC and USACOE regulated wetlands, and lands within the one-hundred-year floodplain area, and steep slope areas of greater than 20%) for which the applicant has not secured and has not submitted to the Planning Board permits or approvals that would allow development in such constrained land areas, as follows:

$$BL = T - (W+F+S) + PL$$

T = Total acreage,

W = Regulated Wetlands,

F= Flood Plain,

S = Slopes greater than 20%,

PL = Land that PB is requiring to be preserved

The BL calculation set forth above shall be adjusted to include, in whole or in part, the constrained land area(s) for which the applicant has secured the necessary permits or approvals from applicable local, state or federal agencies authorizing development in such area(s) and has submitted copies of said permits or approvals to the Planning Board. If the parcel is not proposed for connections to central sewage disposal facilities, the plan shall also include an assessment and certification by a professional engineer as to the suitability of the soils to accommodate individual sewage disposal systems. The Planning Board, in its sole discretion, shall determine whether the plan is realistic and reflects a development pattern that could reasonably be implemented.

4. Planning Board Findings.

In order to approve a cluster subdivision, the Planning Board must find that the cluster subdivision will benefit the Village and will fulfill the applicable purposes stated in subsection B and C of this section.

E. Density Incentive.

1. In addition to cluster development, an applicant may apply for an incentive adjustment to the maximum unit density requirements of this Zoning Law, in exchange for the benefits in subsection E. 2 below. The Planning Board may grant a density incentive for land that contains significant resources identified in the Comprehensive Plan or for the provision of public facilities or amenities that are otherwise of great benefit to the community. In authorizing the incentive adjustment to the maximum unit density, the Planning Board shall ensure that the benefit to the Village is permanent and may require such easements, surety or other performance guaranties that the Board, in its sole discretion, deems necessary.
2. Incentives: The Planning Board shall determine the specific acreage that warrants granting the applicant the benefits of incentive zoning. For every acre of such acreage, the applicant may be granted one-half percent (1/2%) increase to the maximum unit density for the project parcel. The calculation of this incentive is based on the maximum density for a cluster subdivision as determined by the Planning Board.

F. Unit mix.

Notwithstanding any limitations on residential housing type as set forth in the Schedule of Uses, the cluster subdivision design may include a range of residential housing types as a means of achieving housing diversity and preserving open space. For major subdivisions, lots shall vary in size, shape and frontage length and be alternated in location along the street to avoid the appearance of uniform lot sizes. Within the cluster subdivision, the number of multifamily units shall be limited to not more than 1/3 of the total number of dwelling units.

G. Location of open space.

The Planning Board is authorized to require the reconfiguration of a cluster subdivision to ensure that the open space to be protected under the plan generally consists of large contiguous land tracts unbroken by intervening lots, structures, roads or driveways. In order to achieve a continuity of open space lands and avoid fragmentation, not less than 50% of the lands so preserved shall be continuous and unbroken by intervening lot lines or boundary lines and shall, at its narrowest point, not be less than 30 feet in width.

H. Use of Open Space

Preserved open space shall be made accessible to the general public unless the planning board finds that the size,

location, type of development, or cost of development or maintenance of such open space, or the visibility of public open space, would make public use undesirable or unnecessary. The Planning Board may require that the cluster subdivision layout include sidewalks and trails for pedestrian circulation.

I. Open Space Preservation Requirements.

1. All lands identified as having one or more of the features or characteristics identified in Subsection C that are not included in a cluster development plat as building lots, roads or parkland areas shall be set aside as permanent open space. The creation, preservation and management of open space to be protected as part of a cluster subdivision development shall be as follows:
2. Ownership. The preserved open space area may be:
 - a. Created as a separate parcel owned in common by the residents of the cluster subdivision through a homeowners' association (HOA) formed in accordance with state law and approved by the office of the State Attorney General; or
 - b. Created as a separate parcel owned in fee by the Village of Sackets Harbor or by a qualified not-for-profit conservation organization acceptable to the Village Board.
3. Prohibited use. No portion of the open space shall be used for roads, building lots, utility structures, driveways, or any principal or accessory structure, except for utility lines and connections installed underground. In addition, no part of the open space shall be used for residential, industrial, or commercial purposes except in connection with active agricultural and forestry use.
4. Preservation and enforcement. Open space set aside in a cluster subdivision shall be permanently preserved as required by this section. Each lot created as part of the cluster subdivision shall be granted individual rights to enforce the covenants and restrictions of the conservation easement(s) protecting and preserving the open space, and the Planning Board may require that the right of enforcement also be granted to the Village or to a qualified conservation organization.
5. Plat notations. Open space created by a cluster subdivision must be clearly labeled on the final plat as to its use, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land. The plat shall clearly show that the open space land is permanently reserved for open space purposes and shall contain a notation indicating the liber and page of any conservation easements or deed restrictions required to be filed to implement such reservations or restrictions.
6. Permanent protection of open space. Open space shall be protected by a perpetual conservation easement restricting development of the open space land and allowing use only for active agriculture, forestry, active or passive recreation or protection of natural resources, pursuant to § 247 of the General Municipal Law and/or §§ 49-0301 through 49-0311 of the Environmental Conservation Law. Said conservation easement may be granted to the Village with the approval of the Village Board or to a qualified not-for-profit conservation organization acceptable to the Village Board. Such conservation easement shall be reviewed and approved by the Planning Board and be required as a condition of plat approval hereunder.
7. Recording. The conservation easement shall be recorded in the County Clerk's office prior to or simultaneously with the filing of the cluster subdivision final plat in the County Clerk's office.

J. Undedicated

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the planning board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space by a homeowner association or other appropriate organization, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory assessment provisions, guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the planning board, and any other specifications deemed necessary by the planning board.

K. Density Transfer (Transfer of Development Rights)

The Village of Sackets Harbor Comprehensive Plan calls for the preservation of certain areas of privately owned land from development for the benefit of the public. The land to be preserved is described in the Comprehensive Plan and subsection C above, including the Greenbelt and environmentally sensitive areas. In order to compensate owners of such land for limiting its development, this Local Law allows, in addition to the

flexibility provisions of the Conservation Subdivision option, the transfer of residential density from one parcel (the "sending parcel") to another (the "receiving parcel"). A density transfer may be permitted from any land in the designated Greenbelt area shown in the Comprehensive Plan to any developable land in the VC or VR districts. The process of density transfer is set forth in subsection 5-12 L below.

L. Procedures.

1. All density transfers require a Special Permit from the Planning Board.
2. The Special Permit application for a density transfer shall be signed by the owners (or their authorized representatives) of both the sending and receiving parcels.
3. The Special Permit application shall show how the size and/or height of buildings in the receiving zone will be increased on the receiving parcel, as well as calculations of the permitted number of dwelling units for the sending parcel, prepared according to the provisions of subsection D above.
4. In reviewing an application for density transfer, the Planning Board shall first determine the number of dwelling units available to transfer from the sending parcel(s) pursuant to subsection D. It shall then apply the following standard to allow an increase in building size or height on the receiving parcel(s): For each dwelling unit development right transferred, the total allowable floor area on a receiving parcel lot may be increased by 2,000 square feet. This increase may be accomplished by adding up to two additional stories and/or 10% more impervious surface coverage than otherwise allowed under Article IV.
5. The Planning Board may then grant a Special Permit allowing the proposed increase in footprint, coverage, and/or height on the receiving parcel, conditioned upon the granting of a conservation easement on the sending parcel(s) satisfying the requirements of subsection I. Such conservation easement shall be executed and recorded in the County Clerk's office, reducing the number of dwelling units allowed to be constructed on the sending parcel(s) by the number of allowable units transferred. In addition, the conservation easement shall require that a portion of the sending parcel lying within a mapped greenbelt area be permanently restricted from development. Alternatively, that portion may be conveyed to the Village as parkland with the consent of the Village Board. The owner of a sending parcel may retain the right to construct one or more dwelling units on the sending parcel, provided that the owner has not transferred all development rights on the sending parcel and that the dwelling units are not built on the portion of the parcel that is within the designated Greenbelt area.

M. Findings Required

The Planning Board shall not approve any density transfer unless it finds that:

1. The density transfer will benefit the Village by protecting Greenbelt land on the sending parcel(s).
2. The density transfer will be consistent with the intent and purpose of this Local Law.
3. The density transfer will be consistent with the Comprehensive Plan.
4. The density transfer meets the requirements for granting a special permit under Article XIII.

N. Financial contribution in lieu of transferring development rights

An applicant may increase density on a receiving parcel in accordance with the above provisions by making a financial contribution to the Village's Land and Development Rights Acquisition Fund, if such a fund has been created, provided that the Village Board establishes a mechanism and a fee schedule for administering such a financial contribution in lieu of transferring development rights.

§5-13 UNIQUE AND NATURAL FEATURES

If not otherwise preserved under the provision of section 5-12, unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, watercourses, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

§5-14 PUBLIC PARKS AND FACILITIES

If the Planning Board determines that suitable park or parks of adequate size cannot be properly located in the plat or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the

Village of a sum to be determined by the Village Board, which sum shall constitute a trust fund to be used by the Village exclusively for neighborhood park, playground or recreational purposes including the acquisition of property. The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Village as water plants, sewage treatment plant and other community purposes not anticipated in the comprehensive plan.

§5-15 UNSUITABLE LAND FOR SUBDIVISIONS

As a safety measure for the protection of the health and welfare of the people of the Village, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g., drainage problems), shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board. Before final approval, the subdivider shall in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

§5-16 INSTALLATION GUARANTEES

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 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 filed with Village Treasurer and kept on deposit with the Village for the duration of the bond period. The Village Treasurer shall make monthly reports to the Village Board and Planning board as to the status of financial securities.

Occupancy or use of any new structure or development shall not be permitted until all improvements shown on the Subdivision Plan are installed and accepted by the Village, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance guarantee shall be posted in accordance with the procedures specified in §7-730 of the Village Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Village Board after consultation with the Planning Board, Village Attorney, Zoning Officer, other local officials, and its consultants. At least 120 days prior to the expiration, the Village Treasurer shall provide written notice of the expiration of such performance guarantees to the Village Board and Planning Board. No lots may be offered for sale for any project, in which the Subdivision Plat requires the construction and transfer of infrastructure to the Village, before such infrastructure is accepted by the Village.

§5-17 MAINTENANCE GUARANTEES

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.
3. The method of providing the maintenance guarantee shall meet the approval of the Village Board and the Village Attorney.

§5-18 CONDITIONS

Installation and maintenance guarantees to the Village shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements

in accordance with such laws and regulations. Any such guarantees shall require the approval of the Village Board and the Village Attorney as to form, sufficiency, manner of execution and surety, and the same shall be made payable to the Village.

§5-19 EXTENSION OF TIME

The construction or installation of any improvements or facilities, other than roads, for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the final plan. Road improvements shall be completed within (2) years from the date of approval of the final plat. The subdivider may request an extension of time provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Village may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications. There shall be no extension of time given unless and until the bond, letter of credit or other approved financial security shall be extended as well and proof such extension shall be provided to the Village Board prior to granting an extension.

§5-20 AGREEMENT - SCHEDULE OF IMPROVEMENTS

When installation guarantees are made pursuant to section 5-16, the Village and subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence. Each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation.

§5-21 MODIFICATION OF REQUIREMENTS

Upon approval by the Village Board, the Planning Board after due notice and public hearing may modify its requirements for any or all improvements, and the face value of the installation guarantee shall thereupon be increased or reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the installation guarantee may be increased or reduced proportionately.

§5-22 INSPECTIONS

Continuous, periodic inspections during the installation and testing of improvements shall be made by the DPW Superintendent ~~Subdivision Inspector~~, approved by the Village Board, or the Village Engineer to insure conformity with the approved plans and specifications as contained in the subdivider's agreement and this law. The subdivider shall notify the DPW Superintendent when each phase of improvements is ready for inspection. (At least five (5) days prior to commencing construction or required improvements, the subdivider shall notify in writing both the Village Engineer and the subdivision inspector of his intent to commence construction of the improvements). Upon acceptable completion of installation and improvement, the Village Board shall issue a letter to the subdivider or his representative certifying the completion of such work.

§5-23 ACCEPTANCE OF ROADS, WATER, SANITARY AND OTHER FACILITIES

When the Village Department of Public Works Superintendent and/or the Village Engineer, at the discretion of the Village Board, 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 facilities for which installation and maintenance guarantees have been provided.

ARTICLE VI NON-CONFORMING USES, STRUCTURES, AND LOTS

§6-1 GENERAL

The purpose of this Article VI is to establish rules that apply to uses and structures initiated legally under previous land use regulations but that no longer comply with this Local Law, as it has been amended. There are three types of nonconformity: nonconforming uses, nonconforming structures, and nonconforming lots. In any given situation, more than one of these types of nonconformity may apply to a particular land use or structure, in which case the applicable rules for each type of nonconformity must all be followed. As used in this Local Law, the three types of nonconformity are (these are also defined in Article XI):

1. Nonconforming Use: Any use lawfully existing at the time of the adoption or amendment of this Local Law or any preceding zoning law or ordinance, which use has continued but is not permitted by or does not conform with the permitted use provisions of this Local Law for the district in which it is located.
2. Nonconforming Structure: A structure which does not satisfy the dimensional requirements of this Local Law for the district in which it is located, but which was not in violation of applicable requirements when constructed.
3. Nonconforming Lot: A lot of record which does not comply with the area, shape, frontage, or locational provisions of this Local Law for the district in which it is located.

A. Continuation

Any use, any building or other structure, or any lot, which existed lawfully (including by variance), on the effective date of this Local Law or any amendment thereto, and which fails to conform to one or more of the provisions of this Local Law or such amendment thereto may be continued, subject to the provisions and limitations hereinafter specified.

B. Enlargement

Nonconforming uses of land shall not be enlarged or extended and conforming or nonconforming buildings or other structures or parts thereof devoted to a nonconforming use shall not be enlarged or extended, except to change to a permitted use or to reduce or eliminate the nonconformity, or as provided in section 6-5. Nonconforming uses located in a building or other structure shall not be extended to occupy land outside such building or other structure. Nonconforming buildings or other structures shall not be enlarged, extended, or structurally altered, except where the enlargement or extension does not increase the nonconformity.

C. Moving

Nonconforming uses of land shall not be moved to another part of a lot where such uses would also be nonconforming. Nonconforming uses of a building or other structure shall not be moved or extended to any part of the building or other structure not manifestly designed and arranged for such use at the time the use became nonconforming. Nonconforming buildings or other structures shall not be moved unless the result of such move is to eliminate the nonconformity.

D. Change in use

Nonconforming uses of land, buildings, or other structures shall not be changed to any use which is substantially different in nature and purpose from the existing use unless the new use is permitted by this Local Law and any required permits are obtained. Any nonconformity that has been reduced or eliminated shall not be increased or reestablished.

E. Discontinuance and Resumption

Nonconforming uses of land, buildings, or other structures which have been discontinued or inactive for a continuous period of two years or more from the time such uses became nonconforming shall not thereafter be resumed. Uses that were discontinued or that became inactive before zoning changes made them nonconforming may resume within two years of their discontinuance or within one year of the zoning change that made them

nonconforming, whichever period is longer. When a structure is vacant, its use shall be deemed to be discontinued for the period of vacancy.

F. Construction Started Prior to This Local Law Adoption

Any structure, for which construction was begun prior to the effective date of this zoning law, or of any amendment thereto, may be completed and used in accordance with the approved plans and specifications for such structure. Any structure for which construction has not begun pursuant to approved plans shall be subject to the provisions of this local law and any amendments thereto, even if all pre-construction approvals have been granted. For purposes of this subsection F, "beginning construction" shall mean excavation and pouring of footings or the installation of any other means of permanently attaching a structure to the ground.

§6-2 SPECIAL PROVISIONS AND LIMITATIONS FOR CERTAIN USES

In addition to the foregoing, the following special provisions and limitations shall apply to particular nonconformities:

A. Signs

Signs which became nonconforming as a result of enactment of this Local Law after the effective date shall be considered nonconforming structures under this Local Law, and any increase in size, illumination, motion, or flashing of such signs shall be deemed to be an enlargement or extension producing an increase in nonconformity. Any nonconforming sign which is damaged or destroyed by fire or other casualty to an extent greater than 50% of the value of the sign as determined by the Zoning Officer shall not be restored, reconstructed, or replaced except by a sign which conforms to this Local Law.

B. Site development

Where existing site development fails to conform to the requirements of this Local Law, the use and structures on the lot shall not be enlarged, extended, changed, or moved unless the nonconformity is eliminated; provided, however, that the Sackets Harbor Planning Board may authorize continuation or reduction of the nonconformity under §6-5.

C. Moving of road centerline

If a structure becomes nonconforming as a result of the moving of the centerline of a traveled way, such structure shall be treated as a conforming structure with respect to any resulting nonconformity.

§6-3 ADDITIONAL REQUIREMENTS

Notwithstanding the foregoing provisions of this Article, the following shall apply to nonconformities:

A. Casualty

If any nonconforming building or other structure, or any building or other structure containing a nonconforming use, is damaged or destroyed by fire or other casualty, such building or other structure may be restored or reconstructed and the use thereof resumed, provided that such restoration or reconstruction does not extend the nonconformity and is commenced within one year after the date of the fire or other casualty and is completed within two years after such date, which periods may be extended by the ZBA for good cause shown.

B. Title

Changes of title, possession, or right of possession shall not affect the right to continue a nonconforming use, building, or other structure.

C. Repair

Nothing in this Article shall be deemed to prohibit work on any nonconforming building or structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this Article shall prohibit ordinary repair and maintenance of a nonconforming building or structure or replacement of existing materials with similar materials or materials of higher quality.

D. Special use permits and site plans

The lack of an approved special use permit or site plan, if required for particular uses under this Local Law, shall not make such uses nonconforming if they were lawfully existing uses established prior to the effective date of this Local Law. Such uses shall be treated as conforming and their expansion shall be permitted with special permit or site plan approval as required by this Local Law.

§6-4 NONCONFORMING LOTS

- A. Any lot of record created prior to the effective date of this law, which does not comply with the area, density, or dimensional requirements of this Local Law shall be deemed to comply with such requirements, and no variance shall be required for its development or for any addition to or other alteration of a structure, provided that:
 - 1. The following minimum setbacks are maintained:
 - Front Setback: One-half of district setback
 - Side Setback: One-half of district setback
 - Rear Setback: One-half of district setback
 - 2. All Health Department regulations are satisfied.
- B. A non-conforming lot may be subdivided only if the subdivision plat shows that every subdivided portion of such lot will be merged with adjoining properties to increase the area of such properties, thereby eliminating the non-conforming lot.
- C. Notwithstanding the foregoing provisions, any undeveloped lot in a subdivision which was not properly approved by the Planning Board or not filed in the Office of the County Clerk, and whose area or dimensions do not comply with the requirements of this Local Law, shall be considered a violation of this Local Law and shall not be protected under this Article VI.

§6-5 APPROVAL STANDARDS FOR NONCONFORMING USES OR STRUCTURES

The Planning Board may grant Site plan approval for the construction, reconstruction, enlargement, extension, moving and/or structural alteration of buildings and structures on a lot having existing site development which fails to conform to the standards of this Local Law if the Planning Board finds that the following standards are met:

- A. The proposed construction will result in a general improvement of the lot with regard to safe access, sight lines along the street, suitable drainage, architectural quality, and adequate landscaping.
- B. Nonconforming signs and lighting will be brought into compliance or more nearly comply with current Zoning Law.
- C. Landscaping will be improved within the required setback area adjoining a boundary line.
- D. There will be no increase in any nonconformity.

ARTICLE VII ADMINISTRATION

§7-1 ZONING OFFICER

The provisions of this Local Law shall be administered and enforced by the Zoning Officer, who shall be appointed by the Village Board. The Zoning Officer shall have the following powers and duties:

1. Review all applications, to include those for site plan review, special permits, and variances, for completeness and refer to appropriate Board for action;
2. Conduct reviews of applications in accordance with section 4-4;
3. Issue zoning permits;
4. Conduct periodic inspections of approved projects to ensure compliance with the approved permit, plans, and this Zoning Law;
5. Conducting inspections of site plan and special permit projects, including coordination with the Village's consultants and other local officials and agencies, as may be appropriate;
6. Investigate complaints regarding zoning actions and report to the appropriate Board;
7. Conduct periodic street-view inspections of the Village to ensure compliance with this Zoning Law

The Zoning officer shall make every effort to review all applications and take any necessary action within fifteen (15) days of receipt.

§7-2 PLANNING BOARD

A. Creation, Appointment, and Organization:

1. The Mayor, subject to the approval of the Board of Trustees, shall appoint five (5) members, who shall be U.S. citizens and Village residents, to the Village Planning Board as provided in section 7-718 of the NYS Village Law. The Mayor, subject to the approval of the Board of Trustees, shall appoint the Chairperson of the Planning Board
2. The Mayor shall make every reasonable effort to appoint persons with an interest in the history and architecture of the Village. At least one (1) member shall maintain legal residence or own property within the Historic Preservation Overlay District.
3. Any vacancy occurring in a position for any reason other than expiration of the term for which they were appointed shall be filled in accordance with section 7-718 of the Village Law.
4. The Mayor, subject to the approval of the Board of Trustees, shall appoint one (1) alternate member, who shall be a Village resident, to the Village Planning Board for a one-year term. At the direction of the Chairperson of the Planning Board, the Alternate member shall serve in place of permanent member while such member is unable to serve on the Planning Board.

B. Powers and duties: the Planning Board shall have the following powers and duties with respect to this Law:

1. Site plan review and approval.
2. Special Permit review and approval, except those special permits requiring Village Board approval.
3. Review and approval of subdivisions
4. Submittal of an advisory opinion to the Zoning Board of Appeals for all variances, when otherwise required or requested.
5. Submittal of an advisory opinion to the Village Board for proposed amendments to this Law, when otherwise required or requested.
6. The Planning Board shall act as Historic Review Board for the purposes of this law. The Historic Review Board shall review and evaluate the historic and architectural compatibility of all regulated activities within the HP in accordance with all relevant standards in this law, and advise the Village Board and public on matters involving historic preservation.

C. Procedure: The Planning Board shall act in strict accordance with the procedure specified by this Law. All applications made shall be made in writing on forms prescribed by the Village. Every decision of the Planning Board shall be made by resolution which shall contain a full record of findings in the case.

D. The Planning Board shall act as the Historic Review Board for the purposes of these regulations. As Historic

Review Board, the Planning Board shall:

1. Review and evaluate the historic and architectural compatibility of all regulated activities within the Historic Preservation Overlay District in accordance with the site plan review standards set forth in Article VIII, section 8-6;
2. Exercise reasonable and responsible judgment of historic, aesthetic, and architectural considerations in carrying out its authority and duties as the Historic Review Board;
3. Retain or employ professional consultants, secretaries, clerks or other necessary personnel to carry out its duties, subject to the approval of the Village Board of Trustees;
4. Conduct surveys of buildings, structures, and/or architectural significance, and other pertinent facts;
5. Cooperate and advise with the Village Board of Trustees and other public and private agencies in matters involving historic preservation;
6. At the owners request advise and assist owners of landmarks, property or structures within the historic district on physical and financial aspects of preservation, renovation, rehabilitation, reuse, and procedures for inclusion on Federal, State, and local historic registers;
7. Inform and educate the community concerning the historic and architectural heritage of the Village, including recommendations on the preparation of maps, brochures, and historic markers for selected historic buildings, structures, sites or areas;
8. Investigate and recommend to the Village Board of Trustees additions to the existing historic district (properties, structures, buildings or areas having special historic, community or architectural value as historic landmarks or districts.)

§7-3 ZONING PERMITS

A. General Requirement

No building or structure shall be erected, enlarged or demolished, no use shall be instituted, changed, or enlarged, and no other action governed by this Local Law shall be initiated until a zoning permit has been issued, or unless a permit is not required. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the street line, lot line, or nearest high water elevation to the furthest protruding part of the structure. This includes projecting facilities such as cornices, eaves, porches, carports, and attached garages.

B. Invalid Approval

No zoning permit shall be issued for any construction, addition, exterior expansion, or use would be in violation of any of the provisions of this law. No zoning permit shall be valid unless it complies with all provisions of this Local Law. Any permit approved in violation of this Local Law shall be void.

C. Expiration of Zoning Permit

1. An approved zoning permit shall expire and become void if there is no commencement of the permitted project within twelve (12) months of the date of approval, except for special permits (see subsection 2 below). If a zoning permit has been issued and it expires without commencement of the use, any subsequent renewal of such zoning permit or any resubmission of a zoning permit application must comply with the zoning in effect at the time of renewal or resubmission.
2. A Special Permit shall expire if the Special Permit use or uses do not commence or cease for more than twelve (12) consecutive months for any reason, if the applicant fails to obtain any necessary Building Permits or fails to comply with the conditions of the Special Permit within twelve (12) months of its issuance, or if its time limit expires without renewal. The Planning Board may grant an extension upon request by the applicant for good cause shown.

§7-4 PERMIT PROCESS

A. Submitting Application

Any person intending to undertake new construction, structural alteration, or change in the use of a building or lot shall apply to the Zoning Officer for a zoning permit by submitting the appropriate application form and paying the required fee. If a building permit is required, application shall be made to Jefferson County and the required

procedure for building permits shall be followed. Application shall also be made to all required involved agencies.

B. Content of Application

Applications for zoning permits shall be submitted to the Zoning Officer or Village Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of the proposed structures and accessory uses, street right-of-way lines, waterfront property lines, streams, and any other features of the lot; and such other information necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on a form issued by the Village. All applications requiring action by the Planning Board, Zoning Board of Appeals or Village Board shall be submitted in paper and digital format acceptable to the reviewing Board.

C. Action Upon Application

1. The Zoning Officer shall promptly review the application and take one of the following actions:
 - a. Approve it if it meets all requirements of this law and is with his authority to approve,
 - b. Refer the application to the Planning Board (or Village Board if appropriate) if a Special Permit and/or Site Plan approval is required,
 - c. If a variance is required, deny the application and inform the applicant of the process to appeal to the Zoning Board of Appeals, or
 - d. Deny it, giving the reason for any denial.
2. A copy of the approved or disapproved application shall be delivered or mailed, return receipt requested, to the applicant within five working days of the decision. An application with the approval of the Zoning Officer endorsed thereon shall constitute the zoning permit, which shall become effective when the Zoning Officer has filed written approval of the permit application in the office of the Village Clerk. A copy of the permit shall be placed in the permanent file for the property.
3. If a zoning permit is issued, the applicant may proceed to undertake the action permitted upon receipt of all other required permits.

§7-5 VIOLATIONS AND ENFORCEMENT

A. Inspection

In order to determine compliance with this Local Law, the Zoning Officer is authorized, to the extent permitted by law, to enter, inspect, and examine any building, structure, place, premises, or use in the Village of Sackets Harbor.

B. Notice of Violation

1. Upon finding any new construction, improvements, or uses to be in violation of this Local Law, the Zoning Officer shall transmit a written Notice of Violation describing the alleged violation, by registered or certified mail, to the owner and tenants of the property upon which the alleged violation occurs, with a copy to the Village Board. The Notice of Violation shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within fourteen (14) days. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Officer within the time limit constitutes admission of a violation of this Local Law. The notice shall further state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Village.
2. If, within fourteen (14) days, there is no reply, but the alleged violation is corrected to the satisfaction of the Zoning Officer, the notation "Violation Corrected" shall be made on the Zoning Officer's copy of the notice.
3. If there is no reply within fourteen (14) days (thus establishing admission of a violation of this Local Law) and the alleged violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, the Zoning Officer shall take action in accordance with subsection C.
4. A permanent record of all Notices of Violation and their disposition shall be kept in the Zoning Officer's file in the Village Offices.

C. Abatement of Violations

The Zoning Officer or the Village Board may issue a stop-work or cease-and-desist order and/or institute an appropriate legal action or proceeding to prevent, restrain, correct, or abate any violation of this Local Law to prevent the occupancy of premises, or to prevent any activity, business, or use that violates this Local Law. Such legal action may include the issuance of an Appearance Ticket pursuant to the Criminal Procedure Law, Paragraph 150.20.

D. Penalties

1. A violation of this Local Law is an offense punishable by fine not exceeding \$350.00, or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense. Conviction of a second offense, committed within five years of the first offense, is punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed 15 days, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than \$700.00 nor more than \$1,000.00, or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation. A violation which creates an imminent hazard to health and safety shall be punishable by the same fine as above, as well as by imprisonment for a period not to exceed six months per violation.
2. In addition, any person who violates any provision of this Local Law or who fails to do any act required thereby shall, for each and every such violation, pay a civil penalty of not more than \$100.00. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.
3. 3. The imposition of penalties for any violation of this Local Law shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this Local Law shall not prevent the abatement of a violation pursuant to subsection C. The expenses of the Village in enforcing such removal, including legal fees, may be chargeable (in addition to the criminal and civil penalties) to the offender, and may be recovered in a civil court of appropriate jurisdiction.

E. Complaints of Violations

Whenever a suspected violation of this Local Law occurs, any person may file a signed written complaint reporting such violation to the Zoning Officer. The Zoning Officer may also investigate any oral complaint, to include anonymous complaints, made to his/her office. All complaints, written or oral, shall be properly recorded, filed, and promptly investigated by the Zoning Officer, and reported to the Village Board.

F. Accountability

For every violation of the provisions of this Local Law, the owner, agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists, shall be punishable according to the provisions of this Local Law.

§7-6 ESCROW DEPOSITS FOR REVIEW AND INSPECTION COSTS

A. Deposits in Escrow

1. All applications for any permit, approval or variance shall be accompanied by a cash deposit, certified check or surety bond payable to the Village of Sackets Harbor in an amount determined by:
 - a. Mayor for all applications requiring Village Board of Trustees final approval or other action;
 - b. Chairperson of the Planning Board, for all applications requiring the Planning Board's final action;
 - c. Chairman of the Zoning Board of Appeals for all applications requiring that board's approval; or
 - d. Zoning Officer for matters requiring his final approval or action.

If an application involves more than one board, the Mayor and the Chairpersons of the involved boards shall collectively determine the amount required. Said sum shall be based on the estimated cost to the Village of reviewing the particular type of application before it. When determining the sum, the reviewing board may consider the professional review expenses incurred by it and neighboring municipalities in reviewing similar applications.

2. Use of funds.

- a. The money deposited shall be used to cover the reasonable and necessary costs of reviewing an application, including costs of inspections. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application and project inspections. The reviews governed by this section shall include but not be limited to all environmental review pursuant to law including review of the proposed action under the State Environmental Quality Review Act.
 - b. The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the Sackets Harbor Zoning Law or other local laws or regulations.
 - c. Monies deposited by applicants pursuant to this section shall not be used to offset the Village's general expenses of professional services for the several boards of the Village or its general administrative expenses.
 - d. Fees charged strictly for SEQOR review shall not exceed the maximum amounts that can be charged by the lead agency pursuant to the SEQOR regulations
3. Upon receipt of monies requested for an escrow account, the Mayor shall cause such monies to be placed in a separate non-interest-bearing account in the name of the Village and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.
 4. Upon receipt and approval by the Village Board of itemized vouchers from consultants for services rendered on behalf of the Village regarding a particular application, the Mayor shall cause such vouchers to be paid out of the escrow account, and shall debit the separate record of such account accordingly. The Village Treasurer shall make a monthly report of the status of the escrow account to the Village Board, Planning Board, and the applicant,

B. Review of vouchers; payment

1. The Village Board shall review and audit all such vouchers and shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Village in connection with the review and consideration of applications and project inspections. A charge or part thereof is reasonable in amount if it bears a reasonable relationship to the average charges by consultants to the Village for services performed in connection with the review of similar applications. In auditing the vouchers, the Village Board may take into consideration the size, type and number of buildings to be constructed, the topography of the site, environmental conditions at the site, the infrastructure proposed in the application and any special conditions the Village Board may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Village or to protect public or private property from damage.
2. In no event shall an applicant make direct payment to any Village consultant.
3. If, at any time during the review of an application or the inspection of an approved project under construction, there shall be insufficient monies on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board or inspecting official that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board or official shall cause the applicant to deposit additional sums as the board or official deems necessary or advisable in order to meet such expenses or anticipated expenses.

C. Right to Appeal

An applicant shall have the right to appeal to the Village Board the amount of any required escrow deposit or the amount charged to an escrow account by a consultant under this section.

D. Escrow Refund

Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Village have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within sixty days after the applicant's request.

E. Insufficient Escrow Funds

1. In the event the applicant fails to deposit the requested review fees into an escrow account, any application review, approval, permit or certificates of occupancy may be withheld or suspended by the reviewing board, officer or employee of the Village until such monies are deposited.
2. The owner(s) of the subject real property, if different from the applicant, shall be jointly and severally responsible to reimburse the Village of Sackets Harbor for funds expended to compensate for services rendered to the Village under this section by private engineers, attorneys or other consultants. In order for a land use application to be deemed complete, the applicant shall provide the written consent of all owners of the subject real property acknowledging potential landowner responsibility, under this section, for engineering, legal and other consulting fees incurred by the Village. In the event that insufficient funds have been deposited in escrow and the applicant or owners fail to reimburse the Village for such fees, the following shall apply:
3. The Village may seek recovery of unreimbursed engineering, legal and consulting fees by action in a court of appropriate jurisdiction, and the defendant(s) shall be responsible for the reasonable and necessary attorney's fees expended by the Village in prosecuting such action.
4. Alternatively, and at the sole discretion of the Village, a default in reimbursement of such engineering, legal and consulting fees expended by the Village shall be remedied by charging such sums against the real property which is the subject of the land development application, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Village. Such charges shall be levied and collected at the same time and in the same manner as Village-assessed taxes and shall be applied in reimbursing the fund from which the costs were defrayed for the engineering, legal and consulting fees. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Village Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.

§7-7 ZONING BOARD OF APPEALS

A. Composition

Pursuant to the provisions of §7-712 of the Village Law, there is hereby established a Zoning Board of Appeals consisting of five members, who shall be U. S. citizens and residents of the Village, appointed by the Mayor with the approval of the Village Board. The Village Board may appoint alternate members for terms specified by resolution, for purposes of substituting as needed for a regular member in the event such member is unable to participate in a particular matter or matters because of a conflict of interest or because of an expected extended absence. The chairperson of the Zoning Board of Appeals may designate one of the duly appointed alternate members to substitute for a regular member where a regular member has a conflict of interest or expects to have an absence. Such designation of an alternate member shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made. To the extent that the preceding three sentences may be inconsistent with section 7-712(11) of the Village Law, the Village Board hereby expresses its intention to supersede the Village Law in accordance with Municipal Home Rule Law, Article 2, §10, et seq. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and this Local Law in connection with appeals to review any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of this Local Law, generally the Zoning Officer. An appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village.

B. Appeals of Orders, Requirements, Decisions, Interpretations, or Determinations

The Zoning 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 this Local Law. In so doing, the Zoning Board of Appeals shall have all the powers of the administrative official from whose order, requirement, decision, interpretation, or determination the appeal is taken.

C. Appeals for Variance

1. The Zoning Board of Appeals shall have the power, upon appeal from a determination by the Zoning Officer and after public notice and hearing, to vary or modify the application of any of the provisions of this Local Law relating to the use, construction, or alteration of structures or the use of land, to include signs, so that the spirit of this Local Law is observed, public safety and welfare secured, and substantial justice done.
2. All applications for variances shall be submitted to the Zoning Officer at least fourteen (14) days before the meeting of the Zoning Board of Appeals and shall be accompanied by six copies of a plot plan, drawn to scale with accurate dimensions, showing the location of all parcel boundary lines, and all existing and proposed structures on the lot. This requirement may be modified for larger properties to show only those existing structures in the vicinity of the requested variance. The ZBA may require an applicant for a variance to submit any information or documentation necessary to consider the application, including a survey and an agricultural data statement pursuant to §3-8C. The application shall be submitted in a digital format approved by the ZBA, except that the Chairperson of the ZBA is authorized to permit submission in some other format to avoid hardship to the applicant.
3. Any variance which is not exercised by application for a zoning permit or by otherwise commencing the use within one year of the date of issuance shall automatically lapse.

D. Use Variances

1. The Zoning Board of Appeals, on appeal from a decision or determination of the Zoning Officer, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed by this Local Law. No use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship to the applicant. In order to prove unnecessary hardship the applicant shall demonstrate that for each and every permitted use under this Local Law for the district in which the applicant's property is located:
 - a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - c. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. The alleged hardship has not been self-created.
2. Failure to demonstrate any one of the requirements in subsections 1(a) through 1(d) above is sufficient to justify the denial of a use variance.
3. The Zoning Board of Appeals shall consider any agricultural data statement submitted pursuant to §3-8C.
4. The Zoning Board of Appeals, in granting use variances, shall grant the minimum variance that it deems 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.
5. In addition to the grounds for granting a use variance in subsection (1) above, a use variance may also be granted if the applicant can prove, by competent financial evidence, deprivation of all economically beneficial use of the property. In such a case, the Zoning Board of Appeals shall grant only the minimum variance necessary to allow an economically beneficial use.
6. If the use variance is granted for a non-residential use, the applicant shall obtain site plan approval from the Planning Board prior to commencing the use or obtaining a building permit or zoning permit.

E. Area Variances and Sign Variances

1. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Officer, to grant area variances from the area or dimensional requirements, or variances from the sign requirements.
2. 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 of such grant. In making its determination the Board shall also consider:
 - a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance or sign variance;
 - b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance or sign variance;

- c. Whether the requested area variance or sign variance is substantial;
 - d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board, but which shall not necessarily preclude the granting of the area variance or sign variance.
3. The Zoning Board of Appeals, in the granting of area variances or sign variances, shall grant the minimum variance that it deems necessary and adequate, while preserving and protecting the character of the neighborhood and the health, safety, and welfare of the community.

F. Imposition of Conditions

The Zoning Board of Appeals shall, in granting use variances and area variances, impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impact the variance may have on the neighborhood or community.

G. Procedures

1. Application
2. Appeals shall be taken by filing a written notice of appeal and any required plans with the Zoning Officer and the Zoning Board of Appeals, within 60 days after the filing of the order, requirement, decision, interpretation, or determination that is being appealed. Such application shall refer to the specific provision of this Local Law involved and shall specify the grounds for the variance requested, the interpretation claimed, or for the reversal of an order, requirement, decision, or determination of an administrative official. The applicant shall pay an administrative fee, according to the schedule of fees adopted by the Village Board, upon filing a written notice of appeal. The Zoning Officer shall forthwith transmit all the papers constituting the record of the appeal to the Zoning Board of Appeals.
3. Referral to County Planning Board
 - a. Requests for variances that require referral to the County Planning Board shall be so referred pursuant to General Municipal Law, Article 12-B, §§ 239-l and 239-m, as amended. The following actions have been deemed of local interest only and have been exempted from referral by the Village Board:
 1. Area Variance - meeting the following criteria:
 - i. All area variances for lot size or lot width, if the required lot line setbacks can still be maintained.
 - ii. All single and two-family residential set-back variances (including those for mobile homes, modular homes) unless the requested setback is adjacent to either a State or County property line, exclusive of State or County highways.
 - iii. All front, rear and side lot line set back variances for accessory structures (i.e. garages, sheds, decks, etc.) unless the requested setback is adjacent to either a State or County property line, exclusive of State or County highways.
 2. Use Variance - meeting the following criteria:
 - i. All use variances for single and two-family residences (including mobile and manufactured homes).
 - ii. All use variances for home occupations
 - b. No action shall be taken on variances referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the full statement of the proposed variance, unless the County and Village agree to an extension beyond the 30-day requirement for the County Planning Board's review.
 - c. County Disapproval

A majority-plus-one vote shall be required to approve any variance which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

H. Hearing and Public Notice

1. If an agricultural data statement has been submitted, the Secretary of the Zoning Board of Appeals shall,

upon receipt of any variance application, mail written notice of the application to the owners of land as identified by the appellant in the agricultural data statement. Such notice shall include a description of the proposed variance and its location. The cost of mailing the notice shall be borne by the appellant.

2. The Zoning Board of Appeals shall set a reasonable time after receipt of a complete application for the hearing of appeals.
3. At least five days prior to the date of the hearing of appeals, the Zoning Board of Appeals shall publish notice of such hearing in the official newspaper, mailing notice thereof to the Planning Board, and send notice by certified mail to all property owners within 200 feet of, and to the owners of the six nearest parcels to, the property upon which the appeal is taken. The cost of publishing and mailing such notices shall be borne by the appellant.
4. If the application is for a use variance on property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard.
5. At the hearing, any party may appear in person or by agent, by attorney, or by submission writing.
6. The Zoning Board of Appeals may adjourn the hearing for a reasonable period in order to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the appeal, or if additional information is required. If the hearing is adjourned for more than 30 days, the Board may require that it be re-noticed as provided in subsection 4 above.

I. Action

The Zoning Board of Appeals may reverse, affirm, or modify, wholly or in part, the order, requirement, decision, interpretation or determination of the administrative official in accordance with the provisions of this Local Law.

1. Any such action shall be decided within 62 days after the determination by the Chairperson that the hearing is closed.
2. Every decision of the Zoning Board of Appeals shall be approved by vote of a majority of the members by resolution which contains a full record of the findings and rationale for the decision. If the Zoning Board of Appeals acts contrary to the recommendations of the Village Planning Board or the County Planning Board, it shall give written reasons for such action.

J. Filing

Every order, requirement, decision, interpretation, or determination of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within five business days after the decision is rendered, and shall be a public record. A copy thereof shall be placed in the permanent file of the property and shall also be mailed to the appellant within the same five-day period.

K. Court Review of Board Decisions

Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, may apply to the Supreme Court for review by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules and §7-712-c of the NYS Village Law.

L. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the appellant fails to obtain any necessary building permit within twelve months of the date of such decision.

M. Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action unless the Zoning Officer certifies for the Zoning Board of Appeals that such a stay of proceedings would, in the Zoning Officer's opinion, cause imminent peril to life or property by reason of facts stated in the certificate. In such a case, proceedings shall be stayed only by a restraining order granted by the Zoning Board of Appeals or by the Supreme Court for due cause shown, on notice to the Zoning Officer.

ARTICLE VIII SPECIAL PERMITS AND SITE PLAN REVIEW

§8-1 PURPOSE AND APPLICABILITY

- A. It is the policy of the Village of Sackets Harbor to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the historic character of the Village. Many uses are therefore permitted only upon issuance of a Special Permit by the Planning Board, in order to ensure that these uses are appropriate to their surroundings and consistent with the purposes of this Local Law. Some uses are allowed by right, subject only to Site Plan approval (see Use Table in §3-1). Adult uses, mobile home parks, and uses not listed on the Use Table (if not prohibited by §3-1C) require a Special Permit issued by the Village Board. In reviewing Special Permit applications, the Village Board shall follow the procedures and standards established for the Planning Board in this Article VIII.
- B. Accessory uses or structures used in connection with a Special Permit or Site Plan use shall be subject to the same approval requirements as the principal structure or use.

§8-2 REQUIRED SUBMISSIONS FOR SPECIAL PERMIT APPLICATIONS

Because the impact of Special Permit uses varies, the information required to be submitted for a Special Permit varies depending upon the specific circumstances of each application. The numbers of copies of materials to be submitted shall be as required under the procedural policies of the Planning Board.

A. Special Permit Application Information

An applicant for a Special Permit shall submit the following:

1. A Special Permit application form.
2. A Site Plan, containing the information listed in §8-6B unless submission of certain information has been waived at a pre-application meeting.
3. A narrative report describing how the proposed use will satisfy the criteria set forth in §8-4, as well as any other applicable requirements relating to the specific use proposed.
4. Appropriate SEQRA review form as determined by the Planning Board.
5. An agricultural data statement as defined in § 11-2, if required by §3-8C.
6. The Special Permit application fee, as established by the Village Board, and any required escrow deposit for review costs, as required by the Planning Board.
7. A letter from the Zoning Officer stating that there are no outstanding zoning violations on the property.

§8-3 PROCEDURE FOR SPECIAL PERMITS

A. Pre-application Meetings

Before filing an application, the applicant may request a preliminary conference with the Planning Board to discuss the nature of the proposed use and to determine the information that will need to be submitted in the Site Plan.

B. Application

1. Applications for a Special Permit shall be made to the Planning Board in a digital format prescribed by the Planning Board, except that the Chairperson may permit submission in another format to avoid hardship to the applicant. The Planning Board's consultant or the Zoning Officer shall make the initial determination as to whether or not the application is complete for the purpose of accepting it for review.
2. If an application is for a parcel or parcels on which more than one use requiring a Special Permit is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of determining SEQRA compliance, all proposed uses on a single parcel or on contiguous or related parcels under single or related ownership shall be considered together.
3. Application for Area Variance.
4. Notwithstanding any provision of law to the contrary, where a proposed Special Permit contains one or more features which do not comply with the dimensional requirements of this Local Law, application may be made to the Zoning Board of Appeals for an area variance pursuant to §7-7E without a decision or determination by

the Zoning Officer.

C. State Environmental Quality Review Act (SEQRA) Compliance

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 31 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Local Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation regulations or the issuance of a negative declaration.

D. Referral to Jefferson County Planning Board

1. Upon receipt of application materials it deems to be complete, the Planning Board shall refer to the Jefferson County Planning Board any application for a Special Permit affecting real property within 500 feet of the boundary of the Village of Sackets Harbor, the boundary of any existing or proposed County or State park or other recreational area, the boundary of any existing or proposed County or State roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, §§239-l and 239-m, as amended. The following actions have been deemed of local interest only and have been exempted from referral by the Village Board:
 - a. **Area Variance** - meeting the following criteria:
 - i. All area variances for lot size or lot width, if the required lot line setbacks can still be maintained.
 - ii. All single and two-family residential set-back variances (including those for mobile homes, modular homes) unless the requested setback is adjacent to either a State or County property line, exclusive of State or County highways.
 - iii. All front, rear and side lot line set back variances for accessory structures (i.e. garages, sheds, decks, etc.) unless the requested setback is adjacent to either a State or County property line, exclusive of State or County highways.
 - b. **Use Variance** - meeting the following criteria:
 - i. All use variances for single and two-family residences (including mobile and manufactured homes).
 - ii. All use variances for home occupations.
 - c. **Site Plans and Special Permits** - meeting the following criteria:
 - i. All site plans/special permits for new buildings or additions consisting of less than 500 square feet where the principle use will occur within the new structure; unless the new building or addition will require a new or improved access point onto a State or County roadway.
 - ii. All site plans/special permits for the placement of individual single and two family dwellings (including mobile homes and manufactured housing).
2. No action shall be taken on applications referred to the Jefferson County Planning Board until its recommendation has been received, or until 30 days have elapsed after its receipt of the complete application, unless the County and Village agree to an extension beyond the 30-day requirement for the Jefferson County Planning Board's review.
3. County Disapproval: A majority-plus-one vote of the Planning Board shall be required to grant any Special Permit which receives a recommendation of disapproval from the Jefferson County Planning Board before the Planning Board takes action. The Planning Board shall by resolution set forth its reasons for such contrary action.

E. Notice and Hearing

1. If an agricultural data statement has been submitted, the secretary of the Planning Board shall, upon receipt of the application, mail written notice of the Special Permit application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed

project and its location. The cost of mailing the notice shall be borne by the applicant.

2. The Planning Board shall hold a public hearing on a Special Permit application within sixty-two (62) days of the completion of the SEQRA review. The Board shall publish notice of such hearing in the official newspaper at least five days prior to the date thereof. The Board shall also send notices of the hearing by regular mail to owners of properties within 200 feet of the property boundary. If the application is for a property located within 500 feet of the boundary of an adjacent municipality, notice of the hearing shall be sent to the clerk of the adjacent municipality by mail or electronic transmission at least 10 days prior to such hearing, and such adjacent municipality may appear and be heard. The cost of giving all notices shall be charged to the applicant.

F. Action

1. The Planning Board shall grant, deny, or grant subject to conditions the application for a Special Permit within 62 days after the hearing. Any decision on a Special Permit application shall contain written findings explaining the rationale for the decision in light of the standards contained in §8-4 below. The time periods above may be extended by the Planning Board with the applicant's consent.
2. In granting a Special Permit, the Planning Board may impose any restrictive conditions which it considers necessary to fulfill the purposes of this Local Law. These conditions may include increasing minimum or decreasing maximum dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to §5-12, specifying location, character, and number of vehicle access points, requiring landscaping, planting, and screening, requiring clustering of structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities, and requiring action by the applicant, including the posting of performance bonds and furnishing of guarantees to insure the completion of the project in accordance with the conditions imposed.
3. Every decision on a Special Permit shall be filed in the office of the Village Clerk within five business days after the decision is rendered and shall be a public record. A copy thereof shall be placed in the permanent file of the property and shall also be mailed to the applicant within the same five-day period.
4. The Special Permit and accompanying Site Plan shall be implemented as provided in §8-9.

G. Expiration, Revocation, and Enforcement

5. A Special Permit shall expire if the Special Permit use or uses do not commence or cease for more than twelve (12) consecutive months for any reason, if the applicant fails to obtain any necessary Building Permits or fails to comply with the conditions of the Special Permit within 12 months of its issuance, or if its time limit expires without renewal. The Planning Board may grant an extension upon request by the applicant for good cause shown.
6. A Special Permit may be revoked by the Planning Board if the permittee violates the conditions of the Special Permit or engages in any construction or alteration not authorized by the Special Permit.
7. Any violation of the conditions of a Special Permit shall be deemed a violation of this Local Law, and shall be subject to enforcement action as provided in §7-5.

§8-4 FINDINGS REQUIRED

A. General Considerations.

In granting or denying Special Permits, the Planning Board shall take into consideration any proposed conservation easements, architectural restrictions, or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic and historic character of the Village. The Planning Board shall ensure that the application is consistent with the Village Comprehensive Plan and complies with all applicable Local Waterfront Revitalization policies. No special permit shall be granted for any property on which there exists a violation of this Local Law, including a violation of any condition of a previous municipal approval, unless the Planning Board finds that the applicant has no legal right or ability to remedy the violation or that the grant of a special permit is necessary to remedy a condition that poses a risk to public health or safety.

B. Review Criteria

Before granting or denying Special Permit, the Planning Board shall make specific written findings establishing whether or not the proposed Project:

1. Will comply with all land use district, overlay district, and other specific requirements of this and other Local Laws and regulations, and will be consistent with the purposes of this Local Law and of the land use district in which it is located.
2. Is consistent with the Village Comprehensive Plan and complies with all applicable Local Waterfront Revitalization policies.
3. Will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances.
4. Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, as well as any improvements proposed to be made to them by the applicant.
5. Will be accessible to fire, police, and other emergency vehicles.
6. Will not overload any public water, drainage, sewer system, or any other municipal facility.
7. Will not materially degrade any watercourse or other natural resource or ecosystem and will not endanger the water quality of an aquifer.
8. Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.
9. Will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Village.
10. Will comply with applicable Site Plan criteria in §9-6D.

§8-5 SPECIAL PERMIT AMENDMENTS

The terms and conditions of any Special Permit may be amended in the same manner as required for the issuance of a Special Permit, following the criteria and procedures in this section. Any enlargement, alteration, or construction of accessory structures not previously approved shall require Site Plan review only, provided that the use does not change.

§8-6 SITE PLAN REVIEW AND APPROVAL

A. Applicability

1. Site Plan approval by the Planning Board shall be required for all permitted uses listed on the Use Table as requiring Site Plan approval only, and by other provisions of the local law including, but not limited to, section 4-3. Site Plan review shall be included as an integral part of the Special Permit approval process and no separate Site Plan approval shall be required for uses requiring a Special Permit.
2. The procedures for review of Site Plans are described in §§8-6 and 8-7.
Agricultural structures with a footprint of over 15,000 square feet shall require site plan approval. Agricultural structures with a footprint of 15,000 square feet or less are exempt from site plan approval requirements.
3. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Subdivision Control Law as well as the provisions of this Local Law.
4. Pre-application Meetings
Before filing an application, the applicant is encouraged to have a preliminary conference with the Planning Board to discuss the nature of the proposed use and to determine the information that will need to be submitted in the Site Plan.

B. Required Information for Site Plan

An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant in order to allow the Planning Board to conduct an informed review. The application shall be submitted in a digital format approved by the Planning Board, except that the Chairperson may permit submission in another format to avoid hardship to the applicant. All Site Plan applications shall be submitted to the Zoning Officer, who shall distribute them to the Planning Board and any other municipal boards or

officials with jurisdiction. The Zoning Officer shall make the initial determination as to whether or not the application is complete for the purpose of accepting it for review. Site Plans shall be stamped and signed by a licensed professional engineer, architect, surveyor, or landscape architect, unless waived by the PB, and shall include the following information (except those items specifically waived by the Planning Board):

1. A location map drawn at the scale of 2,000 feet to the inch or larger (or other convenient scale acceptable to the Planning Board) that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. A vicinity map shall also be submitted that shows all properties, subdivisions, streets, and easements within 500 feet of the property. Such maps may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.
2. An existing conditions map, showing existing buildings, streets, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, floodplains, and drainage retention areas.
3. A Site Plan, drawn at a scale and on a sheet size appropriate to the project. The information listed below shall be shown on the Site Plan and continuation sheets.
4. Name of the project, boundaries, date, north arrow, and scale of the plan. Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor, and/or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner.
5. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.
6. The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
7. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
8. The location, height, size, materials, and design of all proposed signs.
9. The location of all present and proposed utility systems including:
 - a. Sewage or septic system;
 - b. Water supply system;
 - c. Telephone, cable, and electrical systems; and
 - d. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
10. Erosion and sedimentation control plan and SWPPP to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
11. Existing and proposed topography at one-foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.
12. A landscape, planting, and grading plan showing proposed changes to existing features.
13. Zoning District boundaries on the site and within 200 feet of the site's perimeter shall be drawn and identified on the Site Plan, including any Overlay Districts that apply to the property.
14. Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas.
15. For new construction or alterations to any structure, a table containing the following information shall be included:
 - a. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;
 - b. Estimated maximum number of current and future employees;
 - c. Maximum seating capacity, where applicable; and

- d. Number of parking spaces existing and required for the intended use.
16. Elevations at a scale of one-quarter inch equals one foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used.
17. Where appropriate, the Planning Board may request soil logs, percolation test results, and storm run-off calculations.
18. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.
19. If required, Part I of the long Environmental Assessment Form or a Draft Environmental Impact Statement.
20. An agricultural data statement, if required by §3-8E, and
21. Where appropriate, a survey of cultural resources with historic or archaeological significance.
22. A letter from the Zoning Officer stating either that there are no outstanding zoning violations on the property or that the requested site plan approval is needed in order to correct a violation.
23. Other information deemed necessary by the Planning Board.
24. The Site Plan application fee, as established by the Village Board, and any required escrow deposit for review costs, as required by the Planning Board.

C. Waivers

The Planning Board may waive or allow deferred submission of any of the information required in subsection B above, as it deems appropriate to the application. Such waivers shall be discussed in the course of pre-application conferences, if held. The Planning Board shall issue a written statement of waivers for all projects. This statement shall be filed in the permanent Village record of the property or application.

D. SEQRA Compliance

Upon receipt of application materials it deems complete and sufficient for SEQRA review, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within thirty-one (31) days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Local Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

E. Public Hearing and Decision

1. The Planning Board shall hold a public hearing on the Site Plan and shall follow the provisions on notice, agricultural data statements, county review, and time limits for Special Permits in §8-3.
2. Criteria for decisions on Site Plans shall be limited to those listed in §8-6F. In granting Site Plan approval, the Planning Board may impose any conditions which it considers necessary to fulfill the purposes of this Local Law. These conditions may include increasing dimensional or area requirements, requiring the set-aside of perpetual open space land pursuant to §5-12, specifying location, character, and number of vehicle access points, requiring landscaping and/or screening, requiring clustering of structures and uses in order to preserve environmental resources and minimize the burden on public services and facilities, and/or requiring performance guarantees to insure the completion of the project in accordance with the conditions imposed. Decisions made by the Planning Board in its role as Historic Review Board shall be made by resolution and approvals of those parts of the application subject to Historic Review shall be documented by a Certificate of Appropriateness.
3. A copy of the decision shall be immediately filed in the Village Clerk's office and mailed to the applicant by regular mail or electronic mail. A resolution of either approval or approval with modifications and/or conditions shall include authorization to the Planning Board Chairperson to stamp and sign the Site Plan upon the applicant's compliance with applicable conditions and the submission requirements stated herein.
4. If the Planning Board's resolution includes a requirement that modifications be incorporated in the Site Plan, conformance with these modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after it has been revised or redesigned.

F. Criteria

In reviewing Site Plans, the Planning Board shall ensure that the application complies with all applicable provisions of this Local Law, including the environmental performance standards in §4-9. The Planning Board shall also ensure that the application is consistent with the Village Comprehensive Plan and complies with all applicable Local Waterfront Revitalization policies. The Planning Board shall also consider the criteria set forth below. In applying the criteria contained in this subsection and §4-3, the Planning Board shall take into consideration the location, character, and context of proposed development and adapt these criteria to the setting as appropriate.

1. Layout and Design

- a. To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats, and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation, and other pertinent natural features. In the RC and VR districts, the Planning Board may require that an applicant comply with section 5-12 of this Local Law.
- b. Within the Historic Preservation Overlay District, the Planning Board shall apply the Historic District design criteria contained in §4-3.
- c. All structures shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses.
- d. Newly installed utility service systems and service modifications necessitated by exterior alterations shall be installed underground. It is preferred that, when feasible, existing aboveground utility service systems will be placed underground.

2. Landscaping

- a. Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.
- b. Landscape plantings of shrubs, ground cover, and shade trees, as well as perennials and annuals and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture, shall be encouraged to create pedestrian spaces and to maintain landscape continuity within the community. All landscaping within the site shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides, and fertilizers.
- c. Existing native tree stock eight or more inches in diameter at breast height shall be protected and preserved to the extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedge rows, wetlands, and woodlots shall be encouraged and included as a design element in the development of the site.
- d. Landscape buffers shall be provided between uses that may be incompatible, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forestland, or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the project, and the location of improvements on the property.
- e. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall and two-inch caliper shall be planted and maintained at 20- to 40-foot intervals along streets at a setback distance acceptable to the DPW Superintendent.
- f. For landscaping parking lots, see Appendix V.

3. Parking, Circulation, and Loading

- a. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.
- b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize a potential increase in vehicular traffic entering existing roads. The construction of connected parking lots, service roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.
- c. Off-street parking and loading standards in §4-6 shall be satisfied.
- d. Access from and egress to public highways shall be approved by the appropriate highway

- department, including Village, County, and State.
 - e. All buildings shall be accessible by emergency vehicles.
 - f. In developments where links to schools, churches, shopping areas, trails, greenbelts, and other public facilities are feasible, or where a trail connection is recommended in the Comprehensive Plan, a trail corridor shall be reserved on the approved Site Plan for this purpose when feasible.
4. Miscellaneous Standards
- a. Buildings and other facilities shall be designed, located, and operated to avoid causing excessive noise on a frequent or continuous basis.
 - b. Drainage of the site shall recharge ground water to the extent practicable. The peak rate of surface water flowing off-site shall not increase above pre-development conditions and shall not adversely affect drainage on adjacent properties or public roads.
 - c. Applicable requirements for proper disposal of construction and demolition waste shall be satisfied, and any necessary permits or agreements for off-site disposal shall be obtained.
 - d. No materials shall be placed below the finished grade of a site other than utilities, sand, gravel, rocks, and soil that are uncontaminated by any solid waste or hazardous materials.
 - e. Structures shall be located, constructed, and insulated to prevent on-site noise from interfering with the use of adjacent properties. Similarly, buildings shall be situated to prevent off-site noise from intruding on new development. Methods for blocking noise shall be used where appropriate, and may include fencing, walls, and natural buffers, such as landscape planting with trees and shrubs.

§8-7 IMPLEMENTATION, REVISION, AND ENFORCEMENT OF APPROVED SITE PLANS

A. Stamped Site Plan

Within sixty-two (62) days after receiving Site Plan approval, with or without modifications, the applicant shall submit multiple copies of the Site Plan, as determined by the Planning Board, for stamping and signing by the Chairperson of the Planning Board. The Site Plan submitted for stamping shall conform strictly to the Site Plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:

1. Record of application and status of all necessary permits from Federal, State, and County officials.
2. Detailed sizing and final material specification of all required improvements.
3. An estimated project construction schedule. If a performance guarantee pursuant to subsection B is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.
4. Proof of payment of the Planning Board's reasonable review costs.
5. Upon stamping and signing the Site Plan, the Planning Board shall forward copies of the approved Site Plan to the Zoning Officer and the applicant. The Zoning Officer may then issue a Zoning Permit.

B. Performance Guarantee

Occupancy or use of any new structure or development shall not be permitted until all improvements shown on the Site Plan are installed and accepted by the Village, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance guarantee shall be posted in accordance with the procedures specified in §7-730 of the Village Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Village Board after consultation with the Planning Board, Village Attorney, Zoning Officer, other local officials, and its consultants.

No lots may be offered for sale for any project, in which the site plan requires the construction and transfer of infrastructure to the Village, before such infrastructure is accepted by the Village.

C. As-Built Plans and Inspection of Improvements

Occupancy of any new structure or development shall not be permitted until the applicant has filed a set of as-built plans with the Zoning Officer, indicating any deviations from the approved Site Plan. The Zoning Officer shall be responsible for the inspection of site improvements, including coordination with the Village's consultants and other local officials and agencies, as may be appropriate. Costs of any required inspections may be charged to the applicant

as provided in section 7-6.

D. Site Plan Amendments

An approved Site Plan may be amended by filing an application with the Planning Board for a Site Plan amendment.

1. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable Special Permit approval (or if no Special Permit is required) and does not represent a substantial change from the approved Site Plan, it shall grant the amendment without a hearing.
2. If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable Special Permit approval (or if no Special Permit is required), but is a substantial change from the approved Site Plan, it shall follow the procedures for Site Plan approval contained in §8-7F and hold a public hearing if the amendment would be considered to be a Major Project.
3. If the Planning Board determines that the proposed amendment is inconsistent with the terms of any Special Permit approval, it shall consider the application to be one for a Special Permit amendment and proceed pursuant to §8-3.

E. Expiration, Revocation, and Enforcement

1. Site Plan approval shall expire if the applicant fails to obtain any necessary Zoning Permits or Building Permits, fails to comply with the conditions of the Site Plan approval, or fails to initiate the use within 12 months of its issuance, or if the Special Permit with which it is associated expires. The Zoning Officer may grant a one-time six-month extension, upon a showing of hardship or extenuating circumstances. The Planning Board may grant additional extensions as it deems appropriate.
2. A Site Plan approval may be revoked by the Planning Board if the permittee violates the conditions of the Site Plan approval or engages in any construction or alteration not authorized by the Site Plan approval.
3. Any violation of the conditions of a Site Plan approval shall be deemed a violation of this Local Law, and shall be subject to enforcement action as provided herein.

ARTICLE IX AMENDMENTS

§ 9-1 INITIATION

The Village Board upon its own motion, upon application by one or more affected property owners, or upon receipt of a resolution of the Planning Board or Zoning Board of Appeals, may amend this Local Law as provided herein. A property owner or authorized agent may apply for amendment to this Local Law by filing three complete sets of a petition with the Village Board, and two complete sets with the Planning Board. The petition shall include a description of the property or properties affected, a map showing the property or properties affected and all properties within a radius of 500 feet of the exterior boundaries thereof, and the applicable filing fee. In the case of a proposed amendment which would apply only to properties which are not immediately identifiable or to a class of properties including six or more identifiable properties, no properties need be identified as affected. The Village Board shall be under no obligation to consider or review a petition for a zoning amendment.

§ 9-2 REVIEW BY PLANNING BOARDS

A. As an aid in analyzing the implications of proposed amendments hereto and to coordinate the effect of such actions on intergovernmental concerns, the Village Board may refer proposed amendments to the Village Planning Board, and shall refer proposed amendments to the County Planning Board as required by §§239-l and 239-m of the General Municipal Law.

B. Referral to County Planning Board

No action shall be taken to approve a proposed zoning amendment referred to the County Planning Department until its recommendation has been received, or 30 days have elapsed after its receipt of the full statement of the proposed amendment, unless the County and Village agree to an extension beyond the 30-day requirement for the County Planning Board's review.

C. Referral to Village Planning Board

Every proposed amendment or change initiated by the Village Board or by petition (but not if initiated by the Planning Board), may be referred to the Village Planning Board for report thereon prior to public hearing. If the Planning Board does not report within 30 days of such referral, the Village Board may take action without the Planning Board report. This period of time may be extended by agreement of the Village Board and Planning Board.

§ 9-3 PUBLIC HEARING AND NOTICE

A. Public Hearing

No proposed amendment shall become effective until after a public hearing thereon, at which the public shall have an opportunity to be heard. If the Village Board chooses to consider a proposed zoning amendment, it shall, by resolution at a duly called meeting, set the time and place for a public hearing on the proposed amendment, and shall cause public notice to be given as required by the laws of New York State and specified below. If a proposed amendment is initiated by petition, the petitioner shall be responsible for publication of notice and for notice to adjacent municipalities, if necessary.

B. Publication of Notice in Newspaper

Notice of the time and place of the public hearing shall be published at least 10 days in advance of such hearing in the official newspaper. This notice shall provide a summary of the proposed amendment in such reasonable detail as will give adequate notice of its contents, indicating the place or places where copies of the proposed amendment may be examined and the time and place of the hearing.

C. Notice to Adjacent Municipalities

Written notice of any proposed amendment affecting property lying within 500 feet of an adjacent municipality shall be served in person or by mail upon the Clerk of such municipality at least 10 days prior to the date of public

hearing. Representatives of neighboring municipalities receiving notification of a proposed amendment shall have the right to appear and be heard at the public hearing thereon, but shall not have the right to review by a court.

§ 9-4 ADOPTION

A. The Village Board may adopt amendments to this Local Law by a majority vote of its membership, except in the case of local protest or disapproval by the County Planning Board as noted below.

B. County Disapproval

A majority-plus-one vote of the entire Village Board shall be required to pass any proposal which receives a recommendation of disapproval from the County Planning Board prior to Village Board action, along with a resolution setting forth the reasons for such contrary action.

§ 9-5 EFFECTIVE DATE

Unless the amendment provides for a different effective date, each amendment adopted by the Village Board shall take effect when filed with the Secretary of State of the State of New York pursuant to the Municipal Home Rule Law of the State of New York.

ARTICLE X MISCELLANEOUS PROVISIONS

§10-1 SEVERABILITY

If any provision of this Local Law or the application thereof to any person, property, or circumstances is held to be invalid, the remainder of this Local Law and the application of each provision to other persons, property, or circumstances shall not be affected thereby.

§10-2 CONFLICT WITH STATE LAWS

To the extent that any provisions of this Local Law are inconsistent with the Village Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§7-700 through 7-738, the Village Board of the Village of Sackets Harbor hereby declares its intent to supersede those sections of the Village Law, pursuant to its home rule powers under Municipal Home Rule Law, Article 2, § 10, et seq.

§10-3 EFFECTIVE DATE

This Local Law shall take effect upon filing with the New York State Secretary of State.

ARTICLE XI DEFINITIONS

§ 11-1 USE OF WORDS

- A. Except where specifically defined herein, all words used in this Local Law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary. The word shall is always mandatory. The word may is permissive. Building or structure includes any part thereof. The word lot includes the word plot or parcel. The word person includes an individual person, a firm, a corporation, a partnership, and any other agency of voluntary action. The word he shall include she or they. The phrase used for includes arranged for, designed for, intended for, maintained for, and occupied for.
- B. In §11-2, where two words are separated by a slash mark (/), they have the same meaning.
- C. Wherever a use may fit within both a general and a specific definition, the use shall be deemed to be described by the more specific definition.

§ 11-2 DEFINITIONS OF TERMS

Accessory Apartment: A dwelling unit occupying the lesser of 1,000 square feet or 30% of the floor area of an owner-occupied structure containing a principal use that is single-family residential or non-residential, or a dwelling unit no larger than 1,000 square feet located in an accessory structure on an owner-occupied property.

Accessory Structure: A structure detached from and subordinate to a principal building on the same lot and used for purposes customarily incidental to those of the principal building or use, including accessory apartments.

Accessory Use: A use customarily incidental and subordinate to the principal use or building, and located on the same lot with such principal use or building.

Administrative Expenses: All actual expenses and liabilities incurred by the Village or any of its officers or agencies in processing and reviewing applications hereunder and insuring compliance with this Law and all other applicable laws or regulations, including but not limited to engineering fees and disbursements, legal fees and disbursements, publication expenses, administrative expenses and any other actual expenditure incurred or accrued by the Village.

Adult Use: A bookstore, video store, nightclub, movie theatre, retail store, or other establishment which prominently features entertainment or materials depicting or related to specified sexual activity or specific anatomical areas as defined below.

a. Specified sexual activity include:

1. Human genitals in a state of sexual stimulation or arousal,
2. Acts of human masturbation, sexual intercourse or sodomy,
3. Fondling or other erotic touch of human genitals, pubic region, buttock or female breast.

b. Specific anatomical areas include:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola, or
2. Human male genitals in a discernibly turgid state, whether or not covered.

Agriculture: The commercial use of land and structures for the production, preservation, nonindustrial processing, storage and sale of agricultural commodities such as crops, plants, flowers, vines, trees, sod, shrubs, livestock, honey, Christmas trees, compost, poultry or dairy products, not including agricultural industry or farms primarily for the disposal of offal or garbage. Commercial horse boarding operations, as defined herein, and the raising or breeding of horses are agricultural uses, distinguished from the business use of teaching or training people to ride a horse. (See "Riding Academy.") A produce sales facility not exceeding 800 square feet in footprint area and a riding academy operated in conjunction with a farm operation (as defined herein) shall be deemed to be agricultural accessory uses. Agricultural activities on residential parcels of less than seven acres shall be deemed to be not agriculture, but a residential accessory use.

Agriculture Data Statement: an identification of farm operations within an agricultural district within five hundred feet of the boundary of property for which an application has been made under this Zoning Law. (See NYS AG & Mar Law 301 and 305-a).

Alley: A vehicular way at the rear or between two lots provided for service and/or parking access.

Alteration: As applied to a structure, a change to or rearrangement of the structural parts or exterior appearance of such structure, or any expansion thereof, whether by extension of any side or by any increase in height, or the moving of such structure from one location to another.

Alternative Energy: Energy that comes from natural resources such as sunlight, wind, water, tides, geothermal heat, crops and biomass, which are renewable (capable of being replenished through natural processes).

Applicant: Any person, corporation, or other entity applying for a Zoning Permit, Special Permit, Site Plan or subdivision approval, variance, or zoning amendment.

Asphalt Plant: A facility used for the manufacture of asphalt, macadam and other forms of coated road-stone, sometimes collectively known as blacktop.

Assisted Living Facility: A residential care facility providing residential units accompanied by services for housekeeping, personal care, recreation, and food.

Attic: The interior part of a building contained within a pitched roof structure.

Automobile Service Station: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles, and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning, servicing, or repairing such motor vehicles, including auto body shops.

Basement: A portion of a building, at least half of whose height measured from floor to ceiling, is below the average finished grade of the ground adjoining the building.

Bed and Breakfast: A dwelling in which overnight accommodations not exceeding five bedrooms and breakfast are provided for transient guests for compensation. A bed and breakfast must be the primary residence of the owner/proprietor. A bed and breakfast is distinguished from the general definition of a lodging facility, which has no bedroom limit and no owner-occupancy requirement.

Block: An area of land including lots and alleys and circumscribed by streets.

Block Face: The building facades along one side of a block.

Buildable Land: That portion of a lot which is suitable for building structures and locating septic disposal facilities, i.e. all land excluding wetlands and watercourses, and flood hazard areas as mapped on the Federal Emergency Management Agency's Flood Insurance Rate Map.

Building: A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or property.

Building Footprint: Area of the ground covered by a building, including the foundation and all areas enclosed by exterior walls and footings and covered by roofing. In the case of party-wall buildings, each unit shall be considered a separate structure for purposes of measuring building footprint area.

Building Line: A line parallel to the street line along which the front façade of a building is located.

Building, Principal: A building or structure in which is conducted the main or principal use of the lot on which it is located. A mixed use lot may have a principal building containing more than one use and/or more than one principal building containing principal uses. (A Principal Building is distinguished from an "Accessory Structure" which is subordinate to it.)

Build-to Line: A line parallel to the street line along which buildings are required to align their front facades.



Cemetery: Land used or intended to be used for the burial of dead human beings and dedicated for such purpose, including columbariums, mausoleums, and mortuaries when operated as part of a cemetery and within its boundaries, but excluding crematoria.

Change of Use: The initiation of a use that is in a different use category, as listed on the Use Table, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category on the Use Table, shall not be considered a change of use. See §3-1F.

Charitable Organization: A not-for-profit corporation or association organized for charitable purposes including

but not limited to education, social welfare, environmental conservation, scientific research, cultural enrichment, and the arts.

Common Driveway: A driveway serving no more than four lots, owned in common or created by reciprocal easements.

Complete Application: An application for a Special Permit, Site Plan, or subdivision approval, zoning amendment, or variance, found by the reviewing board to satisfy all information requirements of this Local Law and of the New York State Environmental Quality Review Act (unless it is a Type II Action under SEQRA), for which either a Negative Declaration has been issued or a Draft Environmental Impact Statement has been accepted as satisfactory pursuant to 6 NYCRR § 617.8(b)(1).

Comprehensive Plan: The Comprehensive Plan, Master Plan, or Local Waterfront Revitalization Plan (LWRP) adopted by the Village Board for the future preservation and development of the Village of Sackets Harbor, including any part of such plan separately adopted and any update or amendment to such plan.

Condominium: A system of ownership of dwelling units, either attached or detached, established pursuant to the Condominium Act of the State of New York (Art. 9-B of the Real Property Law), in which the apartments or dwelling units are individually owned and certain other portions of the premises are in common ownership.

Conformity/Conforming: Complying with the use, density, dimensional, and other standards of this Local Law, or permitted to deviate therefrom by Special Permit, Site Plan approval, or variance.

Conservation Easement: A perpetual restriction on the use of land, created in accordance with the provisions of Article 49, Title 3 of the Environmental Conservation Law or § 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, and natural, cultural, historic, and scenic resources.

Conventional Subdivision: A land subdivision that does not set aside land as permanently protected open space.

Construction Trailer: A mobile home unit used for non-residential purposes associated with on-site construction.

Corner Lot: See *Lot, Corner*.

Craft Workshop: A place where artists, artisans, craftsmen, and other skilled tradespeople produce custom-made art or craft products including but not limited to baskets, cabinets, ceramics, clothing, flower arrangements, jewelry, metalwork, musical instruments, paintings, pottery, sculpture, toys, and weaving.

Curb: The edge of the vehicular pavement within a street right-of-way that may be raised to separate it from non-vehicular areas or may be flush with the pavement to drain into a swale. A curb usually channels stormwater and is part of the street drainage system.

Day Care Center: A service business for the care of pre-school children and/or for before-school and after-school care of school-age children, or for daytime care of adults. A day care center does not provide overnight occupancy for such children or adults. When such a facility is operated by a public or private not-for-profit school or institutional use, it shall be deemed to be an educational use rather than a service business. (See also “Home Occupation.”)

Demolition: Tearing down of a building or structure or a significant part of a building or structure.

Development: Any man-made change to improved or unimproved real estate, including but not limited to construction or alteration of buildings or other structures, as well as clear-cutting mining, dredging, filling, paving, excavations, or drilling operations.

Driveway: A private way providing vehicular access from a public or private road to a residence or to a commercial or non-commercial establishment.

Dwelling: A building designed or used primarily as living quarters for one or more families.

Dwelling, Multi-family: A building containing separate living units for three or more families, including apartment buildings, rowhouses, townhouses, regardless of the form of ownership (condominium, fee simple, rental).

Dwelling, Single-family: A detached building designed for the use of one family, in which not more than three boarders are sheltered and/or fed for compensation.

Dwelling, Two-family: A detached building containing two dwelling units, including apartment buildings, rowhouses, townhouses, regardless of the form of ownership (condominium, fee simple, rental).

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family.

Educational Use: A use of land for the primary purpose of providing educational services to children or adults, including but not limited to primary and secondary schools, nursery schools, colleges and universities, vocational schools, and facilities designed to provide instruction in any recognized skill or vocation.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Facade: An exterior wall of a building that is visible from a street.

Family: One or more persons living together as a single nonprofit housekeeping unit, using all rooms and housekeeping facilities of a dwelling unit in common and doing their cooking on the premises, as

distinguished from a group occupying a boardinghouse or rooming house or lodging facility.

Farm Operation: Land used in agricultural production, farm buildings, equipment, and farm residential buildings, as defined in Article 25AA of the Agriculture and Markets Law.

Fence: A structure greater than two feet in height erected for the purpose of enclosing a piece of land, dividing land into distinct portions, or separating two contiguous properties.

Floodplain/One-hundred-year Floodplain: Land subject to a one-percent or greater chance of flooding in any given year.

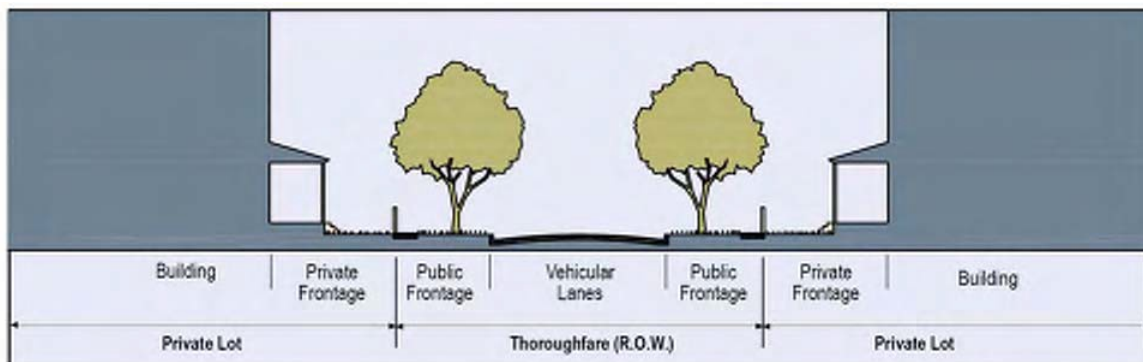
Floor Area: The sum of the areas of habitable or commercially usable space on all floors of a structure, including the interior floor area of all rooms (including bathrooms and kitchens), closets, pantries, hallways that are part of a dwelling unit or inside a commercial building, including habitable finished basements but excluding cellars or unfinished basements.

Footprint: Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and footings and covered by roofing.

Front: The side of a building or structure parallel to and closest to a road or street. On a corner lot, both sides of a building facing the street shall be considered the front.

Front Porch: An unenclosed roofed structure attached to the front façade of a building.

Frontage: the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into **Private Frontage**, which is part of a separately owned building lot, and **Public Frontage**, which is part of the public right-of-way. *See Illustration below.*



Frontage Buildout: The percentage of the front building line that is occupied by the front façade of a building. In the example illustration below, the front building line is 50 feet and the front façade is 30 feet. Therefore the frontage buildout is 60% ($30/50=60\%$).

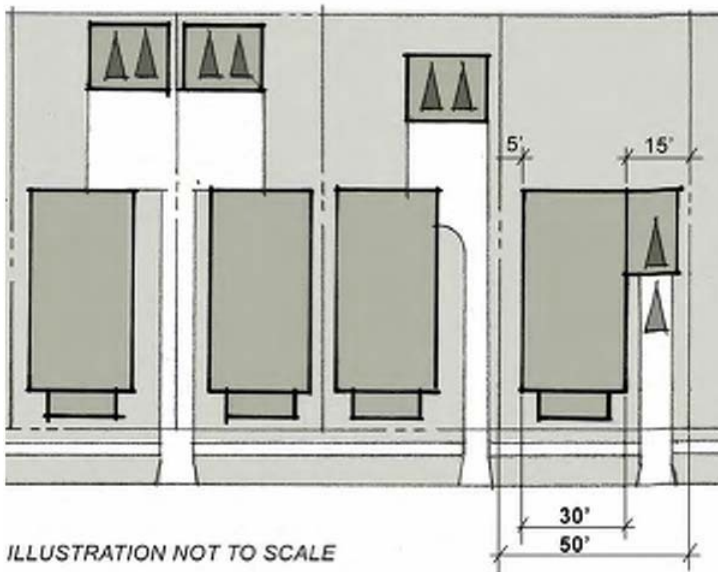


ILLUSTRATION NOT TO SCALE

Frontage Line: The boundary line between a building lot and the public street right-of-way.

Frontage Type: A principal building's private frontage. See Frontage Type Descriptions, Table 3.

Garage: A building designed and used primarily for storage of automobiles and other motor vehicles.

Gazebo: An unenclosed structure not exceeding 12 feet in height without solid walls, screens, electricity, or plumbing, and not used as a dwelling

Glare: Spillover of artificial light beyond the area intended for illumination in a manner which either impairs vision or beams light onto adjoining properties or toward the sky.

Grading: Any excavation, alteration of land contours, grubbing, filling, or stockpiling of earth materials.

Hazardous Waste: All materials or chemicals listed as hazardous wastes pursuant to article twenty-seven of the Environmental Conservation Law (ECL), and all toxic pollutants as defined in subdivision nineteen of § 17-0105 of the ECL.

Health Care Facility: A hospital, nursing home, medical clinic, or office building in which four or more doctors, dentists and/or other health care professionals attend to patients.

Heavy Industry: Manufacture, assembly, treatment, processing, or packaging of products in a manner that emits or is likely to emit objectionable levels of smoke, noise, dust, odor, glare, water pollution, or vibration beyond the property boundaries.

Height: A limit to the vertical extent of a building that is measured in number of stories, except where otherwise specified in this Local Law.

Historic Structure/Building Site: Any building, structure, or parcel of property listed on the National Register of Historic Places or eligible for such listing, including properties that possess special character or historic or aesthetic interest or values as part of the cultural, political economic or social history of the locality, region, state or nation, or which is identified with historic personages, or which embodies a particular architectural style or the work of a significant architect, or which is visually singular to a neighborhood due to location or physical character.

Home Occupation: An occupation, trade, profession, or other business activity resulting in a product or service for compensation, conducted wholly or partly in a dwelling unit or accessory structure. For purposes of this definition, a home-based family day care operation caring for no more than six children shall be deemed to be a home occupation.

Hotel: See *Lodging Facility*.

Impervious/Impervious Surface: Any roofed or other solid structure or material covering the ground through which water does not readily penetrate, including, but not limited to concrete, oil and stone, tar or asphalt pavement, or compacted soil or gravel. Regardless of the construction materials, any area which is used for driveway or parking purposes, including disturbed grass, ground cover, or dirt, shall be considered impervious. A deck with spaced boards at least 1/8 inch apart, a swimming pool surface, and a patio with a permeable paving system shall not be considered impervious.

Impervious Surface Coverage: The ratio between impervious surface and total land area of a lot expressed as the percentage of land covered by impervious surfaces.

Junk: Any worn-out, cast-off, discarded, or neglected article or material which is ready for destruction or has been collected or stored for salvage, sale, or conversion to another use. Junk does not include any article or material which unaltered or unchanged and without further reconditioning can be used for its original purposes as readily as when new, or any article stored for restoration or display as part of a bona fide hobby (such as antique automobiles, antique farm machinery, antique engines, special interest automobiles, etc.).

Junk Vehicle: Any vehicle not registered and /or operable for its intended purpose, unless such vehicle is an antique or special interest automobile stored for restoration and/or display as part of a bona fide hobby.

Junkyard: The use of land outside a fully enclosed structure for the storage or collection of junk or junk vehicles.

Kennel: Any establishment, including cages, dog runs and structures wherein dogs, which are over six months of age, are harbored, bred or boarded as a business.

Light Industry: Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

Lodging Facility: Any hotel, motel, inn, or other establishment providing sleeping accommodations for transient occupants, with or without a dining room or restaurant, excluding bed and breakfast establishments.

Lot/Parcel: An area of land with definite boundaries, all parts of which are owned by the same person(s) or entities, the

boundaries of which were established either by the filing of an approved subdivision plat or by the recording of a deed prior to the adoption of Subdivision Regulations of the Village of Sackets Harbor.

Lot Area: The area of a lot, expressed in square feet or acreage, excluding any portion of a public road right-of-way that may be included within the deed description of the lot.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting roads. Corner lots are deemed to have two front yards, two side yards, and no rear yard.

Lot, Island: A lot located on an island that has no land or structural connection to the mainland.

Lot Line: The property line that bounds a lot as defined herein.

Lot of Record: Any lot which has been established as such by an approved plat, or by a filed survey record or recorded deed prior to the date of the first zoning ordinance adopted by the Village, as shown on the records in the Office of the County Clerk.

Lot, Through: A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

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

Membership Club: Premises used by an organization catering exclusively to members and their guests for social, recreational, athletic, or similar purposes.

Mixed Use: Any combination of residential, commercial, or industrial uses on the same lot or in the same building.

Mobile Home: A transportable living unit used or designed to be used year round as a permanent residence and containing the same types of water supply, waste disposal, and electrical systems as immobile housing. Recreational vehicles designed to be driven or towed by an automobile or pickup truck, units designed for use principally as a temporary residence, or prefabricated, modular, or sectionalized houses transported to and completed on a site are not considered to be mobile homes.

Mobile Home Park: Any court, park, place, lot, or parcel under single ownership which is improved for the placement of two or more mobile homes to be used as permanent residences.

Multi-family Dwelling: See *Dwelling, Multi-family*.

Municipal Use: Any use conducted by the Village of Sackets Harbor or any department or agency of the Village of Sackets Harbor, or any School District within the Village of Sackets Harbor.

Non-conforming Structure: A structure which does not satisfy the dimensional requirements of this Local Law for the district in which it is located, but which was not in violation of applicable requirements when constructed.

Non-conforming Lot: A lot of record which does not comply with the area, shape, frontage, or locational provisions of this Local Law for the district in which it is located.

Non-conforming Use: Any use lawfully existing prior to and at the time of the adoption or amendment of this Local Law or any preceding zoning law or ordinance, which use is not permitted by or does not conform with the permitted use provisions of this Local Law for the district in which it is located. A preexisting lawful use which is allowed only by Special Permit under this Local Law shall be considered a conforming use. (See Article VI.)

Office: A business, professional, or non-profit workplace in which manufacturing processes, retail sales, construction, and warehousing do not occur on the premises, including but not limited to professional offices for attorneys, accountants, health care practitioners, architects, engineers, surveyors, consultants, sales representatives, real estate brokers, and financial planners. Office also includes business offices that support or manage manufacturing, retailing, construction, and warehousing, as well as research laboratories and other facilities in which research activities are conducted.

Official Newspaper: The newspaper or newspapers designated by the Village for the publication of official notices of meetings and public hearings.

One-hundred-year (100-year) Floodplain: See *Floodplain*.

Outdoor Storage Area: Land used for the keeping of goods, wares, equipment, or supplies outside of a structure.

Overlay District: A type of zoning district or zone that supplements the zoning regulations of the underlying land use district or districts to provide additional protection of important environmental resources. Overlay districts may overlap different land use districts, but they do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated in this Local Law.

Place of Public Assembly: A publicly accessible building used for meetings or entertainment, including a theater or

meeting hall. This definition is intended to cover places that do not fall under the definition of “municipal,” “educational,” or “religious.”

Plat: A map or plan submitted to the Planning Board as part of an application for subdivision approval (see Sackets Harbor Subdivision Control Law).

Plat – Final: Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this law to be presented to the Planning Board for approval, and which if approved, may be duly filed or recorded by the applicant in the Office of the County Clerk.

Plat - Preliminary: Means a drawing or drawings clearly marked “preliminary plat” showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Plat - Undeveloped: Those plats where twenty (20) percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

Plot Plan: A map or plan showing the boundaries of a parcel and all structures and important physical features on it, drawn to scale with accurate dimensions, and submitted with an application for a Minor Project Special Permit or a variance.

Premises: A lot, together with all the structures and uses thereon.

Principal Building: See *Building, Principal*.

Principal Entrance: the main point of access for pedestrians into a building.

Private Frontage: the area between the building line and the front lot line of a lot, whether owned by a private landowner, a charitable organization, or a governmental entity. *See Illustration above under “Frontage.”*

Private Road: A privately owned road held in common ownership or easement by a homeowners' association.

Public Frontage: the area of a public right-of-law lying between the traveled way of a street and a front lot line *See Illustration above under “Frontage.”*

Public Utility Facility: An installation used by a public agency or franchised public utility to supply or transmit electric, gas, water, cable television, telephone, or other utility service, excluding electric power plants and gas wells. Included are such facilities as electric substations, high voltage transmission lines, pump stations, water supply wells, water towers, and telephone substations. Utility distribution facilities serving customers directly are considered customary accessory uses, not public utility facilities.

Publicly Accessible Place: Any land or structure that is open to the general public, such as a public road, park, public school, recreation area, conservation area, or place of public accommodation such as a restaurant or hotel, excluding private retail and service businesses, offices, and other private property which is open to the public.

Radioactive Material: Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials whose receipt, possession, use and transfer are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or United States Nuclear Regulatory Commission.

Radiation: Ionizing radiation; that is, any alpha particle, beta particle, gamma ray, x-ray, neutron, high-speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared, or ultraviolet light.

Recreational Business: A business which, for compensation or financial gain, offers recreational services including but not limited to fishing preserves, golf courses and driving ranges, miniature golf, movie theaters, and other places of public or private entertainment.

Recreation, Non-commercial: Recreational use of property for other than business or financial gain.

Religious Institution: A church, synagogue, mosque, temple or other place of religious worship, as well as a monastery or other place of religious retreat.

Residential Care Facility: Any building used as a group residence or extended care facility for the care of persons, including assisted living facilities and nursing homes, where compensation and/or reimbursement of costs is paid to an operator, pursuant to State or Federal standards, licensing requirements, or programs funding residential care services.

Residential Unit: See *Dwelling Unit*.

Retail Business: An establishment selling goods to the general public for personal and household consumption, including but not limited to an appliance store, bakery, delicatessen, drug store, florist, grocer, hardware store, liquor

store, shoe store, stationery store, convenience store, and variety store.

Reviewing Board or Official: The board that grants a Special Permit, Site Plan, variance, subdivision approval, or zoning amendment, or the Zoning Officer reviewing a zoning permit application.

Riding Academy: Any establishment where more than four horses are kept for riding, driving, horseback riding lessons, or stabling for compensation, or incidental to the operation of any club, association, resort, riding school, ranch, or similar establishment. A Riding Academy operated in conjunction with a farm operation shall be deemed to be an agricultural accessory use.

Restaurant: An establishment where prepared food is sold for consumption on the premises or as take-out, including a bar or pub or other establishment that sells food and alcoholic beverages for on-premises consumption.

Screen/Screening: The location of structures in such a manner that they are not visible (as defined herein) from a public road or any other public place during the summer months, and no more than partially visible in winter. Objects or structures may be screened by topography, vegetation, or other structures not required to be screened.

Service Business: A business or non-profit organization that provides services to the public, either on or off the premises, including but not limited to building, electrical, plumbing, and landscape contracting, arts instruction or studio, automobile service station, vehicle repair, business and educational services, catering, health club, house cleaning services, locksmith, photocopying, repair and restoration services, tailoring, typing, and word processing. Service business does not include retail business, restaurants, warehouses, offices, or other uses separately listed in the Use Table. A convenience store that sells gasoline and auto supplies but does not repair or service vehicles shall be considered a retail business.

SEQRA: An acronym for the New York State Environmental Quality Review Act.

Setback: The distance in feet between a structure and a property line or lakeshore.

Shoreline: The mean high-water elevation of Lake Ontario along the shore.

Sign: Any billboard, signboard, inscription, pennant, or other material, structure, exterior painting, or device composed of lettered or pictorial material that is intended for outdoor viewing by the general public (including inside a window), and used as an advertisement, announcement, direction, or for identification.

Sign Area: The total area on each side of a sign within which all written and graphic material is contained.

Sign, Commercial: A sign advertising a product, use, service, or activity sold or conducted for private financial gain.

Sign, Illuminated: A sign lighted by electricity, gas, or other artificial light, including reflective or phosphorescent light, paint, or tape.

Sign, Internally Illuminated: An illuminated sign that is made of translucent material with internal artificial lighting.

Sign, Projecting: Any sign which extends from the exterior of any building more than nine inches.

Sign, Temporary: Any sign which is not permanently affixed to a structure or mounted in the ground. Such signs may consist of banners, posters, streamers, or stakes in the ground. Signs that stay in place for more than 30 days or are replaced by similar signs for periods exceeding 30 days shall not be considered temporary signs.

Single-family Dwelling: See *Dwelling, Single-family*.

Sketch Plan: Means a sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of this law.

Soil Mining: Use of land for the purpose of extracting and selling stone, sand, gravel, or other minerals, as defined in §23-2705 of the Environmental Conservation Law, not including the process of preparing land for construction of a structure for which a zoning permit has been issued.

Solar Energy Facility: A structure, which may be free-standing or mounted on another structure, which is used for generating electricity, heating water, or otherwise converting sunlight into energy for heating, cooling, or other forms of usable energy; and is considered to be a form of Alternative Energy Generating Facility.

Story: a habitable level within a building, excluding an inhabited attic or raised basement.

Street/Road: A public or private way for pedestrian and vehicular traffic, including avenue, lane, highway, or other way, excluding a driveway or common driveway.

Street - Major: Means a street intended to serve heavy flows of traffic from minor streets or as a business street providing access to business properties.

Street - Minor: Means a street intended to serve primarily as an access to abutting residential properties.

Structure: A static construction of building materials affixed to the ground, such as a building, dam, display stand, gasoline pump, installed mobile home or trailer, reviewing stand, shed, sign, stadium, storage bin, or wall, excluding

curbs, sidewalks, driveways, and other paved surfaces.

Subdivision: Division of any parcel of land into two (2) or more lots, blocks, or sites for the purpose of conveyance, transfer of ownership, improvement, building development sale. The term subdivision shall include resubdivision. A tract of land shall constitute a subdivision upon the sale, rental, offer for sale or lease, or building development of the second lot thereof.

Subdivision Inspector: The Zoning Enforcement Officer, Village Engineer, and any other person appointed, designated, or otherwise retained by the Village Board to carry out the functions assigned to such person according to this law.

Subdivision - Major: A subdivision containing five (5) or more lots, or any subdivision requiring a new street.

Subdivision -, Minor: A subdivision containing two (2) three (3) or four (4) lots, fronting on an existing street.

This Local Law: See *Zoning Law*.

Two-family Dwelling: See *Dwelling, Two-family*.

Use: The purpose for which any premises may be arranged, designed, intended, maintained, or occupied, or any occupation, activity, or operation conducted or intended to be conducted on a premises.

Use, Accessory: A use which is customarily incidental to and subordinate to the principal use of a lot or structure, located on the same lot as the principal use or structure.

Use, Change of: See *Change of Use*.

Variance, Area: The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the development regulations in Article IV.

Variance, Use: The authorization by the Zoning Board of Appeals for a use of land which is prohibited by Article III in a particular zoning district.

Veterinary Hospital: A facility in which long-term, emergency or non-emergency care is provided to animals.

Village Law: The Village Law of the State of New York.

Visible/Visibility: Able to be seen by a person of average height and with normal vision on a clear day.

Warehouse: A structure or structures in which materials, goods, or equipment are stored, including mini-storage and self-storage facilities.

Waste: All putrescent and non-putrescent materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal but not including sewage and other highly diluted water carried materials or substances and those in gaseous form, and being those wastes defined as solid waste in 6 NYCRR Part 360- 1.2. Any solid waste which receives a Beneficial Use Determination (BUD) from the NYS DEC is still considered a solid waste for the purposes of these regulations.

Waste Disposal Facility, Hazardous or Radioactive: A facility for the disposal of hazardous or radioactive waste as defined by applicable state or federal laws and regulations.

Waste Management Facility: Any facility employed to manage or process ~~solid~~ waste beyond the initial waste collection process including, but not limited to, transfer stations, bailing facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing ~~solid~~ waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolysis of ~~solid~~ wastes, incinerators and other ~~solid~~ waste disposal, reduction or conversion facilities, as defined in 6 NYCRR Part 360-1.2.

Watercourse: Any stream, pond, lake, drainage channel, or other area of land that is normally or seasonally filled with water. Road ditches and shallow land depressions generally referred to as grassed waterways, swales, etc. that carry water only immediately (a few to several hours) after a runoff producing event are not considered a watercourse.

Wetland: An area of land greater than 10,000 square feet that is characterized by hydrophytic vegetation, saturated soils, or periodic inundation which is classified as a wetland by either the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers, or which would be so classified if it met size thresholds established by these agencies.

Wholesale Business: An establishment selling goods in quantity to retailers or distributors and not selling directly to the ultimate customer.

Wind Energy Conversion System: A mechanized system which converts wind energy into electrical or

mechanical power; and are considered to be a form of Alternative Energy Generating Facility

Yard: An open space on the same lot with a structure.

Yard, Front: An open space extending across the full width of the lot between the front of the principal building and the street line.

Yard, Rear: An open space extending across the full width of the lot between the rear lot line and the wall of the principal building nearest the rear lot line.

Yard, Side: An open space between a principal building and side line of the lot and extending from the front yard to the rear yard.

Zoning Law/This Local Law: The officially adopted Zoning Law of the Village of Sackets Harbor, together with any and all amendments thereto.

Zoning Officer: The Village official charged with the administration and enforcement of this Local Law.

Zoning Permit: A permit issued by the Zoning Officer to authorize a use of land as required by this Local Law.

APPENDICES

I. HISTORIC REVIEW GUIDELINES

II. LOCAL WATERFRONT REVITALIZATION POLICIES

III. SIGN DESIGN GUIDELINES

IV. GENERAL GUIDELINES

APPENDIX I – HISTORIC REVIEW GUIDELINES

HISTORIC PRESERVATION ZONING DISTRICT MANUAL
FOR
VILLAGE OF SACKETS HARBOR, NEW YORK
PLANNING BOARD MEMBERS
August 1986

Preface

This manual is intended to serve as an informational and operating guide for the Village of Sackets Harbor Planning Board in their role as review board for the Historic Overlay District. This manual includes references to previous book and studies by others as credited and it is strongly recommended that original sources be used for full understanding of the subjects noted. Funding for this manual was provided in part by the New York State Office of Parks, Recreation and Historic Preservation, Certified Local government program (CLG), whose assistance is gratefully acknowledged.

Crawford & Stearns, Architects & Preservation Planners, Syracuse, New York

Historical Background

The Sackets Harbor Historic Preservation District provides an excellent representation of a predominantly residential northern New York village whose development was greatly influenced by its geographic attributes, natural beauty, unique history and a long term military presence. Today, the community's nineteenth century residential form and character are still readily apparent in its wide tree-lined streets and gracious nineteenth century homes; the military presence is exemplified by the Sackets Harbor Battlefield site and Madison Barracks. While recent growth has taken place on three exit routes from the village, only very few modern day structures interrupt the integrity of the Historic Preservation District.

Because of its deep, natural harbor, the village was selected in the early nineteenth century as a strategic military base and lake port. Sackets Harbor's greatest economic and demographic development occurred from initial settlement in 1801 to the 1850's. After the 1850's, international tensions with Canada subsided and the railroad competed with shipping activity, resulting in a period of slower growth. However, the presence of Madison Barracks provided a fairly stable economic base for the community for 130 years.

A large percentage of the buildings in the village exhibit a Greek Revival influence, in addition to several outstanding Federal style structures. The predominance of these two styles reflects Sackets Harbor's greatest period of growth prior to the railroad era of the 1850's and 1860's. However, architectural styles from other periods, including Italianate, Queen Anne, Colonial Revival, and Bungalow, are also interlaced among numerous vernacular structures.

The commercial district on West Main Street displays a wider range of building styles, uses and materials. Commercial Federal and Italianate structures are punctuated with a railroad terminal complex and the Sackets Harbor Bank Building, a limestone structure exhibiting both Federal and Greek Revival elements.

Madison Barracks encompasses over 100 acres in the northeastern corner of the historic district. Structures within the former U.S. military complex span its 130 year occupation. From remnants of earthworks (c. 1812) to a brick barracks building constructed in 1934, the life of the military post is documented in its physical structures. Three major building periods are evident -- 1816-1819, 1892-96, and the 1920's -- with several secondary periods of building activity. All major buildings face one of the two centrally located parade grounds. Mature trees encircle the expansive lawns.

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Introduction

When evaluating the appropriateness of work proposed for buildings of known significance it is first important to address the process of the review before discussing guidelines or standards for design.

Commission members must first learn how to look at a building and to evaluate its significance knowledgeably before they will be able to assess the impact of work proposed by the applicant. This process may be followed privately by individual members during the Design Review hearing or the Chairman may consciously lead the Commission through the process step by step in order to confirm that the review process is itself orderly, consistent, and based on defensible guidelines. Although many proposals will affect only certain aspects of the property it is always recommended that the building is considered in its entirety during the Design Review.

I. BUILDING IDENTIFICATION

A. Use

The first stage in the identification process is the determination of type by use. For the purposes of your review this manual will address buildings by the two most common forms of use, commercial and residential. A third, simplified category would be monumental, however most alterations proposed for this type could be safely addressed using the guidelines for the first two, or else they would be so specific or unusual as to require a more detailed review, possibly requiring the advice of outside consultants. This category could include buildings of varied size and character such as railroad stations, courthouses, churches, or mausoleums.

The New York State Office of Parks, Recreation & Historic Preservation, Division for Historic Preservation also utilizes a list of building types based on common use themes for properties being recorded on Building/Structure Inventory Forms HP-1 ("blue forms"), Historic and Natural Districts Inventory Forms HP-2 ("yellow forms") or Archeological Site Inventory Forms HP-3. These are noted below for reference and general identification during Commission Review:

Agricultural - including barns, farmhouses, sheds, minor buildings, fences.

Commercial including stores, office buildings, banks, restaurants, taverns, markets, warehouses, hotels, spas, utility company buildings.

Educational including schools, academies, colleges, universities, museums, libraries, theaters, concert halls, opera houses, zoos.

Governmental including courthouses, city halls, town halls, civic centers, jails, post offices, customs houses, firehouses, police stations, water systems.

Industrial including mills, factories, foundries, furnaces, breweries, tanneries, ropewalks, mines, quarries, kilns, windmills, watermills.

Landscape architecture including commons, squares, parks, gardens, greens, cemeteries, gazebos, monuments, pavilions, fences, fountains, paving, and

street furniture such as benches and street lights.

Medical including hospitals, sanitariums, infirmaries, clinics, dispensaries.

Military including arsenals, armories, forts, barracks, campsites, reservations, battlegrounds.

Recreational including race tracks, amphitheaters, swimming pools, gymnasiums, bandstands, stadiums, playing fields, courts and parks.

Religious including churches, chapels, synagogues, meetinghouses, seminaries, convents, burial vaults, mausoleums.

Residential including houses, cottages, apartment buildings, tenements, industrial housing complexes.

Scientific and technological including laboratories, test sites, agricultural experiment stations.

Social including lodges, clubhouses, fraternity houses.

Transportation including paths, trails, railroads, canals, ferries, bridges, aqueducts, viaducts, airports, toll houses, boat houses, stations of various types, docks, piers, terminals, lighthouses, subways, tunnels, stables, carriage houses, garages, car barns, shops.

B. Significance

In looking at a building to assess its significance, a Commission member must exercise extreme caution because this significance must be evaluated objectively without allowing personal prejudices to enter into the process. In many cases it will be prudent for a member to accept the assessment of another Commission member with greater expertise in fields more directly related to history, architecture, and construction. It may also be appropriate to request the advice of a professional preservation consultant, and it is most important to weight carefully the documented aspects of significance used previously to designate the property as a Landmark or as part of a Historic District. This material is the official data on which the determination of significance is based and to reject it without qualified reasons (such as excessive damage or deterioration after the initial designation) may allow the Commission decisions to be considered arbitrary and inconsistent in the event of a challenge to a case determination.

Building significance must be reviewed in three separate forms:

1. Architectural Significance- consideration of type, use, age, style, craftsmanship, integrity, etc. as to relative quality and rarity.
 - a. Age, Style, Craftsmanship:
 1. Is the structure one of few of its age remaining in the community?
 2. Is it a unique example in the community of a particular architectural style or period?
 3. Is it one of a few remaining examples in the community of a particular architectural style or period?
 4. Is it one of many good examples in the community of a particular architectural style or period?
 5. Is the building the work of a nationally famous architect?
 6. Is it a notable work of a major local architect or master builder?

7. Is it an architectural curiosity or picturesque work of particular artistic merit?
8. Does it evidence original materials and/or workmanship which can be valued in themselves?

b. Integrity:

1. Has the integrity of the original design been retained or has it been altered?
2. Do the added architectural elements or other changes detract from or complement the original design?
3. Have significant elements and design features been covered up or somehow concealed?
4. Have significant elements been removed?
5. Is the structure on its original site or has it been moved?

2. Historic Significance- consideration of important people or events associated with the building or representing trends in city development, growth, or history.
 - a. Is the structure associated with the life or activities of a major historic person (more than the "slept here" type of association)?
 - b. Is it associated with a major group or organization in the history of the nation, state, or community (including significant ethnic groups)?
 - c. Is it associated with a major historic event (whether cultural, economic, military, social, or political)?
 - d. Is the building associated with a major recurring event in the history of the community (such as an annual celebration)?
 - e. Is it associated with a past or continuing institution which has contributed substantially to the life of the community?
 - f. Are additions to the structure or other alterations to it indicative of the community's development patterns?
 - g. Are changes in the structure's use related to broad patterns of community development?
3. Contextual Significance-consideration of the building in context relative to the immediate site and to the city as a whole.
 - a. Is the structure generally visible to the public?
 - b. Is it, or could it be, an important element in the character of the community?
 - c. Is it, or could it be, an important element in the character of the neighborhood (either alone or in conjunction with similar structures in the vicinity)?
 - d. Does it contribute to the architectural continuity of the street?
 - e. Does the structure maintain its historic associations to its site and surroundings?
 - f. Is its present setting (yards, trees, fences, walls, paving treatment, outbuildings, and so forth) appropriate?
 - g. Are these elements of the setting of historic or architectural importance in themselves?

- h. Are the structure and site subject to the encroachment of detrimental influences?
- i. Do the street layout and lot divisions relate to an original town plan?
- j. Do changes from the original town plan indicate growth, decline or change in function of the community?

Elements to consider and the process of considering these forms of significance will be developed further later in this manual for use during your Design Review.

C. Style

Commission members should be sufficiently aware of commonly recognized architectural styles and the variations of form and detail differentiating these styles in order to be capable of evaluating the significance and impact of proposed additions, removals, or changes to buildings under Design Review. Once again, determination of appropriateness or inappropriateness must be based on recognized guidelines and standards to be defensible.

Architectural styles most often represented in Sackets Harbor include the following and their periods of greatest general popularity are noted:

FEDERAL STYLE

Buildings in the Federal style are light and delicate in form and detail. Frame, brick, and stone are all commonly used building materials. Facades are generally symmetrical and a building is often sited on the land so that its longer side faces the street. However, in one form, the doorway is in an end bay, with two windows to one side of it. Window and doorway trim, *as* well as columns and pilasters, are narrow and simple. Doorways often have fanlights and sidelights (windows above and on both sides of the door). Eaves are relatively simple and plain, and frequently, the roof barely projects over the walls. This style was popular in Sackets Harbor between 1800 and 1830.

GREEK REVIVAL STYLE

At the turn of the nineteenth century, the idea of Greece as the seedbed of democratic ideals dominated much of American thinking. Attempts were made in architecture to imitate Greek temples. Buildings were turned so that their narrow, gable ends faced the street, giving them a more temple-like appearance. Freestanding columns supporting triangular pediments (porches) took on an important role in the overall design of a structure. Greek Revival houses are generally framed, with low-pitched roofs.

In a simpler, but very popular version, no columns or front porches are used. Instead, the pediment form is adapted for the gable end, with the cornice edges turned inward for a few feet to suggest the lower section of a full pediment. Doors are often framed by a casing resembling a miniature entablature supported by pilasters at either side of the door.

Numerous variations of the Greek Revival style dating from 1820 to the 1850's remain in Sackets Harbor.

ITALIANATE STYLE

Around the period of the Civil War, American architects borrowed from the rural architecture of northern Italy to create a new architectural style. In Sackets Harbor, the Italianate style is represented in both residential and commercial structures, in both frame and brick. The residential structures have a square shape with a low-pitched pyramidal roof and bracketed eaves. Commercial structures exhibit a shed roof, with bracketed cornices on the front facades. This style was popular in Sackets Harbor from the 1850's to 1900.

QUEEN ANNE STYLE

Following the 1876 Philadelphia Exposition, the Queen Anne style became popular in America. This style emphasizes an irregular plan and a variety of surface materials. Roof gables are common, windows appear in a variety of sizes, and often there is a corner tower. This style, popular from the 1880's to around 1900, is rare in Sackets Harbor with only a very few examples in the Village core and Madison Barracks.

STICK STYLE

A Queen Anne variation is found in the Stick style, so named because of its characteristic use of decorative wooden strips, or "sticks" which create the image of the building's unseen structural frame. These buildings often have tall, vertical proportions, steeply pitched roofs, and porches with square or turned posts and diagonal braces. A few variations of this style exist in Sackets Harbor's residential structures.

SHINGLE STYLE

The Shingle style borrows from early New England architecture and was predominantly a New England phenomenon. The distinguishing feature of the style is the use of shingles on the surface of the building: Roofs are often gambrel, and dormers and bays are common. Although popular from the 1880's to around 1910, Sackets Harbor has only one Shingle style structure, located on General Smith Drive.

COLONIAL REVIVAL

A reaction to elaborate Victorian architectural styles in the 1880's resulted in the revival of American eighteenth century "Colonial" architecture. Colonial Revival styles are symmetrical, rectangular structures with classical detailing on cornices and porches. The central section of the facade often projects from the surface, and dormers are common. The popularity of this style extended well into the twentieth century. Several examples of Colonial Revival structures exist

BUNGALOW STYLE

A bungalow is a small, one or one and a half story house of simple design. Characteristics include a wide gable facing the street, a gabled porch on the facade, projecting eaves, exposed rafter ends under the eaves, and large windows, often grouped in twos or threes. Bungalows are almost always of framed construction. Although the bungalow was immensely popular in America from 1900 to about 1920, there are only a few individual examples of this style in the Sackets Harbor Historic District.

VERNACULAR

"Vernacular" is not an architectural style, but rather a term used to describe modest buildings which have few decorative embellishments linking them to any particular style. The purpose of vernacular structures is to provide utilitarian shelter. They follow forms which developed in colonial America and continued, with little change, until the twentieth century.

There are two common forms of vernacular structures. One is the simple cottage -- generally a story and a half with a facade gable. Window, door, and porch trim usually follows the prevailing architectural style of the period during which the house was constructed, but such trim is sparingly applied. The other major form is the group or row house -- a series of very similar, if not identical, housing units constructed closely in a row along the street. Many vernacular structures of both forms remain in Sackets Harbor, providing a strong unifying element for the historic district and a tangible reference to nineteenth century everyday life.

This above list does not include all forms recognized by architectural historians and does not represent those styles most generally formulated after 1940. The most common forms will be illustrated in more detail later in this manual, however it is recommended that some of the references listed in the bibliography be consulted as well. Commission members should be aware that not all authors or architectural historians categorize building styles in the same way and some sources greatly simplify their classification categories. Appropriateness of work proposed can usually be reviewed based on general style characteristics without requiring complex discussions of precise details and yet these styles must be sufficiently understood and followed to prevent, for example, the installation of a Georgian door on a Queen Anne House. Such instances clearly diminish the integrity and architectural significance of a building and must be avoided whenever possible.

II. BUILDING EVALUATION

A. Process Overview

1. Focus In evaluating a specific property or Application for Review the Commission must be concerned with two conditions:

- a. The **appropriateness of the design** of building forms and elements as they relate to themselves, to each other, to the building *as* a whole, to the site, and to the environment.
- b. The **appropriateness of diverse technologies** being applied to the building or site under the headings of renovation, restoration, adaptive reuse, etc.

2. Stages – Six Questions

The evaluation process can be described in stages, with the following six questions to be addressed in sequence and with reference to both the *Design Review Guidelines* and other guidance provided.

a. What Was There Originally?

What did the original building, detail, or site look like, based on historic drawings, photos, physical evidence, perhaps memory or oral tradition, etc? "Originally" is taken to mean approximately the time of initial construction, but must also consider periods of alteration similar to those described in item 4 below.

b. Why Was It Significant? Review the Architectural, Historical, and Contextual Significance of the building, element, or site relative to the Design Review Guidelines attached. Identify points of significance and their relative degrees of importance.

c. What is There Now?

What is the current condition of the building, element, or site? What has been damaged or altered, lost or added, and when?

d. Have The Alterations or Additions Gained Significance in Their Own Right?

Have they been present for a great part of the property's life (usually more than 50%), are they directly related to a person or incident of specific significance, do they represent an important period in the property or district's development, or have they sufficient character, quality, or distinctiveness to be considered significant separately from the building?

e. What is Being Proposed to Be Done?

Determine precisely what work is being done to the building, element, or site, including related work often not stated such as site damage caused by construction material delivery trucks or the effect on vegetation when masonry cleaning chemicals are washed off a building. Complete, detailed applications, with all necessary submissions, must be available for such a review.

f. How Will This Work Affect the Architectural or Historical Significance Determined Above?

Consider the obvious and direct impact of this work based on the discussions of Appropriateness of Design and Appropriateness of

Technology included below, but continue to be aware of other effects such as those noted in 5 above. Refer specifically to the Secretary of the Interior's Standards, which are the legal foundation of the design review process, and if work proposed for a building, element, or site is not consistent with these standards then there is justification for denying an application for a Certificate of Appropriateness.

3. Design Guidelines

The following guidelines for design review may be used as the basis for the Sackets Harbor Planning Board review for a Permit in the Sackets Harbor Historic Preservation District. The guidelines define important elements of the District's unique physical appearance and state the best means of preserving and enhancing these elements in rehabilitation or new construction. These guidelines are not hard and fast regulations. They are flexible criteria. The goal is to minimize reliance on the individual tastes and preferences of those who happen to be awarding permits and instead set up guidelines that everyone will understand. This will help to ensure that the review process is fair and can be completed quickly.

The quality of historic buildings *is* determined by the interplay of materials and architectural features. An historic building must be viewed as an integrated design composition. The design character of a particular historic period is made up of several key factors:

- a. Scale - relationship of a building to human size, forms and perception
- b. Rhythm - the pattern of repeating elements such as windows, columns, arches and other facade elements in a building; also, the relationship of buildings to surrounding open space
- c. Form - overall shapes and combinations of shapes in a building as seen from different perspectives and contours
- d. Massing - a building's height, width, setback and major dimensions
- e. Proportion - the relationship among the dimensions of various elements of a building

Each historic period had its characteristic interpretation of these design elements. Buildings sometimes *grew* and changed over the years, incorporating elements from several architectural styles thereby creating unique structures.

Because architectural styles and details vary within the District, these guidelines emphasize relationships among buildings rather than specific styles or details. Generally, all structures should be compatible with the surrounding structures on their face block and will be reviewed in terms of the following visual compatibility factors:

1. Height The height of proposed buildings shall be compatible with

adjacent buildings. The height of new construction should be no lower than the average height of all buildings on both face blocks. Measurements should be made from street level to the highest point of the roofs.

2. Width The width of proposed buildings or additions shall be compatible with adjacent buildings and reflect the characteristic rhythm of facades along the street.
3. Window Proportions, Size and Placement The window proportions (height versus width) shall be visually compatible with those of other windows in the same building and in other adjacent historic buildings. Also, the ratio of window area to solid wall should be similar to those on surrounding facades.
4. Rhythm. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible to others prevailing in the area. Rhythms which carry throughout the block should be incorporated into new facades.
5. Directional Emphasis Alterations shall respect the directional emphasis of the original building, and new construction shall be related harmoniously to its immediate neighbors. "Directional emphasis" refers to the basic vertical, horizontal or non-directional design of a building.
6. Materials Materials and textures visually compatible with the existing building or adjacent buildings should be used. Many different materials on a single structure or closely-related group of structures can lead to visual confusion and a chaotic appearance. Alterations and new buildings should not stand out if the harmony of a streetscape is to be maintained. Materials which imitate natural materials should be avoided. Imitative materials such as asphalt siding, wood-textured metal siding or artificial stone should not be used. Diagonal and vertical siding is generally unacceptable. Narrow lap metal or vinyl siding, when well installed and carefully detailed, may be acceptable in some cases.
7. Roof Forms The roof pitch employed on a new building or addition should be similar to those found on adjacent buildings. If a gable-type roof, its orientation to the street should be the same as in neighboring buildings. Roofing materials should be harmonious with existing roofing materials in the District, and roof colors should not dominate (dark neutral colors and materials are preferred).
8. Fences Traditional fencing materials such as painted picket fences, wrought iron fences, low hedges, or limestone retaining walls are preferred. Chain link fences and high opaque fences should be avoided in front yards and side yards visible from a public right-of-way. Tall foundation plantings which obscure a building's features should also be avoided.

B. Determination of Appropriateness

1. **Appropriateness of Design** - In reviewing proposed work relative to design

appropriateness the following relationships and details must be considered.

- a. Relationship of the Building to its Setting - compare the proposed condition or construction to the existing relative to consistency or inconsistency of:
 1. Scale
 2. Rhythm: height, width, and setback patterns
 3. Proportion
 4. Directional Expression
 5. Siting: generally considered for isolated placement of buildings

- b. Compositional Relationship of Building Elements - compare the effect of proposed work on existing elements of the composition and their relationship with regard to:
 1. Massing: including roof forms, porches and projections, building forms, etc.
 2. Balance: symmetry, asymmetry
 3. Facades: scale, rhythm, proportion, directional expression, and solid-to-void ratios

- c. Building Elements & Details- consider all possible items, work proposed, and the effect thereon including but not limited to the following:
 1. Roof : surface materials and patterns or forms, flashing, chimneys, dormers, gutters & downspouts, skylights, cupolas, hatches, vents, ornamentation, cresting, weathervanes, lightning protection, railings, pigeon control devices, etc.
 2. Walls: doors, windows, vents, siding materials or finish treatment, structure, shutters & blinds, trim, casings, foundation, etc.
 3. Porches & Projections: steps, railings, spindle work, balusters, columns & posts, decks skirting, latticework, awnings, canopies, etc.
 4. Hardware: door knobs, hinges, locks, mail-boxes & letter slots, numbers, boot scrapers, push plates, kick-plates, etc.
 5. Mechanicals: water, electric & gas meters, piping & conduit, television antennae, lighting, fixtures, sprinkler, alarms and fire department connections, telephone wiring, etc.
 6. Finishes & Colors: materials, colors, textures, patterns, etc.

- d. Site Development & Landscaping
 1. Outbuildings: barns, outhouses, carriage houses, sheds, smoke- houses, springhouses, pump houses, etc.
 2. Walks, Pavers, Drives, Parking

3. Ornamental Elements: site furniture, fencing, treillage, statuary, fountains, walls, etc.
4. Contours and Grading
5. Mechanicals: power poles, wiring, lights, transformers, etc.
6. Landscaping: trees, grasses, plantings, etc.

e. Archeological Sensitivity: refer to section on current issues of concern

2. Appropriateness of Technology

This is an area of specialty that must usually be addressed by staff or other professionals specifically trained in the technology of historic preservation. Contractors, materials suppliers, and most architects rarely have the appropriate knowledge and experience, though they often believe otherwise. Technical Preservation Briefs and other periodicals offer valuable information, however field investigation by trained personnel is always necessary to correctly diagnose problems and weigh the advisability of possible solutions. Conditions can vary greatly and technology is changing rapidly. Inappropriate treatments or procedures can have severe and permanent effects on buildings, elements, or sites, and can result in substantial loss of historic or architectural significance. Consequently, it is highly recommended that the Commission secure the services of recognized professional preservation consultants as needed and also solicit assistance from the State Historic Preservation Office.

Conclusion

It is extremely difficult to determine precise boundaries for good taste, even on a local basis, since we, as people and as society, are too distinctly individualistic. Since even individual experts within a field sometimes disagree, we must learn to educate ourselves enough to be able to understand the principal issues and then evaluate them based on the best commonly accepted standards available, at the time. These standards may change periodically, but for the moment they represent the most carefully constructed consensus of experienced opinions applied to the given subject.

ISSUES OF CONCERN

The following paragraphs address specific issues or concerns that are currently being raised within the field of historic preservation. The subjects are varied and not all have solutions which have been agreed upon. Some are presented merely to provide you with established arguments for addressing statements frequently offered by developers, builders, and others involved in the process, and others are merely informational. The list is not intended to be complete and will never be, but may be added to regularly by staff or by Commission members for continuing reference. The field of preservation is changing continually and the review process must keep pace

Fire & Life Safety - Every effort must be made to ensure the safety of a building and its occupants. However, the New York State Uniform Fire Prevention and Building Code has recognized the need for compromise when dealing with historic buildings and has made provision for waiving certain requirements if alternate means of protection can be included which will provide safety without sacrificing historic significance. Sometimes this is not possible, but you must not accept severe negative impact on a building in the name of Fire & Life Safety without requiring detailed consideration of alternate solutions.

Handicapped Access - As with Fire & Life Safety, handicapped access requirements must be met, but through creative compromises which provide access without sacrificing significance.

Energy Conservation - Energy conservation is another very serious consideration and is particularly important to the economic viability of a project. High energy costs are a negative marketing factor which can lead to building vacancies and decline. The technology exists to provide effective energy conservation without damaging a historic building inside or out. Unfortunately, it is all too often that new mechanical systems, insulation systems, or even exterior solar-gain systems are installed without proper knowledge or consideration and not only damage the property's visual appearance, but its physical elements as well. The following two points are related to this concern and must also be carefully reviewed.

Window Replacement - Wholesale window replacement is specifically discouraged under the Secretary of the Interior's standards. While insulating glass may sometimes be installed, it is very important to retain as much of the original window style as possible. It may be argued that windows are unsalvageable when, in fact, the contractor may simply not know how to repair them correctly or because it seems simpler to replace the entire unit. It may also be argued that they are sources of great heat loss and this is usually true - but, by repairing them, caulking them correctly, and possibly by adding storm sash these losses can be dramatically reduced.

Artificial Siding - Artificial siding is also specifically discouraged. It conceals truly significant and original elements of the building, requires the removal of others for expediency, and generally induces damage to the building by inhibiting the natural passage of water vapor. It is not indestructible, is more difficult than wood to repair when damaged, melts in a fire, fades eventually, is visually inappropriate in most applications, and provides minimal insulation value even with insulated backings. Many design review guides prohibit them outright. Their use must be reviewed very, very carefully. If, in the event that artificial products are to be considered,

high quality wood composite or cement board products should be considered over vinyl, PVC, and other artificial materials.

Economic Potential - Some applicants will attempt to utilize designs or construction techniques that minimize costs and maximize income at the expense of the property and its significance. When considering economic impact the Commission must consider the project itself and not the owner's personal finances, and must evaluate it on the basis of a "reasonable" return on investment rather than the maximum. Projects which are eligible for public funding assistance or investment tax credits, but which decline to seek them are ignoring substantial incentives and almost certainly will not be able to justify a plea of economic hardship.

Technology - A common argument raised by developers, builders, and sometimes architects is "You can't do that." or "They don't make that anymore." Currently, almost any building element or detail in existence can be repaired in place or reproduced in the same or an equivalent material. This is sometimes quite expensive and sometimes far less than feared. The point here is that it can be done and this approach must be correctly addressed before decisions are made regarding costs or optional methods.

Skilled Labor - A similar condition exists with the assumption that many of the skills necessary for appropriate renovation have been lost forever. On the contrary, many skilled mechanics and craftsmen exist yet are never asked to perform quality work anymore. It is also possible for the restoration architect to teach a person skilled in contemporary crafts the additional knowledge that he needs for the specific work in question.

Archeology - Archeology has become an issue of increasing concern for many years and has relatively recently been sub-divided or even plagiarized to include other forms of concern for our history and social development. Listed here are the five most common forms though their relationship may be questioned by some. They are issues of immediate concern and must be considered when evaluating work proposed of almost every sort.

1. Prehistoric Archeology - the most conventional and easily understood form, addressing evidence from before the beginnings of recorded history.
2. Classical Archeology - similar concerns, addressing evidence from the beginnings of recorded history to the period of the modern age which is somewhat in dispute, perhaps ending with the Renaissance.
3. Historic Archeology - of increasing importance and seeking information from the remains of the more recent period, including working in and around buildings still existing as an aid to restoration efforts.
4. Industrial Archeology - a relatively new form which attempts to record, research and sometimes preserve the physical remains of technological development, generally of the Eighteenth, Nineteenth, and Twentieth centuries.
5. Commercial Archeology - the most recent and unusual form this philosophy promotes awareness, of relatively recent elements of popular culture such as neon signage, fast-food restaurant forms, and recent vintage automobiles, and is a serious attempt to recognize and preserve significant social forms before they are lost for lack of concern.

Religious Properties - The courts have determined that existing laws allow for the designation

and regulation of historically or architecturally significant properties of public or private ownership and of secular and non-secular use. Churches and church-owned properties are included and subject to your review just as any other property would be. Because of a case in New York City where the Landmarks Commission has denied approval for a large commercial tower to be constructed partially over a landmark church a small coalition is seeking to overturn the basic legislation allowing landmark zoning restrictions and is arguing also a violation of the separation of church and state provision of the U.S. Constitution. As of this writing the issue is unresolved and religious properties are to be considered as provided for under the law.

GLOSSARY OF TECHNICAL TERMS

The following technical terms are excerpted from the references noted in the bibliography and other generally accepted standards. They are intended to assist Commission members in discussing building and building elements which are subject to CAUD review.

ARCHITRAVE.... The lowest part of an entablature (see Order) or, as more commonly used in connection with houses, the molded trim around a door or window opening.

ASHLAR.... Squared and faced building stone. If the sizes of the blocks vary it is called random ashlar.

BALUSTER....An upright support of a handrail. "Banister" is a colloquial form of "baluster".

BALUSTRADE....A row of balusters carrying a rail.

BARGEBOARD....A projecting board, often decorated, that acts as trim to cover the ends of the structure where a pitched roof overhangs a-gable.

BATTEN....A board fastened across two or more others to hold them together.

BAY....Divisions of a building facade marked by windows or other vertical element placement.

BAY WINDOW....A projecting bay with windows that forms an extension to the floor space of the internal rooms. On the outside the bay should extend right down to ground level.

BEAD....A convex, rounded molding, usually semicircular in section.

BELT COURSE....A horizontal "belt" formed by a projecting course (or courses) in a masonry wall for decorative purposes.

BLINDS....In old houses the term is used to denote an external or internal louvered wooden shutter that excludes direct sunlight but admits light through a window. The external blind, by intercepting the sun's heat before it passes through the glass of the window, is still one of the best ways of keeping the interior of a house cool. Internal blinds can also be quite effective and attractive: in some houses they fold back into the wood paneling around the window to become almost invisible, and so any mysterious knobs on the paneling should be investigated.

Now the term "blind" is generally applied to the roll-up or Venetian variety and the wooden hinged types are incorrectly referred to as "shutters" (which do not have louvers).

BOLECTION....A molding which projects beyond the general surface of a panel or connects two surface levels.

BOND.... The method used to hold thick brick walls together. English bond is an arrangement which alternates one row of bricks placed end out with another row of bricks placed side out. Flemish bond is an arrangement which alternates a brick placed sideward with a brick placed lengthwise within the same row. Common bond **uses** staggered rows of brick, each row with all bricks side out.

BRACKET....A small projection, usually carved decoration which supports or appears to support a projecting cornice or lintel.

CAPITAL....The head of a column (see Order).

CLAPBOARDS....Narrow, horizontal, overlapping wooden boards that form the outer skin of the wall of many wood frame buildings. These boards are generally 4"- 6" wide.

CLASSICAL....A term used to describe the architecture of ancient Greece and Rome and also, more loosely, the later styles based on it (see also Order). These later styles would include all the work of the Renaissance period in Europe and its later offshoots such as Georgian, Federal, Greek Revival, Renaissance Revival, Italianate, French Second Empire, and so forth.

The principal European non-classical styles were Romanesque and Gothic, and these, together with certain medieval domestic details, inspired the Romanesque and Gothic Revival styles and the so-called Queen Anne style of the nineteenth century.

CLERESTORY WINDOWS.... Windows located relatively high up in a wall that often tends to form a continuous band, as in the nave of a church. When used in a domestic context, the sills of such windows would be at least at eye level.

COLUMN....A vertical shaft or pillar that supports or appears to support a load. (See Order)

CORBEL....A projection or building-out from a masonry wall, sometimes to support a load and sometimes for decorative effect.

CORINTHIAN....See Order.

CORNER BOARD....One of the narrow vertical boards at the corner of a traditional wood frame building, into which the clapboards butt.

CORNICE....The top part of an entablature, usually molded and projecting (see Order), or any continuous molded and projecting cap to a wall or window or door opening. Also, internally, a molded transition between wall and ceiling.

COURSE....A horizontal row of bricks, stones, shingles, etc.

CURTAIN WALL....A light, non-load-bearing, weatherproof "skin" wall forming the outer face of a building and which usually takes the form of a metal grid with glass and opaque infill panels. It reached its height of popularity in the 1950's but since then, because of over-use or abuse, has declined sharply in favor. Although it has been handled on occasion with distinction, it has most often been used in the field of rehabilitation merely as a quick and cheap way to cover up an old building and transform it, completely-but seldom into something better.

DENTIL....One of a series of small rectangular blocks, similar in effect to teeth, which are often found in the lower part of a cornice.

DORIC....See Order.

DORMER....A structure containing a vertical window (or windows) that projects through a pitched roof. The term can also be used to describe the window or windows.

DRIP COURSE....A projecting course of masonry to deflect rainwater from a wall or structural joint beneath it.

ELEVATION.A "head-on" drawing of a building facade or object, without any allowance for perspective. An elevation drawing will be in a fixed proportion to the measurement on the actual building.

ENTABLATURE....The architrave, frieze, and cornice resting on the capitals of columns or analogous parts in post-and-lintel construction.

ENTASIS....A slight convex curvature given to the taper of a column to make the sides appear as straight lines.

FACADE.... The front face or elevation of a building.

FASCIA....A flat board with a vertical face that forms the trim along the edge of a flat roof, or along the horizontal, or "eaves," sides of a pitched roof. The rain gutter is often mounted on it.

FENESTRATION....The arrangement and proportioning of windows.

GABLE.... The portion, above eaves level, of an end wall of a building with a pitched or gambrel roof. In the case of a pitched roof this takes the form of a triangle. The term is also used sometimes to refer to the whole end wall.

GAMBREL ROOF....A form of curb roof, the lower part being at a steeper angle than the upper part.

HALF-TIMBERED FRAME....A house frame constructed of heavy timbers divided horizontally to form spaces which are filled with bricks, plaster, etc. constituting exterior walls.

HEADER....A brick laid so that its shorter face, or head, shows in the surface of a wall.

HIP ROOF....Also Hipped Roof (see Roof Types).

IONIC....See Orders.

JAMB....The vertical sides of an opening - usually for a door or window.

JOIST....Any small timber laid horizontally to support a floor or ceiling.

KEystone.... The wedge-shaped piece at the top of an arch.

LEADER.... See Rain Leader.

LIGHTS....Openings between the mullions of a window, usually glazed.

LINTEL....A horizontal beam over an opening. May be decorative or may carry load of the structure above.

MANSARD ROOF....See Roof Types.

MASONRY.... Exterior wall material, such as brick or stone, which *is* laid up in small units.

MOLDING....A decorative band or strip of material with a profile. Generally used on cornices and as trim around window and door openings.

MULLION....A vertical bar or pier between windows.

MUNTIN....A small, slender mullion forming a sash bar to hold the glass in a window.

ORDER....In classical architecture an order consists of a Column or shaft (with or without a base) its Capital, or head, and the horizontal Entablature. These were proportioned and decorated according to certain modes - the most common ones were established by the ancient Greeks - the Doric, Ionic and Corinthian. The Romans later modified these orders slightly. Most of the "classical" details found in nineteenth century buildings are modifications of the Roman details.

ORIEL WINDOW....A projecting bay with windows, which emerges from the building at a point above ground level. It is often confused with a bay window (see Bay Window).

PALLADIAN WINDOW....A group of three windows, the center one being higher and having a rounded top, named after its inventor Andrea Palladio, 16th-Century architect.

PANE....See Window Parts.

PEDIMENT.... The triangular space formed by the two slopes of a gable roof. Also, a triangular cap sometimes used as decoration over a door or a window.

PILASTER....A flat-faced or half round column which appears as if embedded in the surrounding wall and which projects slightly from it.

PITCH....The angle of slope of a roof, i.e., a 3Q⁰ pitched roof, a low-pitched roof, a high-pitched roof, and so forth.

PLAN....A drawing representing a downward view of an object or, more commonly, a horizontal section of it. In the case of a floor of a house, it will show the disposition of the walls, partitions, rooms, doors, windows.

PLATE....The horizontal wooden members that lie on top of-a wall or form the topmost horizontal members of a braced frame that support the roof rafters.

POINTING.... The outer, and visible, finish of the mortar between the bricks or stones of a masonry wall.

PORCH.... (a) Covered entrance either inside *or* outside the front door of a house; (b) Any covered enclosure or veranda attached to the house.

PROPORTION....The ratio of two or more dimensions. This can refer to the ratio of the width to

the height of a door opening, window opening, or window subdivision or, on a larger scale, to the ratio of the width to the height of a whole building.

PURLIN....A horizontal roof member supporting rafters, usually at their middles.

RAIN LEADER....A vertical pipe for conducting rainwater from the roof or gutter to the drain.

RAKE.... The slope of a roof or the verge board that follows the rake.

RIDGE BOARD....A board placed vertically between the top ends of rafters to form a roof ridge.

RISER....The vertical surface in a staircase between the treads.

ROOF TYPES....Basically, roofs are either flat or pitched. The monopitch, or Shed, roof is a type of pitched roof but with one slope only. The simplest regular form of pitched roof has vertical end walls that form gables; and if the pitch is continued around the end walls it is known as a Hipped roof. The Gambrel and Mansard roofs have two pitches and were developed in order to have more headroom inside the roof space: The Gambrel has vertical gables on the end walls, but the Mansard has the same roof profile on all four sides, making it in effect a "Hipped Gambrel."

RUBBLE....Rough, broken stone or brick.

SCALE...The relationship of the apparent size of a building, space, or object to the size of a human being, see proportion, or when applied to a drawing or a model of a building it has a different, technical, meaning denoting the size of the drawing or model in relation to full-size building: i.e., scale: 1-1."=1'-0" means that one quarter of an inch on the drawing represents one foot of the actual building.

SHUTTERS....Small wooden "doors" on the outside of windows, originally used for security purposes and now retained or installed mainly for decorative effect. They are generally confused with external blinds, which are somewhat similar in appearance but are louvered, being intended for a different purpose-that of preventing direct sunlight, but allowing light, to enter the house. (See also Blinds).

SIDING.... The narrow horizontal or vertical wood boards that form the outer face of the walls in a traditional wood frame house. Horizontal wood siding is also referred to as clapboards. The term "siding" is also more loosely used to describe any material that can be applied to the outside of a building as a finish.

SILL....The lower horizontal part of a door or window frame or the bottom horizontal board on a wall.

SOLDIER COURSE....A horizontal row of upright bricks used for variety and decorative effect in brickwork-often over windows and door openings.

STRETCHER....A brick laid lengthwise in a wall.

STRINGER....A side member of a staircase against which the steps abut.

SURROUND....molded trim around a door or window opening (see also Architrave).

TRANSOM....A horizontal crossbar in a window, over a door, or between a door and window above it. Also refers to a window above a door or other window built on and often hinged to a transom.

VERGE BOARD....A board or molding covering the end rafter in a gable.

WAINSCOT.... Wood boarding or paneling on the lower part of an internal wall or partition.

WEATHERBOARD....A clapboard.

WINDOW PARTS.... Sash is the term given to the moving units of a window which are placed in a fixed frame. The sash may consist of one large pane of glass or it may be subdivided into smaller panes by thin members called muntins.

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APPENDIX II- LOCAL WATERFRONT REVITALIZATION PLAN POLICIES

*See Sackets Harbor Local Waterfront Revitalization Plan

APPENDIX III- SIGN DESIGN GUIDELINES

(Current, approved Sackets Harbor Sign Guidelines)

Guidelines
For Quality

SIGN DESIGN

Village of Sackets Harbor Historic District

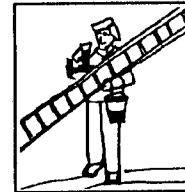
Prepared for:
The Village of Sackets Harbor
Spring 1993

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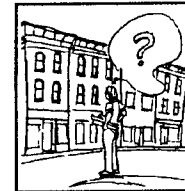
*Graphics on p. 19 courtesy Lowell Sign Book
City of Lowell, Ma., Division of Planning & Development.
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This project was funded by a New York State Certified Local Government Grant.

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the Site
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Part 2:
Determining Sign
Type and Placement
p. 5



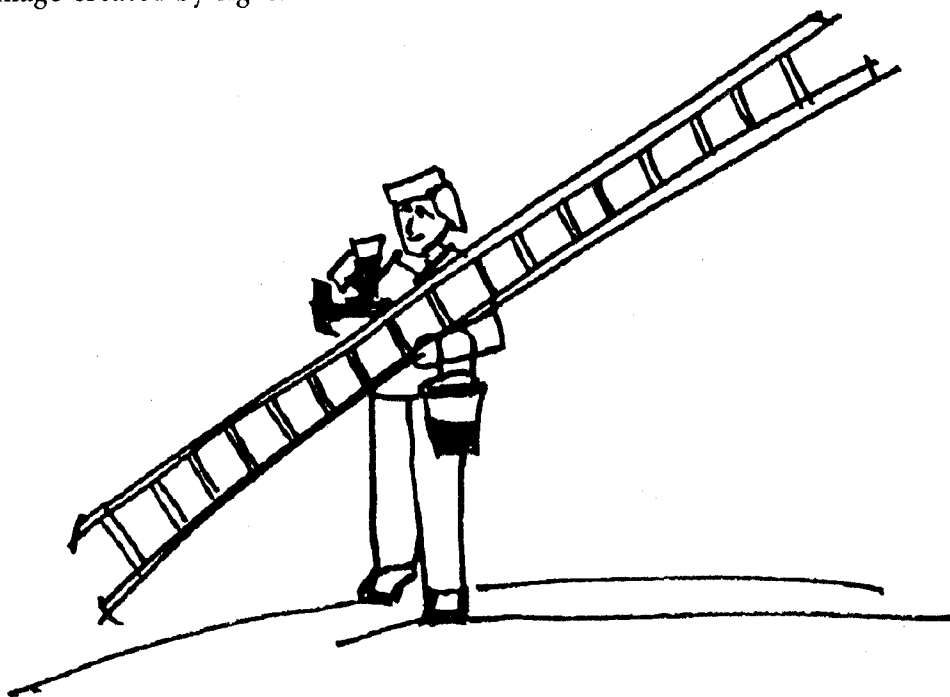
Part 3:
Developing an
Appropriate Design
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GETTING STARTED

Introduction

It's hard to overestimate the impact that signs can have on the image people have of a place. Signs are deliberately designed to attract attention, and by doing so they become a prominent component of a street or neighborhood. Even if your building is beautiful and the neighborhood is inviting the overall impression people have of your business may be due in large part to the image created by signs.

This manual is provided to help you design signs that will be a positive addition to the Sackets Harbor Historic District, signs that will effectively promote your business - and effectively promote the district as an attractive and desirable place for residents, visitors, and potential customers!



Where do I Go? Applying for a Sign in the Sackets Harbor Historic District

All commercial signs within the Historic District are governed by the village of Sackets Harbor Zoning Law. Anyone wishing to erect a sign in the district must obtain a zoning permit. Applicants must submit a facsimile of the proposed sign for review by the Village Planning Board. Submission should be a measured drawing indicating proposed color, materials, shape, and design of the proposed sign. The sign application will be evaluated according to the criteria set out in the zoning law and this manual. Signs that do not conform to zoning requirements will be denied a permit, and the applicant must re-apply once necessary changes to the proposal are made.

Purpose of this Manual

This manual accompanies the Village Zoning Law, and presents the guidelines for sign design that should be followed to obtain a sign permit in the Sackets Harbor Historic District. It is intended to help business owners design quality signs - signs that are both effective communication tools and harmonious additions to the Historic District.

The manual won't design your sign for you, and won't provide you with a standard format or template to follow. This is because no two signs should look alike. The value in signs is their individuality - how each one is different, and reflects the unique attributes and personality of the business it advertises.

Instead, the manual discusses the issues important to good sign design. After reading it you should have a better understanding of why certain signs would be appropriate for the Sackets Harbor Historic District, and why others would not.

This manual presents the sign design process in three parts. The first part, ***Understanding the Site***, looks at the importance of the setting in the design of quality signs. An acceptable sign must be compatible

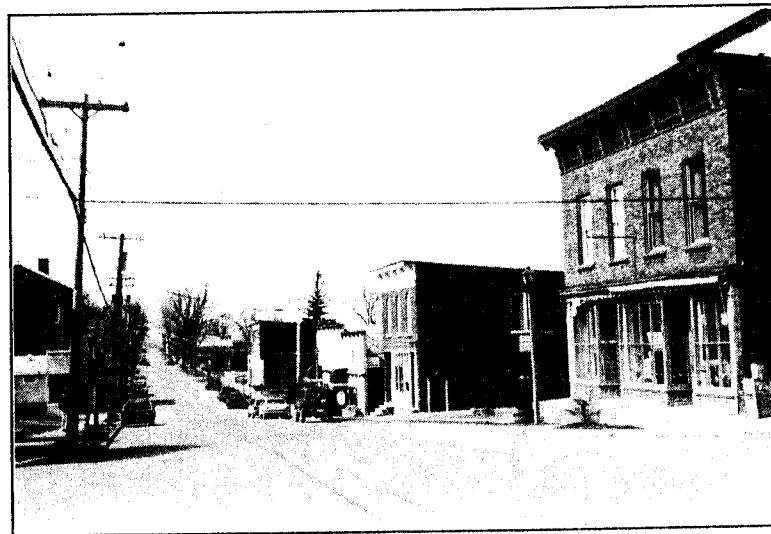
with the building it is on, with other buildings on the street, and with the district as a whole.

In the second part, ***Determining Sign Type and Placement***, the manual will help you decide which kind of sign will be best for you and your business, based on the particular characteristics of your building and district.

The third part, ***Developing an Appropriate Design***, looks at the actual creation of the sign itself. It explains the different aspects of sign design, and discusses the

various issues that must be acknowledged to create a sign that is an effective communication for your business and at the same time compatible with the district's historic character.

Examples are shown throughout the manual - things to do, things ***not*** to do, and things to consider. Understanding the guidelines presented in this manual should give you confidence to design your own sign - and to create a sign that complements the historic setting of the district as well as one that expresses the unique image inherent in your business.



Village of Sackets Harbor Historic District.

PART 1: UNDERSTANDING THE SITE

Site Context: Where do I Fit In?

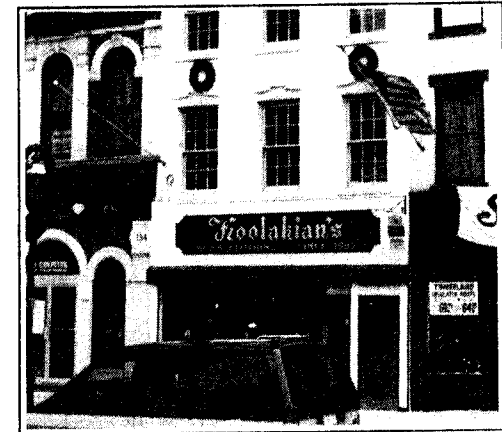
The purpose of signage is to attract and inform people. For the sign to be effective it must **communicate a clear message**, telling people where you are, what you are, and why they should come in and see for themselves.

But for a sign to attract people into your establishment, you first need them to come into the district. The historic character of Sackets Harbor is one thing that sets it

apart from countless other places - it is what makes it unique. Preserving this character benefits everybody - and it is everybody's responsibility to see that it is preserved.

Your sign is just one element in a whole streetscape full of things to look at. For your sign to work you must think about how it will fit into that streetscape. You must consider the overall setting in which the sign will be placed - the **physical context** of the street and surrounding neighborhood. Signs that look "out of place" usually don't succeed, they only help create a cluttered landscape in which no clear message is communicated.

In the Historic District, attention to context is especially important. The Historic District is special because it has a unique character or "feel." If signs disrupt or detract from the special character of the historic district, everyone in the district suffers, because it becomes a less attractive and less meaningful place to be.



Signs that fit the setting add to the historic character of the district.



Signs that do not fit the setting detract from the district's historic character.

Tuning in to the Historic District

The Sackets Harbor Historic District has a distinctive character that makes it a unique and special place. To design signs that are effective and appropriate, it is necessary to understand the district's particular characteristics, and to see how those characteristics raise issues important to sign design.

Characteristic 1: *The District is Pedestrian Scaled.*

Like most other historic districts, the Sackets Harbor Historic District is oriented to pedestrians and slow moving vehicles. The rich architectural detail of old buildings is meant to be appreciated from close at hand. Streets are narrow, and buildings are close together. Buildings are set fronting directly onto the sidewalk, with storefronts and broad window displays providing an interesting and pedestrian-friendly environment.

Design Issue 1: *Signs in the district will be viewed from up close, which means they need not be large to be effective.*

Characteristic 2: *Materials and Colors are Subdued and Traditional.*

Dominant building materials found in the district are brick, stone, and clapboard. Colors are subdued, with the reds and grays of brick and stone complemented by beige, white, and blue painted surfaces. Signs should reflect these traditional colors and materials.

Design Issue 2: *Flashy or trendy colors may conflict with the overall historic image of the district.*

Characteristic 3: *District Shows Unity and Diversity.*

Buildings in the district share much in common. They are mostly one to three stories tall, of Federal style, Greek Revival, or Italianate design, and are set fronting directly onto the sidewalk. But within this unified framework is a great amount of diversity. Each building is different, and each has its own personality. The array of signs found in the district should be similarly diverse.

Design Issue 3: *Though all signs should follow the same design guidelines, they shouldn't all look alike.*



Sackets Harbor Historic District is characterized by its pedestrian scale, traditional materials and colors, and a diverse assortment of buildings linked by a common historical and physical framework.

PART 2: DETERMINING SIGN TYPE AND PLACEMENT

Sign Placement: What Kind of Sign Should I Use?

There are many types of signs, each best suited to a particular situation. A good sign always fits into its setting well - it appears to **belong** as part of the building and street. The following pages outline several basic types of signs and discuss the situations when each type is most effective.

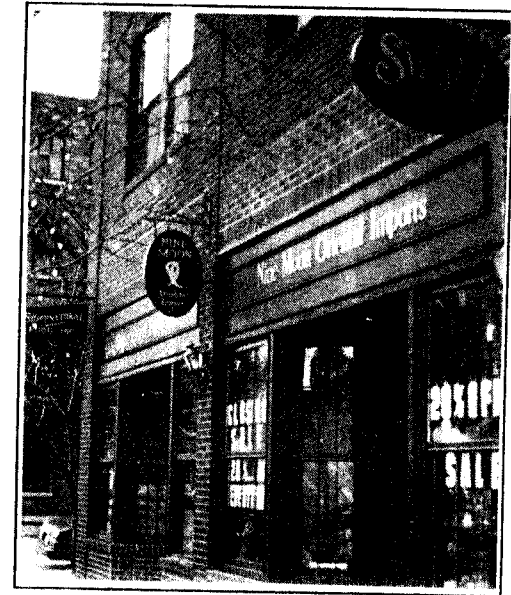


In selecting the right type of sign, and placing it appropriately, it is helpful to remember these three considerations:

1. Consider the Viewer: A sign should be placed so that the person you **want** to see it **can** see it easily. In the Sackets Harbor Historic District your potential customers are pedestrians and people in slow-moving cars. This means that signs should be placed close to eye level, and should not be excessively tall or large.

2. Consider the Street: Your sign should be coordinated with neighboring signs, so that viewers get a single clear overall "image" of the district. No sign should overtly compete for attention or dominate the overall view.

3. Consider Your Building: Your sign should look like it's a logical component of your building's design. One sign does not fit all. A sign which works perfectly well on one building may look terribly out of place on another. Most commercial build-



Signs that are coordinated contribute to an overall image for a district.

ings have a "signable area" - a continuous flat wall surface where a sign can be placed without interfering with doors, windows, or other architectural features of the building. If possible, your sign should be designed to fit this signable area.



Wall Signs

When Should I Use a Wall Sign?

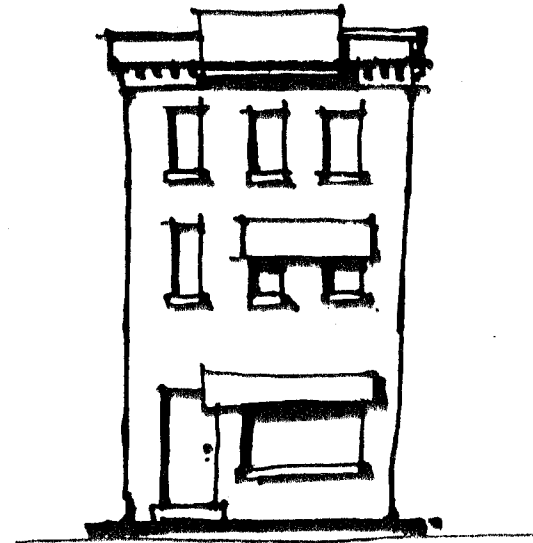
The most common type of commercial sign is a flush-mounted sign - one which is attached flat to a building's surface. In many types of historic commercial buildings, a place for a sign is built into the original facade design. Often this occurs in a frieze or lintel above storefront windows or somewhere below second floor windows. If such a natural location for a sign is part of your building's architectural design, you should use it.



Well-designed wall signs appear as a logical component of the building's design.

Guidelines for the Placement of Wall Signs:

- Must extend no more than 12" from building surface.
- Must not cover second story windows, storefront windows, or obscure any architectural details or features.
- Must not be affixed to any parapet, cornice, or trim.
- Must not extend above the roofline or beyond ends of the wall to which it is affixed.



Signs should not obscure windows, cornice, or architectural details.



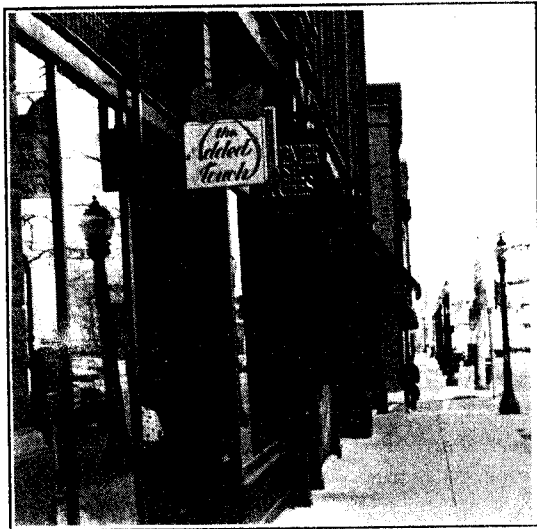
In many buildings, a logical place for a sign is built into the facade design. Examples of this "signable area" are shown here in block.



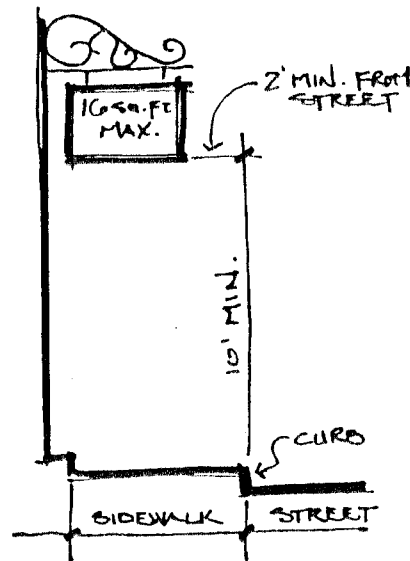
Projecting Signs

When Should I Use a Projecting Sign?

Projecting signs are a suitable choice when the attention of slow-moving cars and pedestrians is desired, or when your building doesn't have a good place to put a flush-mounted sign. Since projecting signs are meant to be read from close up, more detail can be used in their design. They are especially effective when coordinated with adjacent signs to form a unified street of similarly styled and proportioned projecting signs.



Shape and design style of projecting signs can vary while still maintaining the rhythm of a harmonious street.



Guidelines for the Placement of Projecting Signs:

- Must project no more than 5' from building face and extend no closer than 2' from the curbline.
- Must not extend into vehicle traffic areas, such as parking lots or driveways.
- Must be at least 10' above pedestrian traffic areas at their lowest point.
- The total surface area must not exceed 16 sq. ft. (each side).
- Typically only one (1) projecting sign is allowed per business. Exceptions can be made where a business has more than one customer entrance or faces onto more than one public right-of-way.

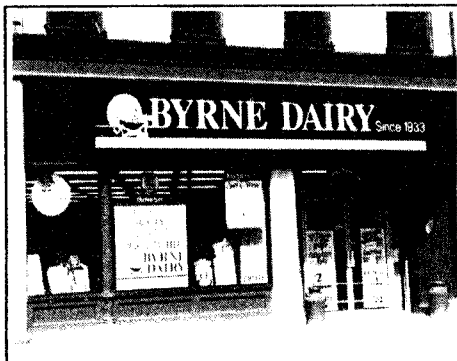


Window and Door Signs

When Should I Use Window and Door Signs?

Window and door signs are most effective at drawing the attention of nearby pedestrians, who may have a poor view of a flush-mounted sign. They are particularly useful when awnings prevent placing signs in the area above storefront windows. They can appear as letters stenciled onto glass or as self-contained signs which are placed inside a display window or door. Whichever method is used, be careful not to obscure merchandise displays in the window.

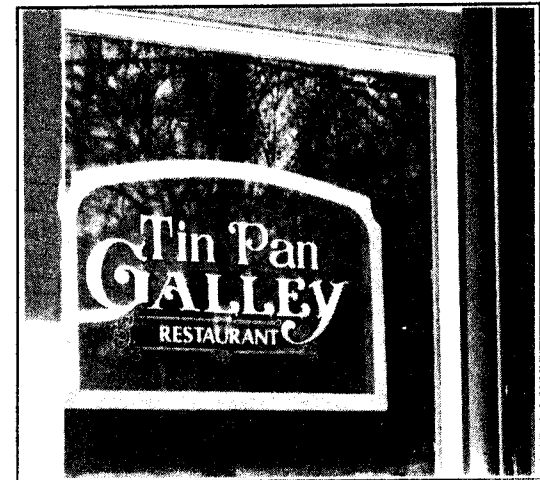
While these types of signs may technically be inside a building, they are nonetheless a visible part of the public streetscape. For this reason it is important that permanently-affixed window and door signs meet the same standards of design and workmanship as all other types of signs.



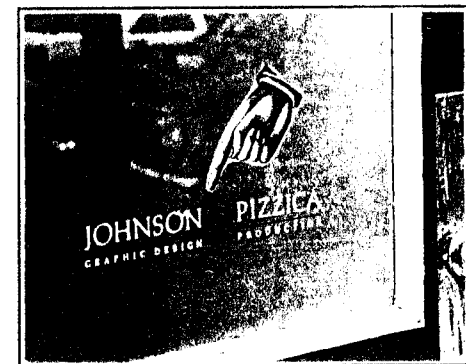
Too many window signs can be confusing, and can obscure the view from the sidewalk into the store.

Guidelines for the Placement of Window and Door Signs:

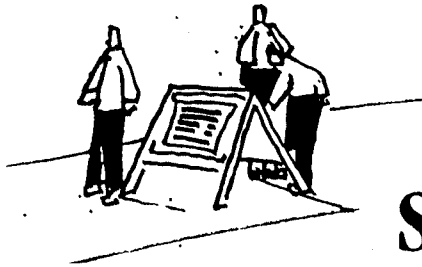
- Must not occupy more than 30% of the total area of first floor windows or doors, so as not to obscure interior of retail businesses.
- An overabundance of window and door signs can become distracting, confusing, or redundant. No more than two (2) signs are recommended per window or door, and no more than two (2) total per business.



Window signs can be signs hung inside the window as well as painted on the glass itself.



Window and door signs should be designed to be read by nearby pedestrians.



Sidewalk Signs

When Should I Use a Sidewalk Sign?

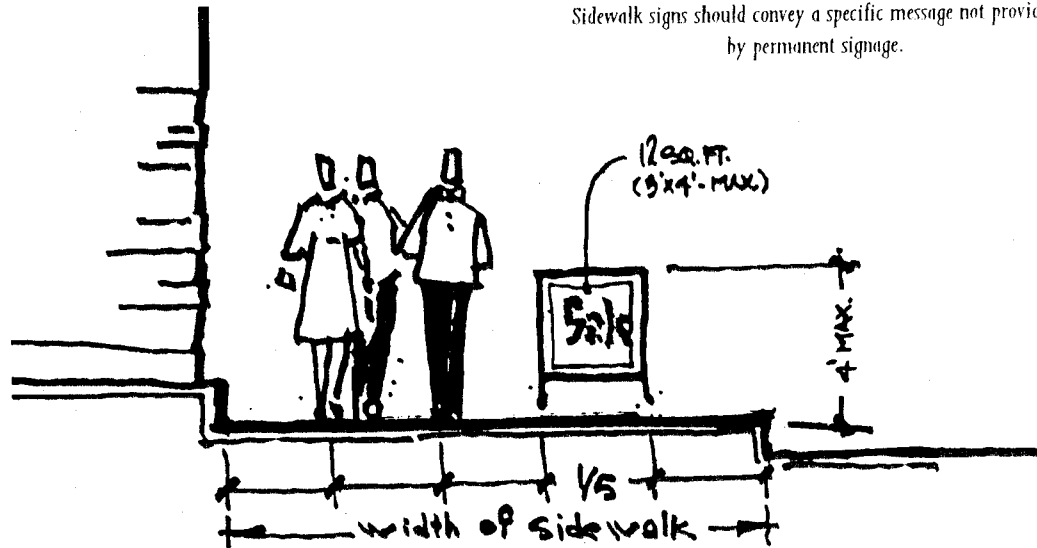
A business which relies primarily on spontaneous pedestrian traffic, such as a restaurant or tavern, may consider using a sidewalk sign. Sidewalk signs can be an effective supplement to permanent signage and can be an exciting addition to an historic district's streetscape. Sidewalk signs are most effective when they communicate a specific message or information that is not found in permanent signage. Lunch menus, special sales, or promotional events are examples of information which can be effectively conveyed with a sidewalk sign. Businesses wishing to use this type of signage should coordinate with each other. Too many sidewalk signs in one area tends to cancel each other out, and diminish the effectiveness of any one sign.

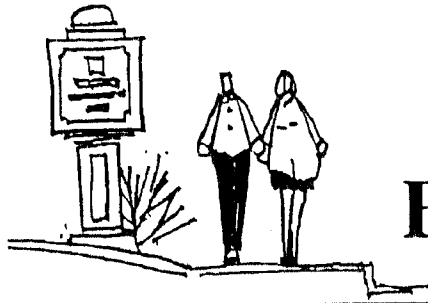
Guidelines for the Placement of Sidewalk Signs:

- Must stand no higher than 4' off the ground, and must have a surface area no greater than 12 sq. ft. (per side).
- Must be removed from the street after business hours.
- Must not obstruct pedestrian traffic more than 20% of the width of any pedestrian right-of-way.
- Wheels on signs are not permitted.



Sidewalk signs should convey a specific message not provided by permanent signage.





Freestanding Signs

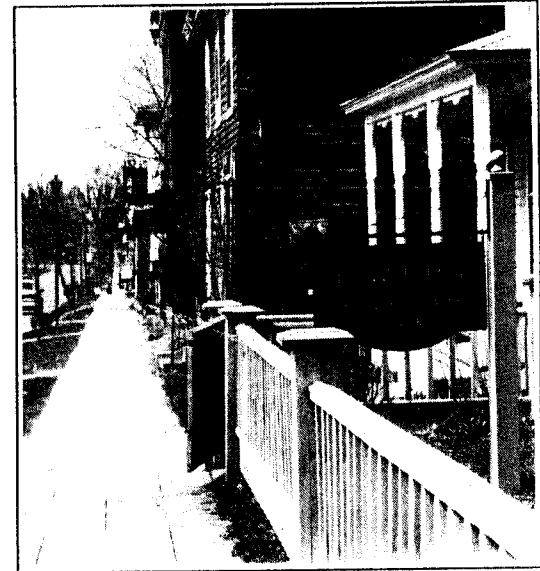
When Should I Use a Freestanding Sign?

Where the architectural design or setting of your building will not easily accommodate flush or projecting signs, a freestanding sign may be the best choice. This is commonly true of residential buildings which have been adapted to a commercial purpose, where a flush sign cannot be attached without damaging the integrity or character of the original facade. Freestanding signs are also useful where a large setback separates a building from the street, and signs mounted on the building's surface may be too far away to be read easily.

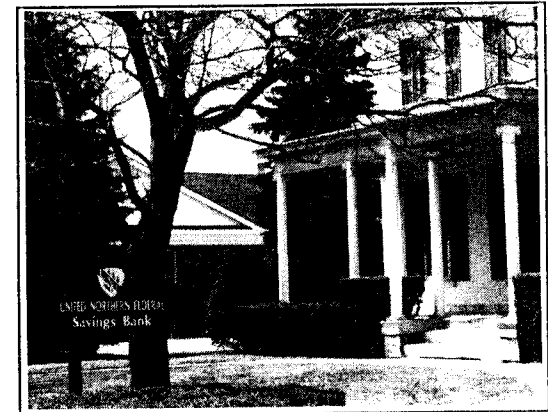
Though not as much a part of a building's architecture as signs that are actually attached to a building's facade, freestanding signs must nevertheless bear the same complementary relationship with their building as other types of signs. Materials, style and placement of the sign should establish a clear aesthetic and physical relationship between the sign and the building to which it is related.

Guidelines for the Placement of Freestanding Signs:

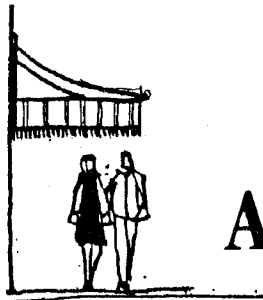
- Must not extend beyond property line or into any public right-of-way or be a visual obstruction to motorists or pedestrians.
- Should be placed where they can be easily seen, usually near the sidewalk.
- Should not obscure the building.
- Should not exceed 16 sq.ft. in area (smaller is usually sufficient), or exceed six feet in height.



Where a building is set back from the street, a freestanding sign placed near the sidewalk can be an effective attention getter.



Freestanding signs need not be large to be effective.

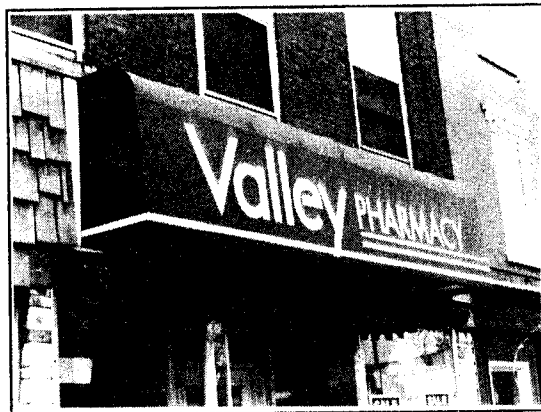


Awning Signs

When Should I Use an Awning Sign?

Awning signs can be a welcome addition to any streetscape. As well as providing an opportunity for signage, awnings provide shade and shelter and add to the diversity and visual texture of the street. They can also be an important component of a building's overall color scheme

Awning signs can be effectively used in conjunction other types of signs, such as flush-mounted or window signs, or they can be used alone. In all cases the information conveyed on awning signs should be simple, brief and should include no more than two of the following items: name of business, slogan, and street address.



Contemporary-style awnings often look out of place in the historic district.

Guidelines for the Placement of Awning Signs:

- The bottom of the awning must be at least 7'-6" above the sidewalk.
- The awning should be placed with a direct relationship to windows and/or doors on the building facade.
- Lettering should only appear on the valence of the awning, as lettering on the canopy is sometimes hard to read from pedestrian eye-level.



Top: Words and graphics printed on the awning canopy are sometimes hard to read from eye level.

Bottom: Words should be printed on the valence of the awning. Awning does not interfere with architectural detail.





Multiple Signs

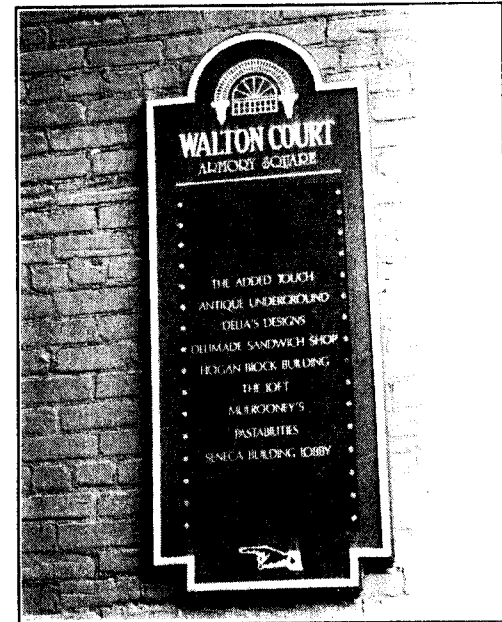
When Should I Use a Multiple Sign?

A multiple sign is a number of signs clustered together into a single group, and sharing a common heading. It can be wall-mounted, projecting, or free standing. Multiple signs are most often used to advertise several occupants in a single building or complex of buildings. When advertising a single building, multiple signs are usually best if wall-mounted. When advertising a complex of buildings, or one building which is set back from the street, a free standing multiple sign may be best.

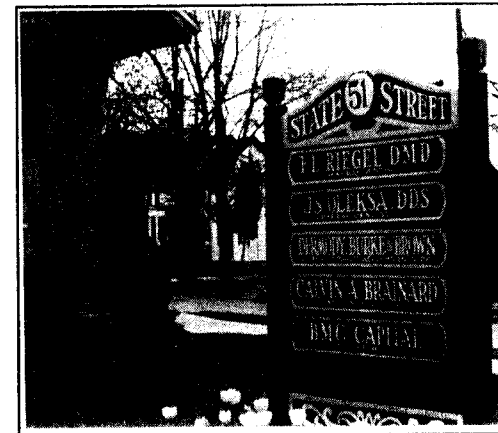
The most important issue regarding multiple signs is uniformity of design. All parts of a multiple sign must be fully integrated into an overall design. This can be done in many ways. For instance, each individual sign in the group could have the same shape, color, and lettering style. There is room for diversity, however. If one occupant of the building or group of buildings has an overriding importance, it may be advantageous to distinguish that part of the sign in some way, by making it larger than the rest or giving it a distinctive design treatment.

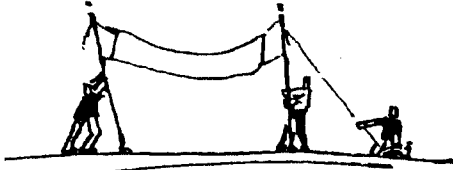
Guidelines for the Placement of Multiple Signs:

- Must meet the same design guidelines as other signs of its type (i.e., wall mounted, projecting, freestanding, etc.).
- Should be placed as close to eye level as possible.



Multiple signs unify several individual signs with a single design style and presentation.





Temporary Signs

When Should I Use a Temporary Sign?

Temporary signs can be used to advertise sales and promotional events or as part of seasonal holiday displays. If designed thoughtfully they can become an exciting part of the visual environment, adding interest to the streetscape and symbolizing a district's activity and vitality.

Because they are not intended to remain in place for long periods of time, the choice of materials and design style of temporary signage is more flexible. Paper, cloth, and even plastic may be suitable. But temporary signs must maintain the same compatibility with its setting that permanent signage exhibits. Temporary signage, because it is new and special, will by its nature attract attention, and will contribute in a large way to the image a district - and your business - projects.



This temporary sign works well - it doesn't obscure permanent signs or views into the store.

Guidelines for the Placement of Temporary Signs:

- must not impair pedestrian or vehicle traffic or visibility in any way.
- should not exceed 10 sq. ft. in area
- should not obstruct views into store.
- should not obscure permanent signs.

Landmark Signs



Thoughtful common sense should be used when applying modern guidelines to historic signage. Historic signs which do not conform to modern parameters may be permitted to remain, especially if they form an integral part of an historic district's identity.

Historic signage is every bit as important to the historic integrity of a district as architecture. Signs can be landmarks, taking on their own particular historic significance by being a prominent contributor to the character and identity of an entire district. Wherever historic signage exists it should be preserved in its original condition, or restored.

PART 3: DEVELOPING AN APPROPRIATE DESIGN

The Goals of Sign Design

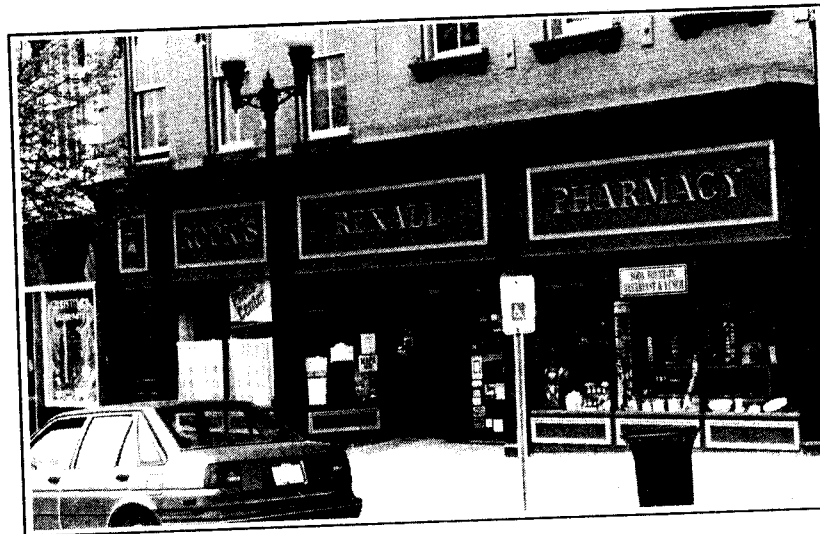
Choosing the most appropriate type of sign, and the most appropriate location for the sign, are the essential first steps in developing effective signage. Just as important, however, is the specific design of the sign itself. In order for your sign to be an effective advertisement for both your business and the historic district as a whole, your sign must convey a clear message, and it must be compatible with the character of the building and district.

Goals of Sign Design in the Historic District:

1. Convey a positive message.
2. Contribute to the historic character of the setting.

Signs Create an Image

A sign creates a public image for the business it advertises, and it is an image that can be carefully and deliberately controlled through design. If the sign is carefully designed with creativity and attention to detail the same qualities will be attributed to the business.



Good signs convey an effective message and are compatible with the historic setting.

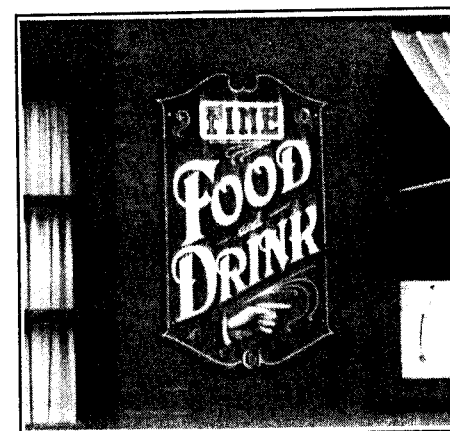
New Buildings in the Historic District

Where new buildings are present within the historic district, the same attention to context and "fit" applies. Any sign on a new building must relate in its placement and its design to the historic context of the district. Signs on new buildings should not detract from the historic character of the district.

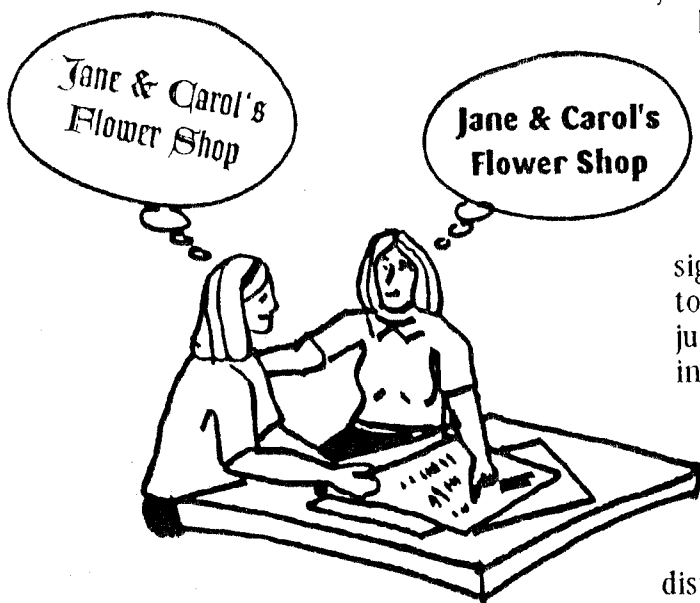
However, while new signs should harmonize with the historic setting, it is not appropriate to design "historic-style" signs for a new building. No building (whether new or old) should have signs that are of a style pre-dating that of the facade. A sign on a new building should appear as a logical component of the building's architecture. A contemporary-style sign is not necessarily out of place in the historic district - as long as it follows the same guidelines for good sign design.

**Period Signs:
Should my Sign Look
"Historic"?**

One approach to designing signs for the historic district is to follow historic precedents. It may be desirable to re-create signs which originally existed on site in the past, or to use historic signs as clues to what type of sign may be most compatible. Even if the use of a building has changed, it may be possible to use the same style of sign which was used historically.



Both contemporary-style and period-style signs can be appropriate for the historic district.



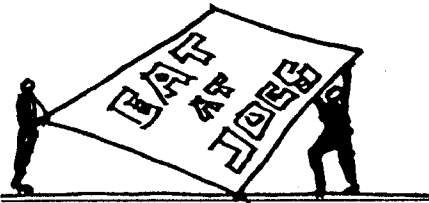
It is important to remember, however, that not all historic signs may be appropriate today. While respecting the value of historical authenticity, signage in historic districts must also respect today's aesthetic standards - standards which in many ways are different from the aesthetic standards prevalent in earlier times. Huge and crudely-made signs were not uncommon in historic American downtowns. Good judgement must prevail in determining which historic precedents we follow, and which we are wise to leave behind.

While "period-style" signs can fit wonderfully in an historic district, it is also possible to create

contemporary-style signs which are equally appropriate. Part of the success and appeal of Sackets Harbor is the modern adaptation of old places to new uses - adding a new layer of history on top of earlier layers of history. Creativity and diversity in sign design is encouraged since it reflects the uniqueness of each business in the district, as long as all signs are compatible with the historic setting.

Guidelines for Good Design

There are many aspects to designing a good sign. Guidelines for sign design here are discussed in terms of several common issues: size, lettering, message, color, lighting, and materials.



Size

What Should I Know About Sign Size?

- No one sign can be larger than 20 square feet in size per side. A building's "cumulative sign area" (all signs added together) is also regulated. The maximum cumulative sign area allowed is one (1) square foot per lineal foot of building frontage on a public street or alley. For corner lots or buildings with both alley and street frontage, each facade shall be treated separately (i.e., frontages may not be combined). The maximum amount of total sign area allowed per frontage is 50 square feet.
- Signs must not obscure important architectural details or features, such as transom lights, upper story windows, cornice, or trim. Each sign should "fit" gracefully into the architecture of the facade.
- The size of a sign should be guided by the "signable area" on the building facade. All signs should be in proportion to the space on the facade within which they will fit.
- Signs should be coordinated in height and proportion with those on neighboring buildings, to project a unified and harmonious streetscape.



Signs should be coordinated in height and proportion with those on neighboring buildings



Overly large signs are usually out of scale for the historic district - they should only be used where the attention of fast-moving vehicle traffic is necessary.



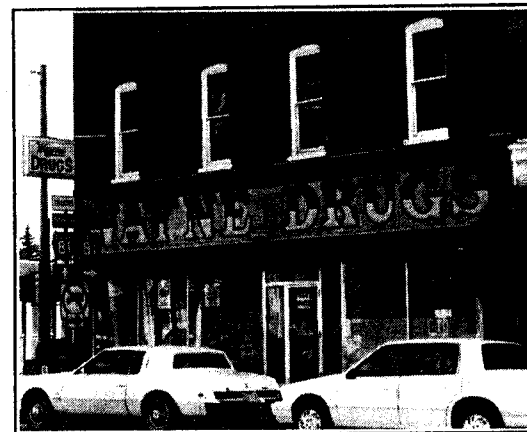
Signs that are out of proportion to the architecture or not coordinated with other signs often look out of place.



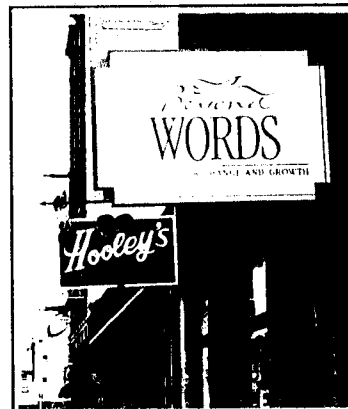
Lettering

What Should I Know About Sign Lettering?

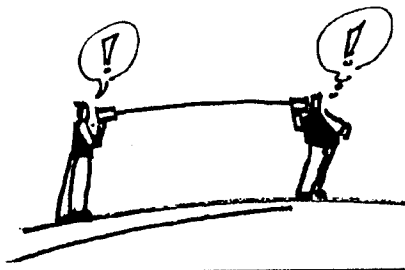
- Lettering should be clear and easy to read.
- Be sure that the lettering style chosen is in character with the product or service offered. A poor choice of style can detract from the image of your business.
- The style of the lettering should complement the style and period of the building on which they appear. On buildings which feature fine architectural detailing, for instance, lettering should not be big and blocky.
- No more than two different lettering styles should be used on the same sign.
- Leave white space. No more than 60% of the total area of the sign should be occupied by lettering.



Multi-colored lettering is often hard to read. For best legibility maintain an even contrast between letters and background.



The style of lettering should be in character with the product or service offered, and should reinforce the image of your business that you would like the public to have.

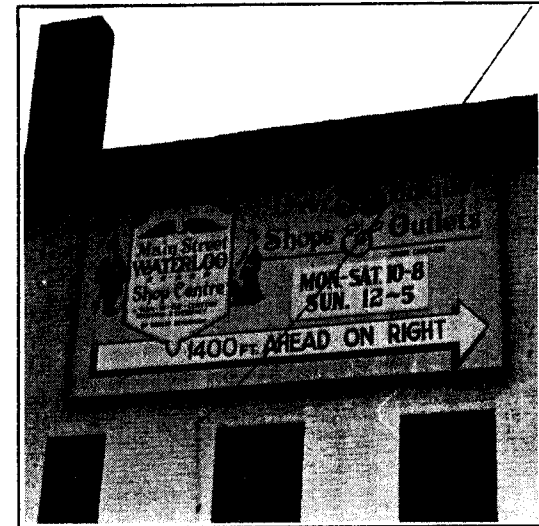


Message

What Should I Know About Sign Message?

- The information communicated by a sign should be simple and brief. The message should be easily and quickly understood by the viewer. Generally, the fewer words the better.
- One way to help assure the message is clear is to establish a clear hierarchy for the sign's lettering. The most important information (such as the name of the business) should be the largest lettering, secondary information (such as the service provided) should be in a clearly smaller size, and additional information (such as street address) should be noticeably smaller still.
- Symbols, logos, or illustrations can greatly improve a sign's ability to convey a message, and can reduce the number of necessary words. Signs are often the most effective and memorable when they utilize these graphic elements.
- Correct spelling and grammar are absolutely essential. The use of faux-historic words or spellings such as "olde," "ye," or "shoppe" is not preferred.
- Humor and pun are effective tools in conveying a message quickly. However, be careful to avoid ambiguous or confusing wordings, and certainly avoid any wordings that could be construed as offensive.

Note: The message guidelines provided here are suggestions only, since the regulation of sign content is largely beyond the scope of municipal regulations.



Long messages are confusing.



Graphics help convey a message. Keep message simple and brief.

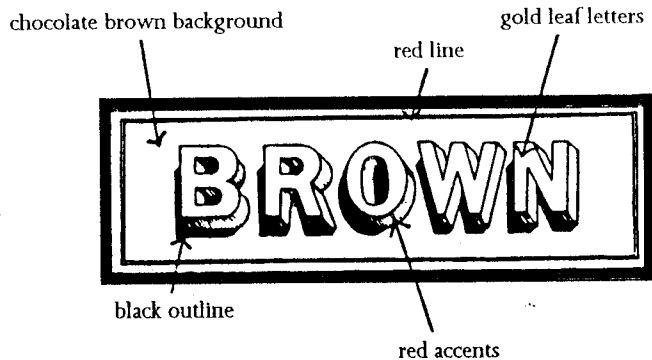


Color

What Should I Know About Sign Color?

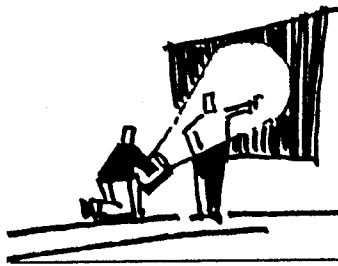
- The colors used in signs should complement the colors of the building and the style of architecture. Colors should contrast without clashing.
- Generally no more than three colors should be used on any one sign - one color for the background, one for the lettering, and a third for accents and highlights. More colors can be used when they are part of an illustration.

- As a guideline for choosing colors, ty signs in an historic district often have a dark background with light letters. Examples of traditional background colors include burgundy red, forest green, chocolate brown, black, charcoal, and navy blue. Traditional colors for lettering include white, ivory, and gold.
- Fluorescent colors are prohibited.



Sample Color Schemes for Historic Signs		
Background	Lettering	Accent Colors
Black	Gold leaf, white, red, blue, green, cream, straw yellow	White, red, green, gold leaf, blue, dark yellow
Navy blue	White, red	Black, white, straw yellow, gold leaf
Gray	Navy blue, black	White, red
Emerald Green	Gold leaf, white, red	White, gold leaf, black
Brown	Gold leaf, light blue	Red, white
Cream	Navy blue, red	Black
Red	Gold leaf, white, mustard yellow	Black
Mustard Yellow	Navy blue, red	Red, black

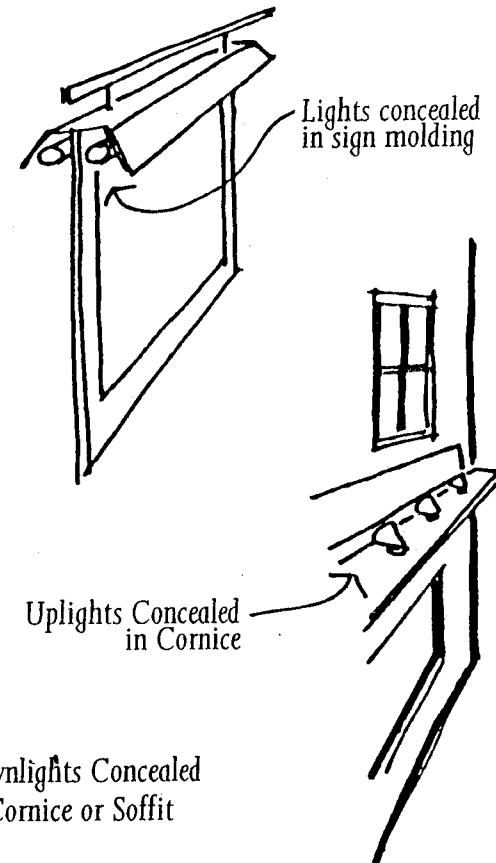
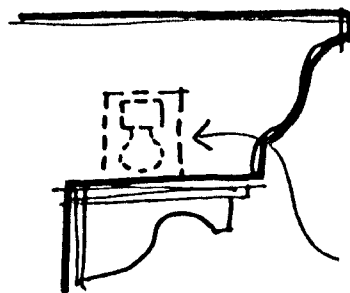
(chart and diagram at left from the *Lowell Sign Book*)



Lighting

What Should I Know About Sign Lighting?

- The type of lighting that is most appropriate to historic districts is direct illumination from a shielded light source. Light should be contained within the sign frame and should not spill over onto other parts of the building or site.
- No sign shall be illuminated between the hours of 11 pm and 6 am, unless the premises on which it is located is open for business.
- Internal illumination is generally out-of-character for historic districts, and should not be allowed. An exception is neon lighting, which is permitted (see page 20). In addition, fluorescent bulbs may be used to illuminate the interior of display cases. Flashing or moving lights are not permitted.
- Where possible, light fixtures should be concealed in a cornice, eave, or soffit molding.
- No sign should be illuminated in a way that adversely affects motorists, pedestrians, or neighboring properties.



Recommended Techniques for Sign Lighting



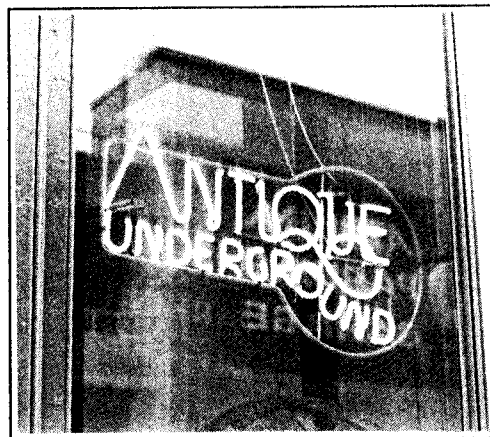
Materials

What Should I Know About Sign Materials?

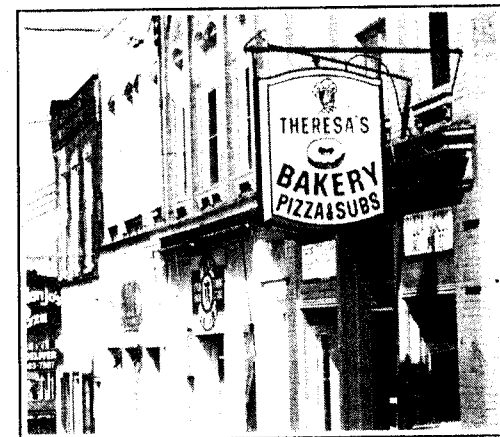
- Sign materials should complement the original construction materials and style of the building facade on which they appear. For this reason, wood and metal are generally more appropriate than plastic or vinyl. Internally lit plastic signs are out of context with the period and style of historic buildings and are often the most offensive kinds of signage in historic districts.
- Neon signs can be acceptable if carefully designed with shapes and colors that complement the architecture of the building and site context. No more than one neon sign is allowed per business. Maximum size for neon signs is three square feet.
- Signs should be attached to a building's facade only in a manner which does not cause permanent damage to historic materials.
- Signs must be kept in good repair at all times. Materials should have finishes that are durable and weatherproof and require as little maintenance as possible.



Wood and metal are the most appropriate materials for signs in the historic district.



Neon signs are acceptable.



Internally-lit plastic signs are not.

Work Sheet: Design of Commercial Signs

This work sheet accompanies the Guidelines for Quality Sign Design. It presents a summary of the decision-making process for designing commercial signs in the Historic District. The work sheet also provides a record of this process that will be useful to the planning board as they review sign applications.

Part 1: Understanding the Site

When designing a sign it is important to consider the setting in which it will be placed. How will the new sign fit in with the physical context of the street and surrounding neighborhood? Will the sign contribute positively to the character of the street, or will the sign look out of place, creating confusion and clutter on the street? The following questions will help to identify existing patterns. By acknowledging these patterns new signs will strengthen visual interest and continuity along a street, and make it a more attractive place.

1. What is the predominant mode of travel along the street?
_____ pedestrians and slow moving cars
_____ cars moving at 20 - 30 mph
_____ cars moving 35 mph or faster
_____ other (describe) _____
2. What are the predominant building materials on the street?
_____ wood _____ brick
_____ stone _____ metal
_____ other (specify) _____
3. Describe the character of building colors on the street.
_____ subdued
_____ subdued with accent colors
_____ bright & flashy
_____ highly contrasting
_____ other (describe) _____
4. Describe the architectural character along the street.
_____ There is a high degree of consistency in style, height and size of buildings.
_____ There are a variety of styles; however, the building heights and sizes are similar.
_____ Extremely varied – there is little visual continuity between buildings.
5. What qualities contribute to a unique identity on the street?
_____ historic buildings
_____ a common historical theme
_____ pleasant pedestrian environment
_____ common architectural form
_____ other (explain) _____
6. What are the predominant sign types on adjacent buildings?
_____ Wall mounted signs _____ Projecting signs
_____ Window/door signs _____ Awning signs
_____ Free standing signs

Part 2: Determining Sign Type and Placement

Choosing the most appropriate type of sign and the best location for the sign are essential first steps. The relationship between the architecture and the sign is very important. The best way to determine the most appropriate type or types of signs and their placement is to begin with an examination of the building. A sign should look like it is a logical component of the building's design. Compatibility with surrounding signs is also important. When more than one sign type can be used on a building it is desirable to look at the signs on surrounding buildings to determine the most appropriate sign type and location. Common scenarios are suggested below, and recommended sign types are provided for each. Typically a building will fall into several of these categories, and you will be able to choose from several types of signs which may be appropriate.

1. Does your building have a clear "signable area" (a continuous flat wall surface where a sign can be placed without interfering with doors, windows, or other architectural features)?

_____ yes Where? _____

Recommendation: Use wall sign (p. 6)

_____ no

Recommendation: Use projecting sign (p. 7), window sign (p. 8), or awning sign (p. 11).

2. Where is the building in relationship to the street?

_____ Building is located along sidewalk, can be easily seen from street.

Recommendation: Use wall sign (p. 6), projecting sign (p. 7), window sign (p. 8), or awning sign (p. 11)

_____ Building is set back from the street.

Recommendation- Use freestanding (p. 10) or sidewalk sign (p. 9)

3. Does the building accommodate multiple businesses?

_____ yes *Recommendation: Consider using a multiple sign (p. 12), or coordinating with other businesses in location and design of other sign types.*

_____ no

4. What type(s) of sign have you decided to select?

_____ wall sign window/door sign
 _____ projecting sign awning sign
 _____ freestanding sign sidewalk sign

Why? (check all that apply)

_____ fits signable area of the building
 _____ building lacks a signable area
 _____ building is set back from the street
 _____ coordinates with other buildings on the street
 _____ to be visible to pedestrians and slow moving cars
 _____ to be visible to fast-moving cars
 _____ other (specify) _____

Part 3: Determining an Appropriate Design

A sign creates a public image for the business it advertises. This image can be carefully and deliberately controlled through design. In order for your sign to be an effective advertisement for both the business and the neighborhood district it should convey a clear message and it must be compatible with the character of the building and district. As you consider design decisions it would be useful to refer to the information that you recorded in Part 1 regarding the site context and character of the district.

1. Size:

How big will the sign be? Give dimensions.

_____ x _____ = _____ sq. ft. total sign area

What criteria influenced (determined) the size of the sign?

_____ signable area of the building

_____ zoning regulation

other _____

(Maximum cumulative signable area in the district is one (1) square foot per linear foot of building frontage or 50 sq. ft., whichever is less. No sign can be larger than 20 square feet per side. Make sure your sign does not exceed these limits.)

2. Lettering:

Indicate the lettering style selected _____

Or attach sample.

What criteria influenced the selection of the lettering style?

_____ legibility

_____ business image

_____ fits character or theme of district

3. Message:

How will the sign be worded? Transcribe the message as it will appear on the sign.

4. Color:

What colors will be used? Attach samples, if possible.

words _____

background _____

border/trim _____

other _____

Colors were selected (check all that apply):

_____ to complement building color

_____ to complement other colors on the street

_____ to reflect services/goods offered

_____ to assure legibility

other _____

5. Lighting:

Will the sign be lighted? _____ yes _____ no

What kind of lighting will be used?

6. Materials:

What materials have you selected for the sign?

_____ wood _____ metal _____ neon

==masonry other (specify) _____

Why did you select these materials?

_____ complements materials of building

_____ similar to other signs on street

_____ other (explain) _____

This manual has been financed in part with Federal funds from the National Park Service, Department of the Interior, and administered through the Certified Local Government program of the New York State Office of Parks, Recreation, and Historic Preservation. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior nor of New York State.

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APPENDIX IV - GENERAL GUIDELINES

A. FRONTAGE TYPES (Article IV, section 4-2)

TABLE 3: FRONTAGE TYPE DESCRIPTIONS

	SECTION	PLAN
<p>a. Common Yard: a planted frontage where the facade is set back substantially from the frontage line. The resulting front yard can be defined or undefined at the frontage line. This edge is typically defined by fence or hedge within a traditional neighborhood or left undefined within more rural areas or subdivisions. Large common lawns are typical for larger homes within historic neighborhoods. A front porch is optional.</p>		
<p>b. Porch & Fence: a planted frontage where the facade is set back from the frontage line with an attached porch permitted to encroach into the front setback area. The resulting front yard is typically small and can be defined by a fence or hedge.</p>		
<p>c. Stoop: a frontage where the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.</p>		
<p>d. Forecourt: a frontage where the main facade of the building is at or near the frontage line and a small percentage of it is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area.</p>		
<p>e. Shopfront & Awning: a frontage where the facade is aligned close to the frontage line and the canopy or awning element may overhang the sidewalk. The canopy is a structural, cantilevered, shed roof and is often retractable. The coverings should extend far enough from the building to provide adequate protection for pedestrians.</p>		

B. GUIDELINES FOR THE RC DISTRICT (Article IV, section 4-5)

1. Allowable Development Forms

- a. Within the RC District, developments of more than three new building lots shall normally be designed as Conservation Subdivisions, as provided in Article V, except as otherwise permitted by Article V. Developments of three or fewer new building lots shall either comply with the RC dimensional standards in Table 2 or be designed as Conservation Subdivisions, at the applicant's election. As provided in Article V, the developed portions of larger developments shall comply with the standards for the VR district in Table 2.
- b. For purposes of determining the number of new building lots allowed under subsection (1) above, all building lots created after the effective date of this law shall be deemed to be new building lots. The "parent parcel" from which three lots have been subdivided may be further subdivided only as provided in Article V.

- c. Existing lots that do not comply with the requirements for the RC District in Table 2 are subject to the nonconforming lot provisions in section 6-4.

2. Rural Design Guidelines

In the RC District, the following guidelines shall apply to the extent practical.

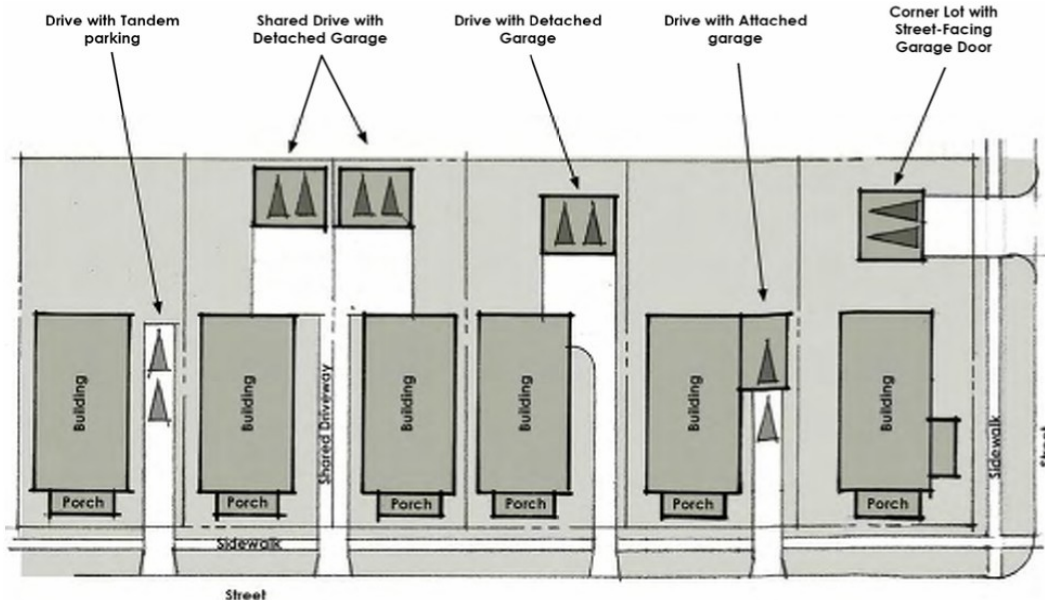
- a. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)
- b. Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
- c. Avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas.
- d. Use existing vegetation and topography to buffer and screen new buildings if possible, unless they are designed and located close to the road in the manner historically found in the Village. Group buildings in clusters or tuck them behind treelines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.
- e. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
- f. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
- g. Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walkout basements, garages under buildings), rather than grading the entire site flat.
- h. Septic systems and leach fields are prohibited.

C. GUIDELINES FOR PARKING AREAS (Article IV, section 4-6)

1. Location and Screening

- a. All off-street parking shall be located behind or to the side of the principal building, except as provided in subsection b. below. The Planning Board may modify or waive this requirement in PDD Districts only. Parking spaces located in a side yard shall, if possible, be screened from public view. Adjoining parking areas shall be connected directly to one another or to a service road or alley wherever feasible to reduce turning movements onto roads.
- b. Within any District, parking may be located anywhere on the site if it is screened from public streets and adjoining properties, or if it is part of a commercial development which is not visible from any public road, public recreation area, public building, or residential property.

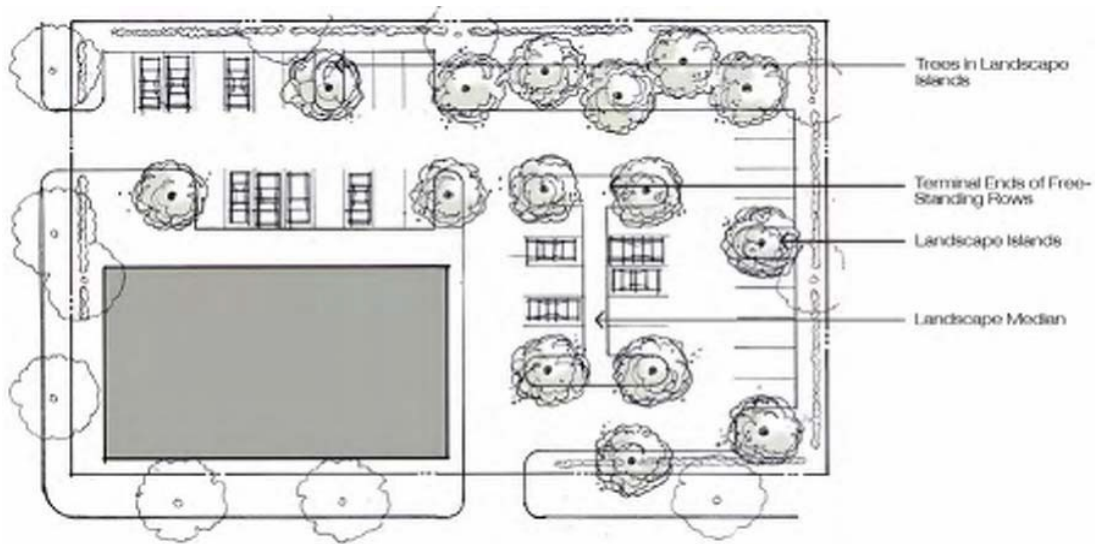
ILLUSTRATION 1: RECOMMENDED RESIDENTIAL PARKING ALTERNATIVES WITHOUT ALLEYS



2. Landscaping

Parking areas shall be designed and landscaped to avoid long, uninterrupted rows of vehicles by breaking them into separate parking areas divided by landscape islands, tree lines, pedestrian areas, or buildings. Landscape islands shall occur at the terminal ends of any freestanding rows or bays of parking. Freestanding rows or bays of parking are those that are not abutting the parking lot perimeter, and can have a single or double row of parking. See Illustration 2. No more than 11 continuous parking spaces shall be created in a row without separation by a landscape island. Landscape islands shall be formed by curb, with a 10 foot minimum width from back of curb to back of curb. A minimum of one indigenous tree and a combination of shrubs and/or ground cover should be planted in each landscaped island. The minimum size shade tree shall be four-inch caliper and 15 to 20 feet in height. Trees shall have a minimum branching height of six feet. Landscaping in parking lot interiors and at entries should not obstruct a driver's clear sight lines to oncoming traffic.

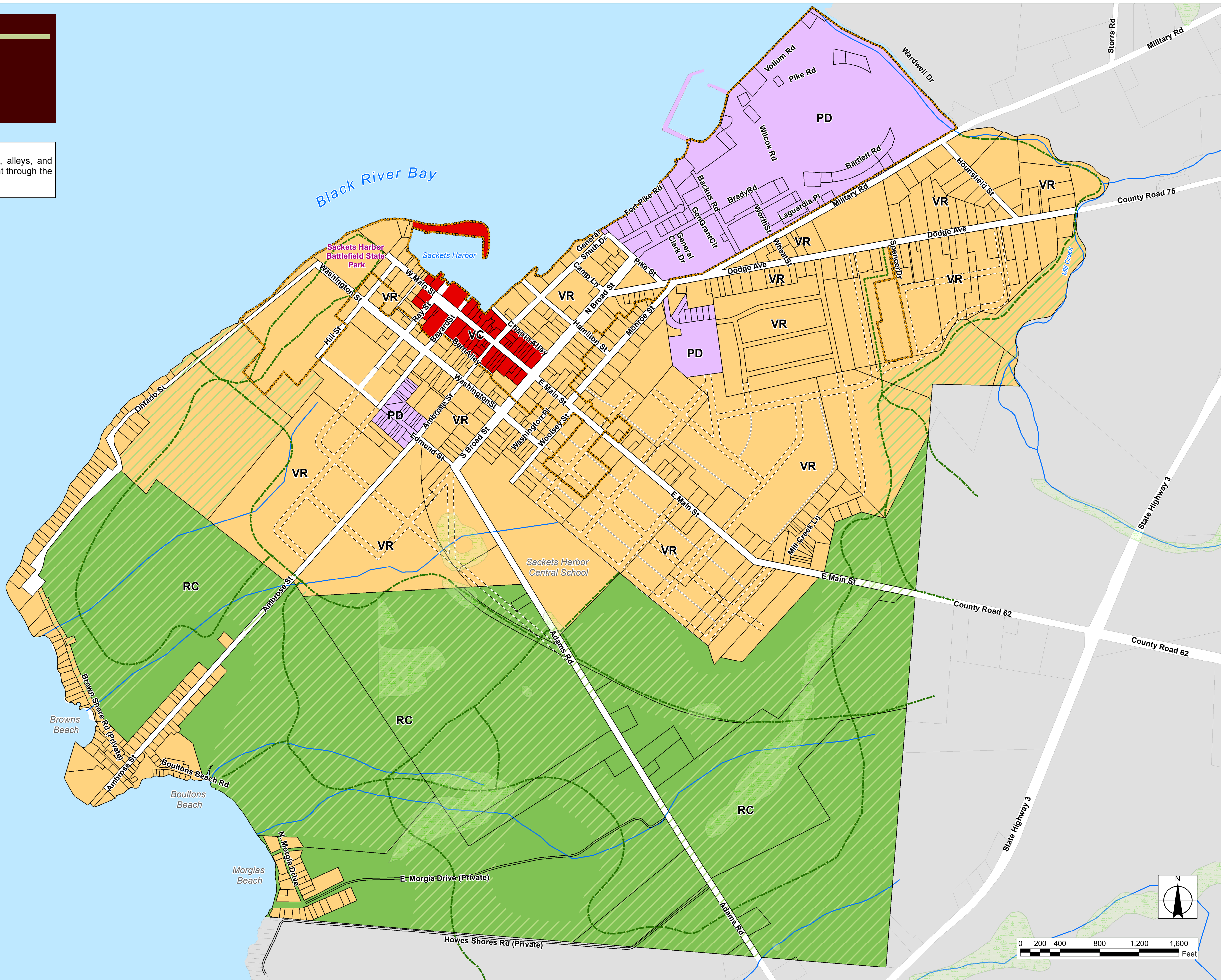
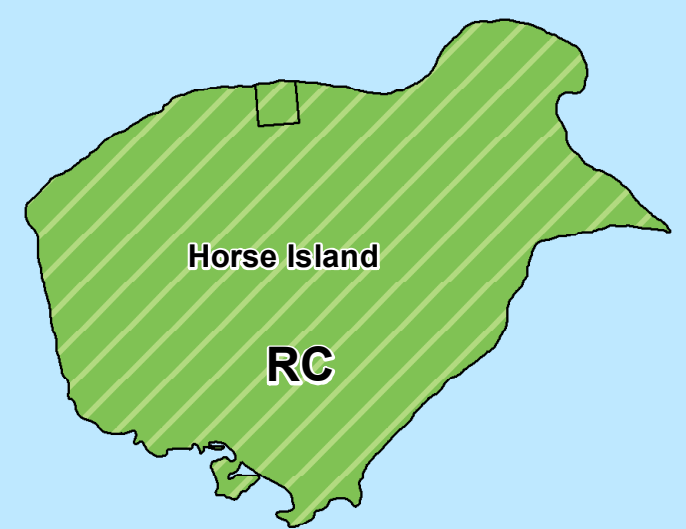
ILLUSTRATION 2: RECOMMENDED PARKING LOT LANDSCAPING



3. Non-conforming parking lots shall be brought into conformity with this subsection G to the extent practical whenever a Site Plan or Special Permit application is filed for an expansion or change of the use.

VILLAGE OF SACKETS HARBOR
 Zoning Law
Zoning Map
 June 10, 2014

Note:
 The location and layout of the recommended greenbelt, streets, alleys, and trails are illustrative in nature and subject to change and refinement through the subdivision process based on actual field conditions.



- Legend**
- Historic Overlay District
 - Village Center (VC) District
 - Village Residential (VR) District
 - Rural Conservation (RC) District
 - Existing Planned Development (PD) District
 - Recommended Greenbelt
 - Recommended Streets
 - Recommended Alleys
 - Recommended Trails
 - Village of Sackets Harbor Parcels
 - Open Water
 - NYSDEC Streams
 - NWI Wetlands
 - Town of Hounsfield Parcels

