**LAND USE LAW**

**FOR THE TOWN OF AMITY, NEW YORK**

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 **LAND USE LAW**

**FOR THE TOWN OF AMITY, NEW YORK**

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**LOCAL LAW #\_ - 2016''**

**LAND USE (SITE PLANNING) LAW**

**FOR THE TOWN OF AMITY, NEW YORK**

**CHAPTER 1: INTRODUCTION AND PURPOSE**

**1.1** The Town of Amity has determined that is is necessary t regulate certain aspects of land use in order to manage future development. The Town, respectful of the individual rights of its citizens, seeks to minimize any burden such regulations might impose.

**1.2** The purpose of these regulations is to maintain not only the rural appearance and physical

 character of the Town, but also its rural way of life, and social environment. This rural tradition is one in which landowners are free to use their property in any manner that does not harm their neighbors or the Town or region as a whole. The people of Amity desire to allow their town to evolve based upon the changing needs and circumstances they face, rather than upon a pre-determined plan of development.

**1.3** The town of Amity recognizes that almost any “use” of land can be made compatible with any other use of land and can be integrated into its surroundings if the size, scale, design, siting and operation of the use are appropriate. The Town wishes to encourage the growth of small-scale businesses that provide employment without adversely impacting environmental and community resources. The Town is concerned more with integrating development into the landscape than with comprehensively designating specific future uses of land.

**1.4** The following goals are intended to guide the application of the specific regulations contained in this document:

 **1.4-1** Strengthen the sense of community and improve communication within the Town.

 **1.4-2** Where possible, keep agriculture economically healthy.

 **1.4-3** Preserve open space.

 **1.4-4** Allow flexibility of uses without harming neighbors.

 **1.4-5** Encourage non-polluting small business and industry growth that provides year- round employment.

 **1.4-6** Maintain an economically diverse community with affordable housing.

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 **1.4-7** Protect the water quality of all water bodies within the Town and other important environmental resources, in accordance with DEC and Corps of Engineers regulations.

 **1.4-8** Balance the property rights of individuals with community interests, maintaining rural traditions of freedom of land use.

 **1.4-9** Increase citizen involvement in local government.

 **1.4-10** Keep the Town rural, with moderate growth.

 **1.4-11** Establish a flexible system to regulate development.

 **1.4-12** Improve the appearance of the Town.

**1.5** The Town has considered and rejected the idea of adopting a conventional zoning law to implement a physical plan of development. The Town finds that a zoning law based on use districts creates expectations of development and a static vision of the future that are not appropriate for a rural community. Zoning arbitrarily limits flexibility of land use without protecting a town's most important resources and character. The Town of Amity is a dynamic community, and desires to create a system that effectively manages change as it occurs.

**1.6** The purpose of this land use law is to provide a flexible framework for decision making that enables different land uses to coexist productively within the community. Unlike zoning, which seeks uniformity and separation of land use by districts, this land use law fosters and embraces integration and diversity. The economic and social vitality that results from the harmonious mixing of different activities and uses is at the core of the quality of life the Town seeks to preserve.

**1.7** This land use law therefore establishes a case-by-case site plan and special permit decision process to regulate land use changes. This decision process is governed by criteria applied by the Planning Board to specific applications of any construction or land uses regulated by this land use law, enabling an applicant, surrounding landowners and other interested citizens to work together cooperatively to resolve potential conflicts. The Planning Board's function is to oversee this cooperative process, resolve conflicts when parties are unable to do so and assure that the criteria established in this land use law is satisfied.

**1.8** This land use local law is enacted under the powers granted to towns under Article 2 of

 the Municipal Home Rule Law (MHRL). This land use law is not intended to be a zoning law as provided for in Sections 261 through 269 of the Town Law of New York state, although some of its provisions may govern matters similar to those covered by zoning. To the extent that any provisions in this land use law may be inconsistent with Sections 261 through 269 of the Town Law, it is the intent of the Town to supersede such provisions of the Town Law under the supersession provisions of Article 2 of the MHRL.

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**1.9** Because this land use law in not a zoning ordinance, has built-in flexibility, and does

 not restrict land use in a manner likely to cause unnecessary hardship or practical

 difficulties, it contains a provision for a separate Board of Appeals. Under the standards and purposes of this land use law, the Board of Appeals is empowered and

 shall be required to grant relief wherever necessary to avoid any unconstitutional

 intrusion upon the property rights of landowners. (See Section 8.3 for appeal procedure.)

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**CHAPTER 2: APPLICABILITY**

**This land use law is designed to have minimal impact on single-family or small-scale**

**business uses.** These activities are covered for the most part by the Building Code. Only

those areas identified in Section 2.1 will be reviewed in addition to Building Code requirements and approved by discretion of the town Code Enforcement Officer.

This law, however, requires Planning Board review of those uses, activities and construction

listed in Sections 2.2 and 2.3, which could have harmful impacts on neighbors or the Town. In addition to the requirements of this land use law, all requirements of the New York State Department of Environmental Conservation, the New York State Uniform Fire Prevention and Building Code as administered through the Town's Code Enforcement Officer, and other Town, County, State and Federal laws and regulations must also be satisfied. This law does not relieve the need for possible additional permits and/or requirements of the Building Code or any other laws or regulations.

**2.1 Low Impact Uses**

These uses include single-family dwellings, small-scale business uses that fall below

 the thresholds identified in Section 2.2 and commercial timber harvesting operations that will utilize public roads for removal of forest products.

 **2.1-1** Review may be conducted and approved by the Town's Building Inspector in conjunction with Building code review and will include but not be limited to

 such things as lot slope and drainage, distance from highway, distance from

 adjoining lands, driveway slope and access to highway, soil suitability for

 construction and erosion control.

 **2.1-2** The Town of Amity is concerned about the impact on public roads of timber

 harvesting operations. A Land Use Permit application for each separate timber

 harvesting that will utilize a public road for removal of forest products shall

 include the location and timing of the operation and be subject to review and

 approval of the Town Highway Superintendent.

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**2.2 Uses Allowed by “Site Plan Only” Approval**

The following activities and construction are subject to review of a Site Plan to Assure that they are appropriately planned. (See Chapter 5 for Site Plan Only review requirements and procedure).

 **2.2-1** Construction or enlargement of any structure for business or institutional

 purposes, containing 2,000 to 6,000 square fee of enclosed floor space. This

 shall include enlargement of an existing structure so that it exceeds the 2,000

 square foot threshold.

 **2.2-2** The use or occupancy of 5,000 to 15,000 square feet of land, whether or not

 within structures, for any business or institutional use. For purposes of this

 Chapter 2, “occupancy of land” shall refer to land that is being actively used

 or is being cleared, graded or otherwise altered for site preparation, operations,

 parking or other business or institutional purposes, and shall not refer to portions of a parcel left in a natural or undeveloped condition.

 **2.2-3** Multi-family dwellings in new buildings, up to a total of 5 dwelling units per

 project, at an overall density no greater than one unit per acre.

**2.3 Special Permit**

 The following uses and activities, because of their potential for disruption to neighbors, the environment or others in the community and region are permitted only

 upon the granting of a Special Permit. Any use or combination of uses covered by both Sections 2.2 and 2.3 shall require a Special Permit. (See Chapter 6 for Special

 Permit requirements and procedures.)

 **2.3-1** Solid Waste Management Facilities, as defined in NYCRR Part 360, Subparts

 360-2 through 360-14, shall require a Land Use Permit. They shall be reviewed under 6 NYCRR Part 617 (State Environmental Quality Review)

 and shall be screened with opaque fences, mature evergreen buffers, earthen

 berms or other barriers or enclosures which will render the materials and

 activities in the facilities invisible from public roads and adjacent properties. All Solid Waste Management Facilities require a special permit, which permit

 shall stipulate that the facilities shall be open for inspection at any time by the

 person or persons designated by the Town to monitor the facilities.

 **2.3-2** Any business or institution that collects or recycles refuse or hazardous sub-

 stances is subject to Special Permit requirements.

 **2.3-3** Construction or enlargement of any structure for business or institutional

 purposes containing over 6,000 square fee of enclosed floor space. This shall include enlargement of an existing structure so that it exceeds the 6,000 square foot threshold.

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 **2.3-4** The use or occupancy of more than 15,000 square feet of land, whether

 or not within structures, for any business or institutional use.

 **2.3-5** Construction of more than 5 units of multi-family housing, or of less than

 10 units at a density greater than one unit per acre.

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**CHAPTER 3: DIMENSIONAL STANDARDS**

**3.1 By-right Dimensional Standards**

(Note: These standards may all be varied by the Planning Board pursuant to

 Section 3.2). The Town wishes to provide for separation between adjoining buildings

 and uses to avoid disturbance and encroachment, and to protect public health and

 safety. In seeking to balance individual property rights with the need for individual

 privacy, it has established the following flexible dimensional standards. For protection from road noise, fumes and dust, there hall be a minimum setback of 20 feet from the right-of-way of the road. For privacy, the minimum setback from side lot lines shall be 15 feet and from rear lot lines, 25 feet. The minimum width of the lot at

 the front of the principal building shall be 80 feet. To assure road access, the minimum

 road access shall be 20 feet. In order to protect groundwater in the surrounding area, the minimum lot size with on-site well and septic systems shall be 2 acres.

**3.2 Modification of Dimensional Standards**

 **3.2-1** Any applicant for a Site Plan Only approval, Special Permit or Subdivision

 approval may request a modification of the Section 3.1 dimensional standards.

 Such a modification shall be approved if it satisfies applicable review criteria

 in Chapters 5 or 6 of this Land Use Law or the Land Subdivision Regulations,

 as appropriate.

 **3.2-2** Any applicant for a Building Permit or Land Use Permit for a use that is

 allowed by a right may file a Site Plan Only review application requesting

 a modification of the Section 3.1 dimensional standards. Such a modification

 shall be approved if it satisfies applicable review criteria in Chapter 5.

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**CHAPTER 4: SUPPLEMENTAL PROVISONS**

**4.1 Minimum Lot Sizes and Buildable Land Area on a Lot**

Notwithstanding any other provisions of this land use law, any building lot that

 requires a site plan or special use permit by this local law must contain a minimum

 area of a buildable land. Such buildable land must be contiguous, with a minimum

 dimension of 50 feet on all sides, and must be accessible by emergency vehicles

 from a public or private road. The minimum buildable area for lots containing

 on-site septic disposal systems or wells shall be 15,000 square feet; for lots connected

 to off-site septic or sewage disposal and water systems, the minimum shall be 2,500

 square feet. Areas covered by the setbacks specified in Chapter 3 may be included in

 the buildable area of a lot.

**4.2 Steep Slope Regulations**

 The Town finds that the alteration of steep slope areas pose potential risks of erosion,

 sedimentation and landslides. Accordingly, the following requirements are hereby

 imposed in areas with slopes exceeding fifteen percent (15%):

 **4.2-1** No approval of a Site Plan or special Permit that involves the disturbance

 of slopes greater than fifteen percent (15%) shall be granted unless conditions

 are attached to ensure that:

 a. Adequate erosion control and drainage measures will be in place so

 that erosion and sedimentation does not occur during or after

 construction (see Section 4.9).

 b. Cutting of trees, shrubs and other vegetation will be minimized,

 except in conjunction with logging operations performed pursuant

 to applicable guidelines of the New York State Department of

 Environmental Conversation.

 c. Safety hazards will not be created due to excessive road or driveway

 grades or due to potential subsidence, road washouts, landslides,

 flooding or avalanches.

 d. Proper engineering review of plans and construction activities will

 be conducted by the Town, at the applicant's expenses, to ensure

 compliance with this Section.

 e. No Certificate of Occupancy will be granted until all erosion

 control and drainage measures required pursuant to this Section

 have been satisfactorily completed.

 **4.2-2** No disturbance, including cutting of vegetation or construction of driveways,

 shall be permitted on any slope or thirty percent (30%) or greater, except as may be needed for foot trails and utility lines, and except in conjunction with

 logging operations performed pursuant to applicable guidelines of the New

 York State Department of Environmental conversation.

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 **4.2-3** Slope determinations shall be made based upon the topographic information

 required for a particular approval, along with such other topographic infor-

 mation as the Planning Board shall reasonably require or the applicant shall

 offer. In cases of uncertainty or dispute, an engineer retained by the Town,

 at the applicant's expense, shall determine the location of regulated slopes.

 For purposes of establishing steep slope areas, only contiguous sloped areas

 owned by the applicant containing at least 5,000 square feet of slopes over

 15% or 30% shall be considered.

**4.3 Protection of Agriculture from Potentially Incompatible Uses**

 **4.3-1** 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

 or letter of notification. This Subsection 4.4-3 may also be applied to any

 business or institutional development within the jurisdiction of the Planning

 Board which abuts agricultural land, at the discretion of the Planning

 Board.

 **4.3-2** Agricultural Buffers

 Wherever agricultural uses and other new uses unrelated to the agricultural operations, abut, buffers, if desired, shall be provided by the proponent of

 the non-agricultural use to reduce the exposure of the non-agricultural uses

 to reduce the exposure of the non-agricultural uses to odors, noise, and other potential nuisances related to the agricultural operation. Provision and

 maintenance of buffers shall be the responsibility of the proponent of the

 non-agricultural use, unless such use predates the agricultural use. Such buffers may consist of vegetative screening, woodlands, vegetated berms

 or natural topographic features.

 **4.3-3** Agricultural Data Statement

 Any Application for a Special Permit, Site Plan approval, or Subdivision

 approval for a project that would occur on property within an agricultural

 district containing a farm operation, or on property with boundaries within

 five hundred (500) feet of a farm operation located in an agricultural district,

 shall include an agricultural data statement as defined in Chapter 10. The

 Planning Board shall evaluate and consider the agricultural data statement

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 in its review of the possible impacts of the proposed project upon therefore functioning of farm operations within the agricultural district.

**4.4 Resource Extraction and Drilling Sites**

 **4.4-1** An applicant for a Special Permit for resource extraction shall submit to

 the Planning Board copies of all applications and other materials submitted

 to the New York State Department of Environmental Conversation (DEC)

 in connection with its resource extraction applications.

 **4.4-2** In considering whether to grant or deny a resource extraction Special

 Permit, the Planning Board shall consider all relevant criteria contained

 in Section 5.2

 **4.4-3** In issuing a Special Permit for resource extraction, the Planning Board shall

 impose conditions designed to protect the public health, safety and welfare.

 Such conditions shall be limited to the following, unless the laws of New

 York State allow the imposition of additional conditions:

 a. Ingress from and egress to public thoroughfares controlled by

 the Town;

 b. Routing of mineral transport vehicles on roads controlled by

 the Town;

 c. Requirements and conditions specified in the permit issued by

 the DEC concerning setbacks from property boundaries and public

 thoroughfare rights-of-way, natural or man-made barriers to

 restrict access, dust control and hours of operation;

 d. Enforcement of reclamation requirements contained in any DEC

 permit.

 **4.4-4** In issuing a Special Permit for resource extraction uses not subject to

 regulation by DEC, the Planning Board may require additional conditions

 as it deems necessary.

 **4.4-5 Drilling Sites**

Pursuant to Environmental Conservation Law Section 23-0303(2) which

 declares that New York State's regulatory program for oil, gas and solution

 mining “supersedes all local laws or ordinances relative to the regulations of the oil, gas or solution mining industries: but shall not supersede the local

 government jurisdiction over local roads or the rights of the local govern-

 ments under the the real property ta law,” the following criteria shall be met:

 a. The operator of the Drilling site and accessory sites, such as

 staging areas, shall enter into a Road Use Agreement with therefore Town to plan routes and to protect and repair road damage caused

 by high volumes of truck traffic to and from the Drilling Site.

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 **4.4-6 Dormitory**

a. Dormitories shall be located a minimum of 150 feet from the edge

 of the right of way of any public road and shall not be closer than a

 minimum of 50 feet to any property line or 100 feet from a buildings on an adjacent property or 150 feet from a residence.

 b. At a minimum, one parking space shall be provided per each

 occupant plus one parking space for each on-duty employee.

 c. Parking shall be located at the side or rear of the structure and shall

 not be closer than 20 fee to any property line.

 d. The parking lot must be paved or gravel and in either case must be

 designed to prevent storm water runoff to adjoining properties or

 roadways through use of swales, retention ponds, etc. Storm water

 runoff from structures must also be controlled.

 e. The dormitory must meet all NYS Building Codes and all codes

 for drinking water and waste disposal.

 f. Trash facilities such as garbage cans or dumpsters shall be

 screened from public view.

 g. Landscaping materials shall be of appropriate size, quantity, and

 character to provide an attractive setting for dormitory residents,

 neighbors, and those passing by.

 h. Contact information for the manager and the owner of the

 dormitory shall be on file with the Town Code Enforcement Officer.

 i. There hall be in plaice either a reclamation plan or a transition plan.

 A reclamation plan will show how the site will be returned to a

 natural state should the structures be removed. A transition plan

 will detail how the structures on the site will be put to another use

 or, if the structures are to removed, how the site will be changed

 to another use such as a single-family homes or any other use as

 allowed by law.

 **4.4-7 Industrial Storage Yard**

a. Nothing shall be stored within 150 feet of the edge of the right-of-way of any public road.

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 b. Nothing shall be stored within 50 feet of any property line, 100

 feet of any building on an adjacent property or 150 feet of any

 residence.

 c. Any repairs and maintenance shall be either conducted in an

 enclosed structure or an impervious surface with an appropriate

 storm water drainage and detention plan in place so as to minimized infiltration of chemicals or petroleum product fluids in the ground.

 d. Natural vegetation shall be retained as much as possible and efforts

 shall be made to control dust.

 e. Any entrance to or an exit from the site shall have 250 feet of site

 distance and shall be no closer than 50 feet to any intersection or

 any other entrance/exit.

 f. New or proposed roads and driveways shall be suitably located,

 of sufficient width, and adequately constructed to accommodate

 expected normal traffic and to allow access for snow removal, road

 maintenance, and emergency equipment.

 g. Driving surfaces within the site shall be adequate to prevent

 spreading of mud to public roads and stormwater shall not drainage on to public roads or adjoining properties.

 h. Items stored on site shall be kept in a neat, orderly, and safe

 manner. Any scrap material no longer intended or in condition for use shall be removed from the site.

 i. Contact information for the site shall be on file with public safety

 officials in case of spills, fires, or other incidents that may occur

 when no employees are on site.

 **4.4-8 Commercial Recreational Vehicle (RV) Park**

a. No recreational vehicles space shall be sited within 150 feet of therefore right of way of any road.

 b. No recreational vehicle shall be parked within thirty (30) feet of

 another recreational vehicle or a property line and 100 feet of any

 building on an adjacent property or 150 feet from any residence on

 an adjacent property.

 c. No parking or loading, or maneuvering incidental to parking or

 loading, shall be permitted on a public road.

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 d. New or proposed roads and driveways within a commercial

 recreational vehicle park shall be suitably located, of

 sufficient width and adequately constructed to accommodate

 expected normal traffic and to allow access for snow removal,

 road maintenance, and emergency equipment. Roads within a

 commercial recreational vehicle park shall afford safe and

 convenient access to all spaces and facilities, and shall provide

 all-weather access to sites. Road surfaces should be adequate to

 prevent the spread of soil to public roads and dust shall be

 controlled.

 e. Natural vegetation should be retained to the maximum extent

 practicable.

 f. Drinking water supplies, waste disposal, and electrical supply

 shall meet all New York State codes. Appropriate hookups shall

 be provided at each site.

 g. Dumpsters or trash receptacles shall be screened from view of park

 guests and the general public.

 h. The park shall be maintained in a neat and orderly manner.

 i. Contact information for the park manager or owner shall be on

 file with the Town Code Enforcement Officer.

**4.5 Signs**

Signs shall require a Land Use Permit from the Land Use Officer (LUO)

 unless exempted by Section 4.5-1 or 4.5-3. Where a sign is erected in conjunction

 with a project that is a subject to Site Plan or Special Permit review, the proposed

 sign shall be reviewed by the Planning Board as part of the approval process, and

 shall not require a separate Land Use Permit.

 **4.5-1** Non-illuminated signs less than 16 square feet per side shall not require a

 Land Use Permit. However, no more than two such signs per buildings shall be permitted without a Land Use Permit.

 **4.5-2** Commercial signs 16 square feet per side or larger shall require a Landscaping Use Permit in accordance with the following standards:

 a. Signs shall not project into a public way.

 b. Free-standing signs shall not interfere with visibility of pedestrians

 or vehicles.

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 c. No free-standing sign may be larger than one hundred (100) square

 feet per side.

 d. Signs shall not interfere with street and traffic lighting nor cause

 off-premises glare.

 e. No signs shall be placed in the highway right of way without a

 permit from the Highway Superintendent.

 **4.5-3** Non-commercial signs shall be permitted in any location and be in any

 media without a Land Use Permit, subject to the restrictions in

 Section 4.5-2.

**4.6 Storm Water and Erosion Control**

The Storm Water and Erosion Control Guidelines of the New York State

 Department of Environmental Conservation shall apply to the following activities:

 **4.6-1** Excavation within 50 feet of any stream, lake or pond.

 **4.6-2** Excavation, grading, or construction on slopes over 8% or in any area in

 excess of 20,000 square feet.

 **4.6-3** Any project subject to Site Plan Only, Subdivision, or Special Permit

 approval.

 **4.6-4** Agriculture, unless conducted pursuant to an approved current US

 Department of Agriculture Natural Resources Conservation Service

 Conservation Plan.

**4.7 Driveways**

All driveway entrances shall comply with regulations of the New York Statement

 Department of Transportation or the Allegany County Department of Public

 Works or the Town of Amity, whichever applies. The applicant shall obtain

 a permit that is required to establish an entrance to a State, County, or Town of

 Amity road.

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**CHAPTER 5: “SITE PLAN ONLY” REVIEW**

The Town has established in Chapter 2 a three-tiered system of reviewing land use and

development. Most small-scale uses require a Land Use and/or Building Permit, with site

plan review issued by the Land Use Officer. The Land Use Officer shall use the Planning

Board as an advisory board for this review. Larger-scale projects (listed in Section 2.2)

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require Planning Board review of a site plan only, to assure that such projects will be

compatible with their surroundings. Very large projects (listed in Section 2.3) must

follow the Special Permit requirements in Chapter 6.

**5.1 Contents of a “Site Plan Only” applications**

An applicant for a Site Plan Only approval shall submit:

 **5.1-1** A Site Plan application form

 **5.1-2** A site plan drawn to scale with accurate dimensions providing information

 sufficient to enable the Planning Board to make an informed decision, an

 agricultural data statement as defined in Chapter 10; and a vicinity map of

 appropriate scale showing adjacent lots and annotated with the names of

 adjacent lot owners. The Planning Board may require additional

 information as appropriate to the specific application.

 **5.1-3** A brief narrative describing the proposed use.

 **5.1-4** A short-form Environmental Assessment Form (EAF) (unless therefore Planning Board determines that the proposed Site Plan approval is a

 Type I action under the State Environmental Quality Review Act

 (SEQRA), in which case a long-form EAF shall be required).

 **5.1-5** The Site Plan Only application fee as established by the Town

 Board, and an escrow deposit if required to cover reasonable

 professional review costs.

**5.2 Procedure**

 **5.2-1 Application**

a. Application for a Site Plan Only approval shall be made to the

 Planning Board on forms prescribed by the Planning Board.

 b. If an application is for a parcel or parcels on which more than one use

 requiring Site Plan Only review 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 whether the application requires

 Site Plan Only or Special Permit approval (and the SEQRA

 compliance), all proposed uses on a single parcel or related uses on

 nearby or contiguous parcels shll be considered together.

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 **5.2-2 Informal Meeting**

Before filing an application, an informal meeting with the Planning Board

 is recommended to discuss the nature of the proposed use and to determined the information that will need to be submitted.

 **5.2-3 Mediation**

At any point in a project review process the Planning Board may, if it deems

 appropriate and the applicant consents, appoint a mediator to work informally

 with the applicant, neighboring property owners, and other interested parties

 to address concerns raised about the proposed use. Any party may request

 mediation. Such mediation may be conducted by a member of another

 municipal board, by the Planning Board's consultant, or any other qualified

 and impartial person acceptable to the parties and the Planning Board. The

 mediator shall require Planning Board approval to assure compliance with

 all provisions of this land use law. The cost of such mediation will be

 charged to the applicant as part of the cost of the project review. Such cost

 may also be shared by other interested parties with their written consent.

 **5.2-4 SEQRA Compliance**

Upon receipt of application materials it deems completed, 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

 twenty (20) days. Where 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 land use law shall

 begin to run until either acceptance of a DEIS as satisfactory pursuant to

 NYCRR Section 617.8(b)(1) or the issuance of a negative declaration.

 The Planning Board may prepare the DEIS at the applicant's expense,

 with the applicant's consent.

 **5.2-5 Referral to County Planning Board and Adjacent Municipalities**

Upon receipt of application materials it deems to be complete, the Planning

 Board shall refer to Allegany County Planning Board any application for Site

 Plan approval or Special Use approval affecting the real property within five

 hundred (500) feet of the boundary of the Town of Amity, the boundary of any existing or proposed County, 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

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 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, Sections 239-l

 and 239-m, as amended.

 In addition, the Planning Board shall give notice to any adjacent

 municipality, as required by Section 239-nn of the NYS General

 Municipal Law or amendments thereto.

 **5.2-6 Notice and Hearing**

a. The Planning Board shall hold a public hearing on a completed Site Plan Only application within 62 days. At least seven (7)

 calendar days prior to the date thereof, the applicant shall notify

 all of the following of the hearing by registered mail, return

 receipt requested and shall give public notice of such hearing by

 causing publication of a notice of such hearing in the official

 newspaper:

 1. Owners of al real property as shown on the current tax

 map, located within 200 feet in all directions of the

 property which is the subject of the hearing.

 2. The clerks of all adjoining municipalities whose

 boundaries are located within 200 feet of the property

 which is the subject of the hearing.

 3. The County Planning Board where the hearing concerns

 property adjacent to an existing county road or proposed

 road shown on the official county map, adjoining other

 county land or situated within 500 feet of a municipal

 boundary.

 4. The State Commissioner of Transportation where therefore hearing concerns an application for development of property

 adjacent to a state highway.

 b. The cost of mailing the notices shall be borne by the applicant.

 **5.2-7 Action**

a. The Planning Board by a majority vote of the full Board, shall grant,

 deny, or grant subject to conditions, the application for a Site Plan Only

 approval within sixty-two (62) days of its first meeting after receipt

 of the completed application or sixty-two (62) days after the hearing.

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 Any decision shall contain written findings explaining the rationale

 for the decision in light of the standards contained in this land use

 law.

 b. A copy of the decision shall be immediately filed in the Town Clerk's

 office and mailed to the applicant. A resolution of either approval

 or approval with modifications shall include authorization to the Planning Board Chairman to stamp and sign the site plan upon the

 applicant's compliance with applicable conditions and the submission

 requirements stated therein.

 c. 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.

 d. Within six (6) months after receiving Site Plan approval, with or

 without modifications, the applicant shall submit four copies of the Site

 Plan to the Planning Board for stamping and signing. The Site Plan

 submitted for stamping shall conform strictly to the required revisions

 or other modifications and hall be accompanied by the following

 additional information:

 1. Record of application for an approval status of all necessary

 permits from Local, County, State, and Federal officials.

 2. Detailed sizing and final material specification of all required

 improvements.

 3. An estimated project construction schedule. If a performance

 guaranty pursuant to Subsection 5.2-8 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.

 e. Upon stamping and signing the Site Plan, the Planning Board shall

 forward a copy of the approved Site Plan to the Code Enforcement

 Officer and the applicant. The Code Enforcement Officer may then

 issue a Building Permit or Certificate of Occupancy if the projects conforms to all other applicable requirements.

 **5.2-8 Performance Guaranty**

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 No Certificate of Occupancy shall be issued until all improvements shown

 on the Site Plan are installed or a sufficient performance guaranty has been

 posted for improvements not yet completed. Such performance guaranty

 shall be posted in accordance with the procedures specified in Section 277

 of the Town Law relating to subdivisions. The amount and sufficiency of

 such performance guaranty shall be determined by the Planning Board

 after consultation with the Town Attorney, the Land Use Officer, other

 local officials or its designated consultants.

 **5.2-8 Request for Specialized Services**

The town may require the cost of expert or specialized services in therefore event it is decided by the Town Board or the Planning Board that advice or

 expertise is required in order to supplement analysis, inspections, or otherwise matters in determining or deciding certain aspects or portions of an

 application for land use meet required standards. In such case an estimate of costs shall be provided to the applicant together with explanation of

 such services to be provided, and the applicant shall deposit with the

 Town such amounts toward such costs as shall be determined by such

 Board. Failure to provide such services may result in a rejection of an

 application at any stage.

 **5.2-9 Inspection of Improvements**

The Land Use Officer shall be responsible for the inspection of site

 improvements including coordination with the Town's consultants and

 other local officials and agencies, as may be appropriate.

 **5.2-10 Expiration, Change of Use, Revocation and Enforcement**

A Site Plan approval shall expire if the approved use or uses cease for

 more than twenty-four (24) consecutive months for any reason, if therefore applicant fails to obtain the necessary Building Permit or Land Use or to

 comply with the conditions of the Site Plan approval within twelve (12)

 months of its issuance, or if its time limit expires without renewal.

 a. A Site Plan approval shall apply to the use for which it has been

 granted, as well as to any subsequent use of the property which

 complies with all terms and conditions of the Site Plan approval

 (as determined by the Code Enforcement Officer / Land Use Officer

 in issuing a Building Land or Land Use Permit) and which does not involve any new construction, enlargement, exterior alteration of

 existing structures or changes use of outdoor areas. Any other change

 to a use allowed by Site Plan approval shall require the granting of a

 new Site Plan approval or a Site Plan amendment.

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 b. A Site Plan approval my be revoked by the Planning Board if therefore permittee violates the conditions of the Site Plan approval or

 engages in any construction or alteration not authorized by the Site

 Plan approval.

 c. Any violation of the conditions of a Site Plan approval shall be

 deemed a violation of this land use law and shall be subject to enforcement action as provided herein.

 **5.2-11 Amendments**

The terms and conditions of any Site Plan Only approval may be amended

 in the same manner as required for the issuance of a Site Plan Only approval,

 following the criteria and procedures in this Chapter. Any enlargement,

 alteration, or construction of accessory structures not previously approved

 shall require a Site Plan amendment.

 **5.3 Findings Required**

In order to grant a Site Plan Only approval, the Planning Board must find that

 the proposal:

 **5.3-1** Will not cause undue traffic congestion, unduly impair pedestrian or

 vehicular safety or overload existing roads, considering their current

 width, surfacing and condition, and will have appropriate parking and

 be accessible to fire, police, and other emergency vehicles. Road access

 points will have sufficient distances to assure visibility of vehicles.

 **5.3-2** Will not overload any public water, drainage, or sewer system, or any

 other municipal facility or degrade any natural resource or ecosystem

 **5.3-3** Will be suitable for the property on which it is proposed, considering

 the property's size, location, topography, vegetation, soils, natural

 habitat and hydrology, and if appropriate, its ability to be buffered or

 screened from neighboring properties and public roads.

 **5.3-4** Will not result in excessive noise, dust, odors, liquid or solid waste,

 or glare, or create any other nuisances.

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**CHAPTER 6: SPECIAL PERMITS**

 **SPECIAL PERMIT REVIEW PROCEDURES**

The application requirements, planning board review, SEQR review, referral, notice and hearing procedures as described in Chapter 5 (“Site Plan Only” Review) are hereby

incorporated in Chapter 6 for Special Permit Review and shall apply for the issuance, modification, denial, or enforcement of Special Permits, with the exception that a hearing shall be required for the special permit review process.

 All time period requirements, notice, filings, findings and other requirements for
“Site Plan Only” Review shall apply to Special Permit Review as well as Findings Required as contained in Section 6.1.

 In recognition that large-scale uses tend to have the greatest impacts on the Town and its environment, such uses shall be allowed only upon the granting of a Special Permit as described below:

**6.1 Findings Required**

 **6.1-1** Will comply with all the provisions and requirements of this and other local

 laws and regulations, and will fulfill the purposes of this land use law as

 stated in Chapter 1.

 **6.1-2** Will not result in excessive noise, dust, odors, solid waste or glare to create

 any other nuisances, and will satisfy the General Land Use Performance

 Standards in Section 4.1.

 **6.1-3** Will be suitable for the property on which it is proposed, considering the

 property's size, location, topography, vegetation, soils, natural habitat and

 hydrology, and if appropriate, its ability to be buffered or screened from

 neighboring properties and public roads.

 **6.1-4** Will not cause undue traffic congestion, unduly impair pedestrian or

 vehicular safety or overload existing roads, considering their current

 width, surfacing and condition and will have appropriate parking and be

 accessible to fire, police and other emergency vehicles. Road access

 points will have sufficient sigh distances to assure visibility of vehicles.

 **6.1-5** Will not overload any public water, drainage or sewer system or any other

 municipal facility or degrade any natural resource “ecosystem.”

 **6.1-6** Will be subject to such conditions on design and layout of structures,

 provision of buffer areas and operation of the use as may be necessary to

 ensure compatibility with surrounding uses and to protect the natural,

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 historic and scenic resources of the Town. Where water and sewer

 services are available, the Planning Bard may require development

 to be clustered in the pattern of a traditional village or hamlet with

 visually or environmentally important open space preserved by a deed

 restriction or conservation easement. Where water and sewer utilities

 are not available, the Planning Board shall encourage such a pattern

 to the extent feasible.

 **6.1-7** Will be consistent with the goals of concentrating retail uses in

 hamlets and incorporated villages, avoiding strip commercial

 development and residential sprawl development and locating non-

 residential uses that are incompatible with residential use in well-

 buffered rural locations.

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**CHAPTER 7: NON-CONFORMING USES, STRUCTURE AND LOTS**

**7.1 Continuation of Non-Conforming Uses and Structures**

Any lawful structure or use existing at the time of the enactment or amendment of this land use law (pre-existing use or structure) which becomes non-conforming as a result

 of such enactment or amendment may be continued.

**7.2 Structures and Uses**

A non-conforming structure, use or characteristic of use shall be treated as follows:

 (a) Expansion – A non-conforming structure or use shall not be expanded

 in any way.

 (b) Unsafe Structures – A non-conforming structure declared unsafe by a

 proper authority may be restored to a safe condition.

 (c) Restoration – A non-conforming building destroyed or damaged may be

 rebuilt on the same location to the same dimensions.

 (d) Discontinuance – When a non-conforming use or characteristic of use has

 been discontinued for a period of one (1) year, it shall not thereafter be

 re-established; use of such premises shall be in conformity with the

 provisions of this law.

 (e) Changes – When non-conforming premises are brought into conformity

 with this law, they shall not allowed again to become non-conforming.

 (f) Moving – A structure that is moved from one lot to another shall conform with the laws for the district in which it is located after such move.

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**7.3 Lots**

A non-conforming lot of record shall be treated as follows:

 (a) In a district where dwellings are allowed, a non-conforming undeveloped

 lot or record having a lesser area or width than the minimum required,

 may be used for not more than one (1) single family dwelling, for whichever no variance need to be obtained, providing that:

 (1) such lot does not adjoin any other lot held by the same

 owner, the aggregate area of which lots is equal to or

 greater than the minimum lot area required; and,

 (2) the area of such lot I not less than five thousand (5,000)

 square feet; and,

 (3) such dwelling shall be built with side yards not less than five (5)

 feet deep and with the set back not less than the average of the

 adjoining front yards.

 (b) Any undersized lot of record may be subdivided only if each and every

 subdivision of such lot shall be acquired by the owner of adjoining lots

 and added to their lot becoming one parcel, thereby increasing the size

 of such adjoining lots.

**7.4 Construction Started Prior to This Land Use Law**

 Any non-conforming structure for which construction has begun prior to thereafter effective date of this land use law, or of any amendment thereto, may be completed

 and used in accordance with the approved plans and specifications for such

 structure. Any non-conforming structure for which construction has not begun

 pursuant to approval plans shall be subject to the provisions of this land use law

 and any amendments thereto, even if all approvals previously required have been

 granted.

 Prior Permits given for the commercial construction and operation of Wind Power

 Facilities may be completed without application of this law.

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**CHAPTER 8: ADMINISTRATION AND ENFORCEMENT**

**8.1 The Land Use Permit**

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 In order to assure compliance with this land use law, it is necessary for the Town to be aware of proposed development activities. A Land Use Permit designates that the

 proposed development complies with these Regulations. All work shall be consistent

 with the permit. During the course of the work, the Land Use Officer (LUO) shall

 inspect the site to ensure compliance with the Permit. Most such activities already

 require a Building Permit under the New York State Uniform Fie Prevention and

 Building Code (“Building Code”), administered by the Code Enforcement Officer.

 **8.1-1** This Law shall be enforced by the Land Use Officer (LUO) who shall be appointed by the Town Board. No Building Permit or Certificate of

 Occupancy shall be issued by the LUO unless all provisions of this law have

 been complied with. The LUO shall serve separately from the Town Code

 Enforcement Officer.

 **8.1-2** Land Use Permit Types

 Under the terms of this law the following classes of Permits may be issued

 by the LUO:

 A. Permitted Use - No Land Use permit is needed for a “By Right” use

 as defined in Section 2.1.

 B. Site Plan Only – A Land Use Permit for a Site Plan Only Land Use

 may be issued by the LUO after review and approval by the Planning

 Board following procedures defined in Chapter 5 of this law.

 C. Special Permit – A Land Use Permit for projects requiring Special

 Permits may be issued by the LUO after review and approval by the

 Planning Board following procedures defined in Chapter 6 of this law.

 D. Permits After Appeal – Building and/or Land Use Permits may be issued by the LUO upon the order of the Planning Board and after

 a public hearing held by the Planning Board for the purpose of deciding

 upon the appeal.

 **8.1-3** No building or structure, including accessory buildings and signs, shall be

 erected, moved, enlarged, or extended, nor shall any new commercial use

 of land be initiated or excavation of land be begun until a Building Permit

 and/or Land Use Permit as required has been issued by the Code Enforcement

 Officer and/or Land Use Officer.

 **8.1-4** Commercial activities that are not covered by the Building Code require a

 town “Land Use Permit,” which shall be granted if the proposed use complies

 with this Land Use Law. Land Use Permits shall be required only in

 situations where a Building Permit is not required or has not yet been issued,

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 including erection of free-standing sign, land disturbance (including

 excavation, grading and site clearing) on more than 2,000 square feet

 of land or business or institutional uses not involving buildings.

**8.2 Violations**

 **8.2-1 Penalties**

A violation of this Land Use Law is an offense punishable by a fine not

 to exceed two hundred fifty dollars ($250.00) or imprisonment for a

 period not to exceed fifteen (15) days, or both for conviction of a first

 offense.

 Conviction of a second offense, committed within five (5) years of the first offense, is deemed a Class B misdemeanor and is punishable by a

 fine not less than three hundred fifty dollars ($350.00) nor more than

 five hundred dollars ($500.00) or imprisonment for a period not to exceeding three months, or both.

 Conviction of a third or subsequent offense committed within a period of

 five (5) years is deemed to be a Class A misdemeanor and is punishable by

 fine of not less than seven hundred dollars ($700.00) nor more than one

 thousand dollars ($1,000.00), or imprisonment for a period not to exceed

 six (6) months, or both.

 Each week's continued violation shall constitute a separate violation.

 **8.2-2 Complaints of Violations**

 Whenever a suspected violation of this land use law occurs, any person

 may file a signed complaint reporting such violation to the Land Use

 Officer. All such complaints must be in writing (unless the suspected

 violation threatens life, health or safety, in which case the Land Use

 Officer is authorized to act onan oral complaint) and shall be submitted

 to the Land Use Officer, who shall properly record such complaint and

 immediately investigate and report thereon to the Town Board.

 **8.2-3 Abatement of Violations**

 Whenever a suspected violation of this land use law occurs, the Town

 Board or, with its approval, the Land Use Officer, may institute an

 appropriate legal action or proceeding to prevent, restrain, correct, or abate

 such violation, to prevent the occupancy of the premises, or to prevent any

 legal act, conduct, business or use in or about the premises. The Land Use

 Officer shall be empowered to issue a “stop work order” upon determining

 that a violation of this local law has occurred or is in progress.

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 **8.2-4 Accountability**

 For every violation of the provisions of this Land Use Law, the owner,

 agent, contractor, lessee, ground lessee, tenant, licensee, or any otherwise Person who commits, takes part or assists in such a violation, or who

 maintains any structure or premises in which any such violations exists,

 shall be punished according to the provisions of this Land Use Law.

**8.3 Appeal of Action by Land Use Officer or Planning Board**

Any person aggrieved by an order, determination, interpretation, or other action

 taken by the Land Use Officer or Planning Board in accordance with this Law,

 may appeal such action to the Board of Appeals following the procedural steps

 contained in Section 8.3-1. In hearing such appeal, the Board of Appeals shall

 have the power of the board of appeals as provided in Section 267-b of the Town

 Law of New York State.

 **8.3-1 Appeals from Land Use Officer (LUO) or Planning Board Decisions**

An appeal may be taken by an applicant who has been denied or desires

 to have modified a permit issued by the Land Use Officer (LUO) or

 the Planning Board. Said appeal shall be submitted to the Board of

 Appeals, its Chairperson or the Town Clerk within 30 days of the denial

 or issuance of permit by the Land Use Officer (LUO) or Planning

 Board.

 The appeal shall be on a form authorized by the Board of Appeal and

 shall state the reason for the appeal, contain a copy of the denial or

 permit issued, be signed by the applicant and contain all materials

 necessary for the Board of Appeals to consider in the appeal process.

 The Board of Appeals shall be composed of five member who shall be

 appointed by the Town Board. The appointment and structure of the

 Board of Appeals shall be as contained in Section 267 of the Town Law

 of New York State in similar fashion as set forth for a zoning board of

 appeals for area variances.

 At any proceedings of the Board of Appeals in its duties under this

 local law, the Chairperson of the Planning Board, or such Chairperson's

 designee who is a member of the Planning Board, shall be invited to

 attend such proceedings as representative of the Planning Board.

 The Board of Appeals shall hear the appeal within 30 days of the filing

 of the application for appeal upon public notice or at a regular meeting

 of the Board of Appeal. A decision shall be made within 62 days of said

 meeting or hearing, if such is required as set forth in this local law.

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 The Board of Appeals shall utilize and adhere to the standards of

 review and considerations as contained in Section 267-b, subsection

 3.(b) and (c), and subsection 4 of the Town Law of New York State-owned in similar fashion as set forth for a zoning board of appeals for area

 variances.

 Any decisions to modify or grant an application and permit previously

 denied by the Land Use Officer (LUO) or the Planning Board shall

 require all steps and procedures necessary for the initial grant of a permitted by the Land Use Officer (LUO) or the Planning Board.

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**CHAPTER 9: MISCELLANEOUS PROVISIONS**

**9.1 Interpretation as Minimum Requirements**

In their interpretation and application, the provisions of this land use law shall be

 deemed minimum requirements, adopted for the promotion of the public health,

 morals, safety or the general welfare. Whenever the requirements of this land use

 law differ from the requirements of any other lawfully adopted laws, regulations

 or ordinances, the most restrictive, or that imposing the higher standards, shall

 govern.

**9.2 Severability**

If any provision of this land use law or the application thereof to any person,

 property or circumstances is held to be invalid, the remainder of this land use

 law and the application of each provision to other persons, property, or circum-

 stances shall not be affected thereby.

**9.3 Conflict With Other Laws**

This land use law shall not repeal, abrogate, annul, or in any way impair or

 interfere with any provisions of law or rules or regulations previously adopted

 or issued and still in effect relating to the use of structures or premises, provided

 that where this land use law imposes a greater restriction upon the use of

 structures or premises or requires larger lots or yards than the imposed or required

 by such existing laws, rules or regulations, the provisions of this land use law

 shall control.

**9.4 Appeal of Board of Appeals Action**

Any person aggrieved by a decision of the Board of Appeals may apply to the

 Supreme Court for review by a proceeding under Article 78 of the Civil Practice

 Law and Rules.

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**9.5 Effective Date**

This Land Use Law shall take effect upon the filing in the office of the Secretary of

 State.

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**CHAPTER 10: DEFINITIONS**

Except where specifically defined herein, all words used in this ordinance shall

 carry their customary meanings as defined in generally accepted dictionaries.

 Words used in the present tense include the future, and the plural includes thereafter singular; the word “structure” includes the word “building;” the work “shall” is intended to be mandatory; “occupied” or “used” hall be considered as though

 followed by the words “or intended, arranged or designed to be used or occupied.”

 **Access Roads.** Private roads that provide vehicular access to sites or structures

 from public roads. Access roads do not include lanes customarily used by farmers

 to access agricultural fields or driveways to private dwellings.

 **Accessory Use and Structure.** A use of structure on a lot or portion of a lot

 customarily incidental and subordinate to the lot or structure and not changing

the character or the principal use of the structure or lot.

 **Agricultural Data Statement.** An identification of farm operations within an

 agricultural district located within five hundred feet of the boundary of property's upon which a Subdivision is proposed, as provided in Section 305-a of the

 Agriculture and Markets Law. An agricultural data statement shall include the

 following information: the name and address of the applicant; a description of

 the proposed Subdivision and its location; the name and address of any owner of

 land within the agricultural district, which land contains farm operations and is

 located within five hundred feet of the boundary of the property upon which the Subdivision is proposed; and a tax map or other map showing the site of the

 proposed Subdivision relative to the location of farm operations identified in

 the agricultural data statement.

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 **Agriculture.** The management of land for agriculture and crops; raising of

 cows, horses, pigs, poultry and other livestock, and horticulture of orchards;

 including the construction, alteration or maintenance of fences, agricultural

 roads, agricultural drainage systems and farm ponds, barn, stable, shed, silo,

 garage, fruit and vegetable stand or other building or structure directly and

 customarily associated with agricultural use and production.

 **Buildable Land.** That portion of a lot which is suitable for building structures

 and locating septic disposal facilities, excluding wetlands and watercourses,

 slopes exceeding fifteen percent (15%) and flood hazard areas as mapped on

 the Federal Emergency Management Agency's Flood Insurance Rate Map.

 **Business or Institutional Use.** A non-agricultural use involving the sale or

 rental of goods, services or commodities, either on a retail or wholesale basis,

 or the provision of services or entertainment, whether or not for profit, including

 without limitation stores, campgrounds, tourist attractions, motels, clinics,

 offices, restaurants, resorts, service and gas stations, and industry. As defined

 in this Land Use Law, business or institutional use shall generally refer to any

 non-residential, non-agricultural use of land for commercial, educational,

 charitable, religious or scientific purposes.

 **Commercial Recreational Vehicle (RV) Park.** A recreational vehicle park or

 site for travel trailers or recreational vehicles used for temporary or permanent

 living accommodations, operated as a business, for profit, commercially, or for

 the benefit of a business or commercial enterprise.

 **Distances.** Distances shall mean the shortest horizontal linear distance from

 the nearest point of a regulated activity to the mean high watermark of the

 nearest watercourse or the edge, margin or top of a precipitous bank adjoining

 forming the mean high watermark of a watercourse. Additionally, distances

 shall mean the shortest footage between two or more objects.

 **Dormitory.** A space in a building where group sleeping accommodations are

 provided in one room, or in a series of closely associated rooms, for persons

 not members of the same family group, under joint occupancy and single

 management, a in college dormitories or fraternity houses. Also to include a

 building, or part thereof, where lodging, with or without meals, is provided for

 compensation, direct or indirect, for four or more non-family persons, residing

 for 30 days or more, when no kitchen or dining facilities are provided in

 individual rooms. The term dormitory shall include “man camps,” temporary

 facilities commonly set up by oil and gas drilling companies to provide food

 and shelter for employees near drilling locations. Such dormitories or man

 camps may include modular or mobile housing units designed to be removed

 from the site when drilling activity in the area is complete.

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 **Drilling Site.** A site, and its ancillary areas, used for oil, gas or solution

 mining, including horizontal drilling for natural gas, as regulated in

 New York State pursuant to Article 23 of the Environmental Conservation

 Law and its implementing regulations, 6 N.Y.C.R.R. Part 550.

 **Dwelling Unit.** One or more rooms constituting a separate independent

 housekeeping unit establishment with cooking, living, sanitary and sleeping

 facilities for the use of no more than one family.

 **Family.** A person or persons related to each other by blood, marriage, or

 adoption, or any number of persons, irrespective of any such relationship,

 which nonetheless functions as the equivalent of such a family, living

 together in a single housekeeping unit.

 **Farm Operation.** Land uses in agricultural production, farm buildings,

 equipment and farm residential buildings.

 **Flood Plain.** Shall mean those areas designated by either the New York

 State Department of Environmental Conservation or the United States

 Federal Emergency Management Agency as likely to flood within one

 hundred years.

 **Industrial Storage Yard.** An outside area where heavy equipment, pipes,

 storage tanks, building materials, fuel, storage trailers, office trailers, or any

 other items customarily used in construction, mining, gas exploration, or

 similar industries are stored or stockpiled. Industrial storage yards do not

 include areas used to store equipment or materials used in agricultural

 practices.

 **Industry.** The manufacture and production or assembly of goods and

 materials.

 **Lot or parcel.** An area or plot of land with definite boundaries, all parts

 of which are owned by the same person(s) or entities, the boundaries of

 which are established either by the filing of a Subdivision Plat or by

 recording of a deed.

 **Mobile Home Park.** Parcel of land under single ownership which is

 designed and/or improved for the placement of two or more Mobile

 Homes upon units thereof.

 **Multi-Family Dwelling.** A residential building containing three (3) or

 more dwelling units.

 **Non-conforming Lot.** A lot of record which does not comply with the

 dimensional requirements of this land use law (see Chapter 7).

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 **Non-conforming Structure.** A structure which contains a permitted

 use, but which does not meet the dimensional requirements of this

 land use law and which was lawful when constructed (see Chapter 7).

 **Non-conforming Use.** Any use lawfully existing prior to and at the time

 of the adoption or amendment of this land use law or any preceding local

 law or ordinance, which is not permitted by right or does not conform

 with the provisions of this land use law. A pre-existing lawful use which

 is allowed only by Special Permit under this land use law shall be

 considered a non-conforming use until such time as a Special Permit is

 granted for it (see Chapter 7).

 **Recreational Vehicle.** Type of vehicle used as temporary living quarters

 for recreation, camping, or travel, that either has its own motive power or

 is mounted on or drawn by a motor vehicle: includes travel trailer, camper

 trailer, pop-up camper, truck camper, and motor home.

 **Resource Extraction.** Use of land for the purpose of quarrying, extracting

 and selling stone, minerals, oil, gas, and/or gravel, not including the

 process of preparing land for construction of a structure for which a

 Building Permit has been issued.

 **Setback.** The distance in feet from a property line or a street centerline to

 a structure on a lot.

 **Sign.** Any billboard, signboard, inscription, pennant, insignia, or other

 structure or device composed of lettered or pictorial material that is placed

 for outdoor display (including inside a window), used as an advertisement,

 announcement, or direction.

 **Sign, Commercial.** A sign advertising a product, use, service, or activity

 sold or conducted for private financial gain.

 **Single-Family Dwelling.** A detached building containing one dwelling unit.

 **Solid Waste Management Facilities.** Solid Waste Management Facilities

 are all those uses specified in 6 NYCRR 360, Subparts 360-2 through 360-14,

 or as amended.

 **Subdivision.** Any division (including re-subdivision) of a parcel of land into

 two or more lots, parcels or sites or other division of land with or without

 roads, for the purpose of lease, sale, transfer of ownership, or development.

 If a new road or extension of an existing road or any municipal facilities

 is involved, any division of an original parcel or land constitutes a subdivision.

 The second lot of an original parcel creates a subdivision and all lots are

 required to meet the criteria of Land Subdivision Regulations as appropriate.

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 **Town Law.** The Town Law of the State of New York.

 **Wetland.** Any land which is subject to periodic or continual inundation by

 water or which contains hydric soils as defined by the Natural Resources

 Conservation Service of the U. S. Department of Agriculture.