

Town of Sharon Land Use Code

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TOWN OF SHARON LAND USE CODE

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PART I - BUILDING AND SANITARY REGULATIONS

ARTICLE I – ENACTMENT AND APPLICABILITY

Section 1 - Enactment

- A. The Town Board of the Town of Sharon in the County of Schoharie, New York, does hereby ordain and enact the Town of Sharon Building and Sanitary Regulations under and pursuant to the Municipal Home Rule Law and in accord with Town Law, Section 130.

Section 2 - Title

- A. These Regulations shall be known and may be cited as the "TOWN OF SHARON BUILDING AND SANITARY REGULATIONS".

Section 3 - Purpose

- A. The purpose of these regulations is to provide basic and uniform standards governing the condition and maintenance of existing structures and uses and the construction and installation of new structures and facilities in order to establish reasonable safeguards for the safety, health and general well-being of the occupants and users thereof, and for the residents of the Town of Sharon.

Section 4 - Scope

- A. These Regulations shall apply to the maintenance of existing and future buildings, structures and systems and to the construction, installation or structural alteration of any building, structure or appurtenant system as herein provided for in the Town of Sharon.

Section 5 - Definitions

- A. Terms and words used herein are defined in Appendix 'C' of this Code which is hereby made a part of these Regulations.

ARTICLE II - MAINTENANCE AND CONSTRUCTION REQUIREMENTS

Section 6 - Applicable Requirements of Other Jurisdictions

- A. All applicable provisions of the Multiple Residence Law of the State of New York as set forth in Chapter 61-b of the Consolidated Laws shall be complied with for structures constructed prior to 1984. Those constructed after 1984 shall comply with the New York State Uniform Fire Prevention Building Code.
- B. All applicable provisions of the State Code for the Construction and Installation of Mobile Homes and Standards, Rules and Regulations for Mobile Homes as set forth in Volume 9 Executive (B) of the Official Compilation of Codes, Rules and Regulations of the State of New York shall be complied with.
- C. All applicable provisions of the New York State Public Health Law, New York State Sanitary Code and the Schoharie County Sanitary Code as administered by the New York State or Schoharie County Departments of Health shall be complied with.
- D. In the instance of any determination with respect to any performance standard, condition or criteria identified in these Regulations those specifications and guidelines set forth in the "New York State Building Construction Code Manual" and its accompanying list of "Generally Accepted Standards" may be referred to by the Enforcement Officer in making any such determination.

Section 7 - Maintenance of Existing Structures and Installations

- A. Any parcel of land, building, structure, appurtenant system or facility within the Town shall be maintained and used in a state and manner conducive to the health, well-being, economic stability and good appearance of the community and consistent with the objectives as set forth in the Town Plan.
- B. All buildings shall be maintained so that adequate protection from the elements is provided and so that all structural members are protected from unnecessary deterioration.
- C. All building and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject without unsafe deformation or movement of the building or any structural part.

- D. Siding, roofing, chimneys, window and door frames, porches and steps will be maintained in an adequate state of repair so as not to be hazardous.
- E. It shall be prohibited to accumulate or store any highly flammable or explosive matter or refuse liable to spontaneous combustion within the habitable area of any dwelling unit or in any location that would pose a threat to the safety of the occupants thereof.
- F. Yard and driveway areas shall be kept free of physical hazards including accumulations of plant growth which are noxious, create a hazard to visibility or are detrimental to health or safety.
- G. Steps, walkways, driveways and parking areas shall be maintained in good repair and so as to afford safe passage under normal use and weather conditions.
- H. Fences and other minor constructions shall be maintained in a safe and substantial condition. Residential fences shall be no closer than twenty four (24) inches from the property line. If both sides of the fence are not alike, the more attractive side shall be toward the neighbor.
- I. No stagnant pool, pond or other collection of water shall be permitted in a location or of a nature where it poses a threat to the safety and well-being of residents, and particularly the youth, of the community.
- J. All existing water supply and sanitary sewage disposal systems shall be maintained in a sanitary and operable condition and shall not pose a threat to the health and well-being of any user thereof or to the community. Any such water supply system found to be contaminated or sewage disposal system found to be inoperable or otherwise posing a threat to the public health or a contamination hazard shall be improved according to the applicable standards elsewhere set forth in these Regulations.
- K. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse, and further, all disposal practices will conform to Part I, Article II, Section 12 of these Regulations.
- L. Any unsafe or hazardous building, structure or installation including any dilapidated dwelling unit no longer suitable for human habitation shall be improved to a satisfactory condition or be demolished and/or removed in accord with the process stipulated in Part I, Article III, Section 15 of these Regulations.

Section 8 - Construction and Site Improvement Considerations

- A. Foundations, walls and floors shall be constructed so as to be structurally sound and shall be treated so as to preclude the penetration of ground and surface water so far as is practical.

- B. Exterior walls and roofing shall be constructed of materials and in such manner so as to prevent leakage into the building and deterioration due to the elements.
- C. In one- and two- family dwellings, in addition to a primary exit from the building, there shall be constructed a secondary exit for each dwelling unit, or, in lieu thereof, one or more exit openings for emergency use. In multiple dwellings, approved exits shall be provided for each dwelling unit.
- D. In buildings constructed for the purpose of mixed occupancy, nonresidential space shall be separated from residential space by approved fire separations of a minimum one (1) hour fire resistance rating which will retard the spread of fire.
- E. Garages, or other accessory uses in or attached to a residential building, shall be separated from habitable residential space in the building by approved fire separations of a minimum one(1) hour fire-resistance rating which will retard the spread of fire and prevent flammable or toxic vapors originating within from being transmitted to habitable portions of the building.
- F. Plumbing, heating, electrical, ventilating, refrigeration, cooling and other mechanical additions, installation or systems shall be located and installed so that such equipment will not constitute a threat to one's health or well-being or a danger because of structural defects or threat of ignition and will not create excessive noise or otherwise become a nuisance.
- G. Chimneys, flues, gas vents and their supports shall be designed and installed so as to be structurally safe, durable, smoke-tight and non-combustible.
- H. Electrical wiring and equipment shall be designed and installed in conformity with the accepted standards of an approved rating organization and in compliance with the regulations of the connecting utility companies, so as not to be a potential source of ignition or hazard.
- I. No on-site surface or ground water drainage system in connection with the construction or alteration of any building, structure or natural land form shall be located or constructed in such a manner as to intensify run-off in an unacceptable manner, pollute, or cause erosion on adjoining properties. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Surface drainage shall be conveyed to an existing system of storm water disposal where available and all surface drainage shall be designed so as not to discharge onto walkways, the street or adjacent property in such a manner as to create a nuisance or hazard.
- J. Any person who shall construct, create or install an entrance, road, drive or similar entryway to a public highway in the Town shall first obtain authorization of the proper authority having jurisdiction thereof. Before issuance of any Permit, the

Enforcement Officer or proper highway authority shall determine the requirements for proper flow of surface drainage and whether the proposed provision therefore is adequate. Where required by the Enforcement Officer, a corrugated metal or reinforced concrete conduit of a length and diameter as may be necessary, but at least a minimum of twelve (12) inches in diameter and twenty (20) feet in length, to adequately accommodate surface run-off along such public roadway shall be installed at the applicant's expense so as to insure the unimpeded flow of surface drainage through such entryway.

- K. No building, structure or installation shall be so located or constructed as to alter the shoreline of any perennial or intermittent stream in the Town without a Permit therefore; before the issuance of which any State or County requirements shall be fulfilled.
- L. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Surface drainage shall be conveyed to an existing system of storm water disposal where available. Surface drainage shall not discharge onto walkways, the street of adjacent property in such a manner as to create a nuisance or hazard.

Section 9 - Flood Hazard Area Requirements

- A. Flood hazard areas shall be as delineated on the Town Zoning Map and denoted "F-H Flood Hazard (Overlay)".
- B. All proposed building construction, installation of equipment or utilities, or alteration of any shoreline or major land form in the Town will be reviewed to determine that such undertaking is consistent with the objectives of these Regulations, the proper management of the flood hazard areas, and any flood plain management programs affecting the Town. No such activity will be permitted, except in such manner and according to such restrictions as may be reasonably necessary, where it would have a deleterious affect on the proper management of any flood hazard area in the Town or be otherwise contrary to standards established in these Regulations.
- C. No building, structure, installation, construction or alteration of any shoreline or major land form will be located or initiated in any area of the Town in such manner as to jeopardize the safety, health or welfare of the occupants or users thereof.
- D. No building, structure, installation, construction or alteration of the shoreline or major land form in any area of the Town shall be so located or constructed as to interfere with or diminish the effective carrying capacity, increase flood-stage elevation or flood velocities of any stream or its related floodway in the Town.
- E. All building construction, equipment location and utility installations in any area of the Town designated as a flood hazard area shall be flood-resistant; and further, all

construction methods and practices connected with the location, building, or installation of the same will be carried out in such manner as to minimize potential flood damage.

- F. Any new or replacement water supply or sanitary sewage disposal system located in any area of the Town designated as a flood hazard area shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters. All such systems shall be located and constructed as to avoid their impairment, contamination to them, or contamination of any flood waters.
- G. All subdivisions or other major developments shall be reviewed to determine that they are consistent with the purpose and intent of these Regulations, the proper management of the flood hazard areas in the Town and any floodplain management programs affecting the Town. In particular, all public facilities and utilities such as sewer, gas, electrical or water systems shall be so located, elevated and constructed as to minimize or eliminate flood damage and all storm water run-offs, surface and building drainage will be so designed as to minimize its affect on the flooding potential and its exposure to flood hazard.
- H. All new or expanded building construction, equipment location and utility installation in any area of the Town designated as a flood hazard area shall be so designed and anchored as to prevent the flotation, collapse or lateral movement of same, or any portion thereof, due to flooding.
- I. All applications for building construction or installation of equipment or utilities in any flood hazard area shall be accompanied by appropriate certification prepared by a licensed professional engineer that the proposal is consistent with the performance standards of these Regulations and that, in particular, the following measures are adequately provided for in relation to the site and a potential 100-year flood:
 - 1. Anchorage is sufficient to resist flotation and lateral movement.
 - 2. Reinforcement of walls and provision for relieving hydrostatic water pressure on external walls and basement floors is sufficient to resist water pressures.
 - 3. Installation of any pumps to lower water levels in the structure and the absence of gravity flow drains have been adequately considered.
 - 4. Elevation of the lowest floor for all structures and their service equipment is at least one (1) foot above the 100-year flood level, as such level has been established.
- J. The Town may, where its deems it advisable, request that any or all of the pertinent requirements and standards for flood-proofing as set forth in the manual entitled "Flood-Proofing Regulations", prepared by the Office of the Chief of Engineers, U.S.

Army and dated June, 1972, be established as a guide in any proposal for building construction, equipment location or utility installation and that compliance to such standards be certified by a licensed professional engineer.

Section 10 - Water Supply

- A. Potable water from an approved source shall be available at all times in all residential buildings and dwelling units and in public buildings in which plumbing fixtures are installed. Water supply systems shall be installed and maintained so as to provide a supply of water to plumbing fixtures and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
- B. Connection shall be made to the public water supply system for all new construction within 500 feet of any existing or future Town water district, of where such can be reasonably extended or expanded to serve the proposed use, in every building in which plumbing fixtures are installed. Such connections shall be at the applicant's expense, according to the requirements of these Regulations and at the direction of the Enforcement Officer.
- C. Where an individual water supply system is necessary, it shall be so located constructed and maintained as to insure an adequate supply of potable water at all times and to preclude, so far as possible, any likely contamination.
- D. In particular, any individual water supply system shall be located at least one hundred (100) feet distant from any tile field, one hundred fifty (150) feet from any seepage pit, fifty (50) feet from any septic tank, twenty-five (25) feet from any highway right-of-way or open ditch or natural drainage way, and five (5) feet from any lot line other than a highway right-of-way.
- E. Any well casing shall be made of new wrought iron or steel well casing pipe which complies with Rural water supply standards set forth by the New York State Department of Health.
- F. The top of any well casing shall terminate not less than eighteen (18) inches above finished grade level or any pump house floor, which floor shall be appropriately drained, except that any such casing shall be not less than two (2) feet above any established 100-year flood stage elevation.
- G. Construction of the well shall seal off, insofar as is practicable, water-bearing formations that are or may be polluted. No unsealed opening shall be permitted to exist around the well. Cement grouting between the well casing and the drill hole to a proper depth to insure against contamination shall be installed.
- H. Before being put into use, the well shall be tested for yield and drawdown for at least four (4) hours duration after stabilization. The test pump shall have a capacity at least

equal to the pumping rate at which it is expected, the well will be pumped during its usage. The test pump shall be installed to operate continuously until the water level has stabilized and, at this point, the yield and drawdown determined. Periodic water level observations shall be made during the drawdown and subsequent recovery periods.

The minimum approvable individual well yield with a suitably sized hydro pneumatic tank is five (5) gallons per minute. If the average yield is less than five (5) gallons per minute, a holding tank (capacity equal to one day's use) with resuming and a hyrdopneumatic tank is necessary for individual water supply development. Wells with a yield less than two (2) gallons per minute are generally considered unacceptable. A completed well/log shall be submitted by the applicant to the CEO on the form prescribed by the Schoharie County Health Department.

- I. The well shall be pumped until clear and then properly disinfected after which the well water shall be tested for purity and certified potable before its connection to the plumbing system.
- J. Temporary capping of the well until the pumping equipment is installed shall be such that no pollutant can enter the well.
- K. Pump and pumping equipment shall be of a type and so installed as to allow for the proper and sanitary operation of the water supply system.
- L. An abandoned well shall be appropriately filled and sealed in such a manner as to avoid accidents and to prevent it from acting as a channel for pollution of water-bearing formations.

Section 11 - Sanitary Sewage Disposal

- A. Plumbing fixtures shall be drained to a sanitary sewage system and such system shall be connected to a public sewer or to an adequate and approved private system of sewage disposal.
- B. Connection shall be made to the public sewage disposal system for all new construction within 500 feet of any existing or future Town sewer district, or where such can be reasonably extended for expanded to serve the proposed use, in every building in which plumbing fixtures designed to receive sanitary wastes are installed. Such connections shall be at the applicant's expense, according to the requirements of these Regulations and at the direction of the Enforcement Officer.
- C. Where an individual sewage disposal system is necessary, it shall be so located and installed as to insure the reception and disposal of sewage and other waste without creating a health hazard or nuisance resulting in obnoxious odors or unsightliness,

and shall further not be discharged into or on the ground or any waterway until first subjected to treatment in conformity with the requirements set forth in this Section.

D. In particular, any individual sewage disposal system shall be preceded by an investigation of the site, including soil and subsurface conditions, which investigation will be conducted prior to the installation of any individual sewage disposal system. Such inspection shall determine that:

1. Site conditions are such as to provide adequate drainage of surface water.
2. Subsurface conditions are such as to permit the proper installation of any required tile field or seepage pit at least two (2) feet above ground water (at its seasonal high), four (4) feet above solid rock formations and five (5) feet above limestone formations.
3. Stabilized percolation rates of less than sixty (60) minutes and greater than one (1) minute can be expected in the area where the proposed disposal system is to be located. The procedure in the conduct of a percolation test may use the New York State Health Department "Standards for Waste Treatment Works" as a guide and shall include the following minimum requirements:
 - a. At least two (2) tests will be made in separate test holes located in the area in which the sewage disposal system is proposed to be situated.
 - b. The depth of the test hole shall be approximately six (6) inches below the depth of the tile field trench and the test hole shall be approximately eight (8) inches in diameter or twelve (12) inches square.
 - c. The test hole shall be appropriately presoaked and consecutive tests made until a stabilized rate of percolation is obtained.
4. There is at least four (4) feet of soil above solid rock formations in the area where both an individual water supply and sewage disposal system are proposed.

E. An individual sewage disposal system may use the New York State Health Department "Standards for Waste Treatment Works" as a guide and shall be designed, located and installed according to the following minimum requirements:

1. Only wastes from plumbing fixtures shall be connected to the sewage disposal system. Surface and subsurface water, including roof, cellar, yard or road run-off; shall not only be excluded from the disposal system, but shall be disposed of so they in no way affect the system.
2. Septic tanks must be water tight and of one piece construction. The tanks must be constructed of durable materials, preferably precast concrete, not subject to excessive corrosion, decay, frost damage or cracking, and shall have a minimum

liquid depth of thirty (30) inches. In addition, the top of the tank shall be below finished grade with a suitable soil cover and be provided with a suitable manhole; precast tanks shall be placed on a bedding of sand or gravel for proper bearing; and septic tank capacities, in liquid gallons, shall correspond to the following table:

a. One-, Two-Family Dwelling Units:

No. of Bedrooms	Size of Tank
1 to 3	1,000 gallons
4	1,250 gallons
5	1,500 gallons
6	1,750 gallons

NOTE: A garbage grinder shall be considered equivalent to an additional bedroom for determining tank size.

b. Multiple-Family, Commercial and Institutional Uses:

Design Flow (gallons per day)	Size of Tank
0-750	750 gallons
750-1,500	Equal to entire Daily Flow
1,500-4,000	Equal to Three-fourths(3/4) Entire Daily Flow
4,000 plus	Equal to One-half (1/2) Entire Daily Flow

3. The portion of the sewer extending through the outer foundation wall shall be constructed of a minimum of four (4) inch diameter tight-jointed pipe made of cast iron or Schedule 40 PVC. Inside the foundation wall, the approved section may be connected to a copper, plastic or other approved pipe material. Outside the foundation wall, the approved section may be connected to a bituminous fiber or other approved pipe material laid on a firm foundation at a minimum grade of one-quarter (1/4) inch per foot without any bends exceeding forty-five degrees. Where any bend occurs a removal plug will be provided.
4. Tile fields shall not be constructed under driveways and shall be located at least one hundred (100) feet from any source of water supply, twenty (20) feet from the foundation walls and ten (10) feet from any lot line other than a highway right-of-way, except where watershed regulations may specify otherwise.
5. No on-site sewage drainage or tile field or seepage pit shall be located within one hundred (100) feet from any shoreline or within twenty-five (25) feet of any

highway right-of-way or any open ditch or natural drainage way and no septic or other holding tank shall be located within fifty (50) feet of any shoreline.

6. In addition, tile fields shall:
 - a. be constructed in accord with the dimensions and contour of the lot;
 - b. generally have no trenches in excess of sixty (60) feet and where more than one trench is required, they shall be approximately equal in length;
 - c. be connected to the septic tank outlet or distribution box with open jointed tile or perforated pipe on a bed of crushed stone or washed gravel at least six (6) inches in depth and at a grade not greater than one sixteenth (1/16) inch per foot nor less than one thirty-second (1/32) inch per foot;
 - d. be covered with six (6) inches of crushed stone and a suitable membrane to keep out the earth backfill.
7. All individual tile fields shall be designed to accommodate the estimated flow in gallons per day according to the following:
 - a. One-, Two-Family dwelling Units - Seventy-five (75) gallons per person per day or one hundred fifty (150) gallons per bedroom per day, which ever shall provide for the greater capacity. Allowances for water saving fixtures can be made, per Appendix 75-A of Part 75 of the Administrative Rules and Regulations contained in Chapter II of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.
 - b. Multi-family, Commercial and Institutional Uses - as Follows:

<i>Use</i>	<i>Gallons Per Person Per Day</i>
Multiple Family Dwelling	75
Boarding/Rooming House	75
Hotel/Motel	75
Restaurant	10
Retail Store/Office	400 gallons per toilet room
Places of Employment	Per Employee 25

In addition, the New York State Department of Environmental Conservation handbook "Standards for Waste Treatment Works" for Institutional and Commercial Sewerage Facilities may be used as a guide for these or other types of uses not identified here.

Tile Field Upgrade

Percolation 600gpd	Trench	300 gpd	300-450	450-600	
Minutes	or more	Width	or less	gpd	gpd
5-10	24"	59'	88'	118'	196'
11-15	24"	77'	116'	154'	256'
16-20	24"	100'	150'	200'	333'
21-30	24"	125'	188'	250'	417'
31-45	24"	167'	250'	334'	555'
*46-60	24"	250'	375'	500'	834'

**** If tests are above 45 minutes and alternative system shall be designed by a Design Professional or the Schoharie County Health Department.***

F. Repair an existing septic system. When it is necessary to repair an existing septic system, an effort shall be made to upgrade the system to conform as nearly as practicable to the afore-mentioned standards.

Section 12 - Refuse Disposal

- A. No person shall use any of the lands within the Town of Sharon as a dump, disposal or collection area or sanitary landfill, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on such lands any waste material or rubbish, litter or any nauseous or offensive matter, nor dispose or attempt to dispose of any such materials or substance by burying the same on such lands, or burning or incinerating the same on such lands, except at such location and in such manner as established by the Town.
- B. No person shall deposit or cause to be deposited any substance of any kind on premises established as a public disposal or collection area or sanitary landfill in the Town except of the type, at the places and in the manner described by the person in charge of the premises, if such a person be so designated, under the authority of the Town Board, The New York State Department of Environmental Conservation or by a sign or signs erected upon the premises by the authority of the Town Board or the New York State Department of Environmental Conservation.
- C. No person shall deposit or cause to be deposited on premises established as a public disposal or collection area or sanitary landfill in the Town any substance of any kind which originally was collected from outside of the Town of Sharon except after application for and issuance of a Permit.

- D. No person who does not reside or own real property in the Town of Sharon may deposited or cause to be deposited any substance of any kind on the premises established as a public disposal or collection area or sanitary landfill in the Town, except as by agreement with the Town after application for and issuance of a Permit.
- E. Any incineration or burning of refuse of any kind shall take place only in compliance with applicable State or County requirements therefore.
- F. This Section shall not prohibit or restrict the spread of manure as part of a normal farm operation otherwise in compliance with any State and County regulations, but shall preclude and prohibit the storage or stockpiling, under normal conditions, of such animal wastes within three hundred (300) feet of any residential dwelling unit or principal structure which is not part of the farm operation. Also, no manure shall be spread or dumped in any sinkhole.
- G. This Section shall not prohibit the burying of dead farm or domestic animals previously kept on the premises on private property so long as such does not pose a threat to the health and well-being of adjoining land owners or the community, and is in accordance with New York State Department of Agriculture and Markets Law. Also, no dead farm or domestic animal shall be placed in any sinkhole in the Town of Sharon.
- H. No person at any time shall dump or cause to be dumped or thrown in any sinkhole, any waste material or rubbish, litter or any nauseous or offensive matter, in the Town of Sharon

ARTICLE III - ADMINISTRATION AND ENFORCEMENT

Section 13 - Building Permit

- A. Permit Required - No building or structure shall be erected or relocated, no site improvements made or water or sewer system installed and no change to the structural members or exterior dimensions of an existing building or structure shall be undertaken until a Building Permit therefore has been issued by the Enforcement Officer.
- B. Application - There shall be submitted with all applications for a Building Permit two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of any existing and proposed building and accessory buildings to be erected, the location and size of water and sewer systems and such other information as may be necessary to determine and provide for the enforcement of these Regulations. An application for a Certificate of

Compliance shall be made coincidental with any application for a Land Use Permit, such application to be valid for the duration of the Permit.

- C. Notification of Determination - The Enforcement Officer shall issue or refuse to issue the applied for Building Permit, or advise the applicant of any required additional information or referral required within ten (10) days of receipt of the application. Notice of refusal to issue any Permit shall be given to the applicant in writing and shall state the reasons for said refusal. Approval of the application shall be indicated by issuance of the Permit, subject to the payment of such fee as may have been established by the Town Board.
- D. Duration of Validity - A Building Permit issued under these Regulations shall be valid for a period of one (1) year from the date of issuance and shall thereafter be deemed null and void; except when application is made to the Board of Appeals for an extension of validity and the Board authorizes such extension as it may determine appropriate.
- E. Invalid Permit - No Permit authorized or granted by any official of the Town in contradiction to the provisions of these Regulations shall vest any rights of interest to the Permit holder irrespective of any action taken or obligation incurred in reliance on such Permit, nor shall the Town be liable for same, under any such invalidly issued Permit.
- F. Liability - Nothing in these Regulations, including the issuance of a Building Permit and Certificate of Compliance shall be constructed to insure or in any way guarantee any building, structure or installation against defect, failure or other shortcoming and the Town shall not be liable for the same.

Section 14 - Certificate of Compliance

- A. Certificate Required - No building hereafter erected, altered or extended or site improvements made shall be used and no water supply or sewage disposal system installed in such manner as to require a Permit shall be covered over or put into operation until a Certificate of Compliance shall have been issued by the Enforcement Officer.
- B. Application - Application for a Certificate of Compliance shall be made coincidental with any application for a Land Use Permit. Such Application shall be valid for the duration of the validity of the Permit.
- C. Notification of Determination - The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a Certificate of Compliance is required before issuing such Certificate. Such Inspection shall be made within ten (10) days from the date of notification of project completion. A Certificate of Compliance shall be issued only if the proposed use and construction of the building

system or land conforms to the provisions for these Regulations and the plan, purpose and description for which the Land Use Permit was issued. Issuance of the Certificate or written notification of refusal to issue the same and the reasons therefore are to be accomplished within fifteen (15) days from the date of notification of project completion.

Section 15 - Unsafe Structures and Equipment

- A. Purpose - Unsafe structures pose a threat to life and property in the Town of Sharon. Buildings and structures may become unsafe by reason of damage by fire, the elements, neglect, age or general deterioration. Vacant buildings not properly secured by doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as point of congregation by vagrants and transients. A dilapidated building or structure may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this local law to provide for the safety, health, protection, and general welfare of persons and property in the Town of Sharon by requiring such unsafe buildings be repaired or demolished and removed.
- B. Definition - Structure means any building, structures or portion thereof used, now or formally, for residential, business or industrial purpose. Code Enforcement Officer means the Code Enforcement Officer of the Town of Sharon or such other person appointed by the Town Board to enforce the provision of this local law. Unsafe structure shall mean: 1. any structure that is dangerous to the life, health, property or safety of the public or its occupants because it does not contain minimum safeguards to protect or warn occupants in the event of a fire; 2. contains unsafe equipment, or 3. is so damaged, decayed, dilapidated, structurally unsafe or of such other faulty construction or unstable foundation that partial or complete collapse is possible as the same is more fully defined in the Property Management sections of the Uniform Fire Prevention and Building Code.
- C. Investigation and Report - When in his own opinion or based upon report of a qualified expert or upon receipt of other competent information that a building; 1. Is or may become dangerous or unsafe to the general public; 2. Is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers, 3. Is or may become a place of rodent infestation, 4. Presents a danger to the health, safety, morals and general welfare of the public, or 5. is unfit for the purpose for which it may lawfully be used, the Code Enforcement Officer shall cause or make an inspection thereof and report in writing to the Town Board his findings and recommendations in regards to repair or demolition and removal.
- D. Town Board Order - The Town Board shall thereafter consider such report, and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can safely be repaired or its

demolition and removal, and further order that a notice be served upon the person or persons and in the manner provided herein.

- E. Notice; Contents - The notice shall contain the following: (1) a description of the premises based on the tax parcel identification, (2) a statement of the particulars in which the building is unsafe or dangerous, (3) an order outlining the manner in which the building is to be made safe and secure, or demolished and removed, (4) a statement that the securing or removal of said building commence within (30) days after the service of the notice and shall be completed within (60) days thereafter, unless for good cause shown such time shall be extended, (5) a date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of the service of the notice and (6) a statement that in the event of neglect or refusal to comply with the order to secure or demolish and removed the building, the Town Board is authorized to provide for its demolition and removal and to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition and removal including legal expenses.
- F. Service of Notice – The said notice shall be served (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) or of the county clerk; or if no such person can be reasonably found by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records and (2) by personal service of a person can be reasonably found and (3) by securely affixing a copy of such notice upon the unsafe building. Said notice shall be delivered by the Code Enforcement Officer or his designee.
- G. Recording Notice – A copy of the notice served as provided herein shall be filed in the Office of the County Clerk of the County of Schoharie.
- H. Refusal to Comply – In the event of the failure, refusal or neglect of the person so notified to comply with said order of the Town Board after the hearing, the Town Board shall provide for the demolition or removal of such building or structure by town employees or contract. Except in the case of an emergency demolition as provided in paragraph “J” of this section, the Town shall award all contracts in compliance with competitive bidding.
- I. Assessment of Expenses – All expenses incurred by the Town in connection with the proceedings to repair and secure and demolish and remove the unsafe building, including the cost of actually removing such building shall be assess against the land on which such building is located and shall be levied and collected in the same manner as provided in article fifteen of the Town Law for the levy and collection of a special ad valorem levy.

- J. Emergency Cases – Where it reasonably appears that there is present clear and imminent danger to the life, safety or health of any person or property, if an unsafe building is not immediately repaired or secured or demolished, the Town Board may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in section “I” thereof.

Section 16 - Amendments

- A. The Town Board may on its own motion, on petition, or on recommendation of the Planning Board or Board of Appeals, after public notice and hearing, amend, supplement, repeal or change these Regulations pursuant to law.
- B. All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within fifteen (15) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- C. Before any amendment, supplement or change in the Regulations, there shall be a public notice and hearing thereon as provided by law.
- D. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend these Regulations.

Section 17 - Public Hearings

- A. A public hearing shall be required prior to action on any amendment, formal interpretation or variance considered under these Regulations.
- B. The Town Board shall hold any public hearing in consideration of an amendment to these Regulations, in accordance with the requirements of law.
- C. The Board of Appeals shall hold any public hearing in consideration of a request for an interpretation or variance.
- D. Public notice of any required public hearing will be advertised in a newspaper of general circulation in the Town at least ten (10) days prior to the date of such hearing and shall specify the date, time, place and purpose of such hearing.
- E. The hearing shall be conducted in accord with the guidelines established by the presiding officer. Any person or party of interest may appear in person or by agent or

attorney and shall be given an opportunity to be heard as it is relevant to the proceeding.

Section 18 - Required Referrals

- A. Whenever any amendment or variance would change the regulation applying to real property within a distance of five hundred (500) feet from any boundary line of a neighboring municipality or within five hundred (500) feet of any County or State property or right-of-way, said proposed variance or amendment shall be referred to the Schoharie County Planning agency, which agency shall have thirty (30) days in which to report its recommendations to the Board from which it was referred. Failure of the Schoharie County Planning agency to report within thirty (30) days may be construed to be approval by the agency. Notification of action taken on any matter previously referred to the Schoharie County Planning agency will be given within seven (7) days of such action.

Section 19 - Enforcement; Violation; Appeal

- A. Enforcement - These Regulations shall be enforced by a person designated by the Town Board and herein called the "Enforcement Officer", who shall in no case grant any Permit or Certificate of Compliance for any building, structure or alteration of land where the proposed erection, alteration, relocation, placement or use thereof would be in violation of any provision of these Regulations. The Enforcement Officer shall make such inspections as are necessary to carry out his duties.
- B. Citizen Complaint - Any resident, property owner or other persons of legitimate interest may file with the Enforcement Officer a written and signed complaint against any alleged violation of these Regulations. It shall be the duty of the Enforcement Officer to investigate such alleged violation and to report thereon to the Town Board in a timely manner, which report shall be filed and be part of the public record of the Town. The citizen who filed the complaint shall receive a written response within sixty-two (62) days of the Enforcement Officer's receipt of the complaint.
- C. Notification and Correction -
 - 1. Violations: Upon determination by the Code Enforcement Officer that a violation of the New York State Uniform Fire Prevention and Building Code and/or the Town of Sharon Land Use Code exists in, on, or about any building, land or premises, the Code Enforcement Officer shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform code or local law which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by sending registered mail.

2. Stop Work Orders: Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building, property or structure is being performed in violation of the New York State Uniform Fire Prevention and Building Code, the Town of Sharon Land Use Code or applicable laws, ordinances or regulations, or are not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued; or if no permit was applied for or if no permit was granted; the Code Enforcement Officer shall notify the owner of such property, or the owner's agent, to suspend all work. Such persons shall immediately stop all such work and suspend all building activities until the stop work orders have been rescinded. The Zoning Board of Appeals shall meet within 72 hours to interpret the Code Enforcement Officer's decision. If such decision is deemed valid, a date for a request for variance shall be set at that time. If the Zoning Board of Appeals deems the Code Enforcement Officer's decision invalid, it shall revoke the stop work order. All stop orders and notices shall be in writing and shall state the conditions under which work may be resumed. A stop work order shall be served upon a person to whom it is directed either by delivering it personally, or by posting the same upon a conspicuous portion of the building or property where the work is being performed and sending a copy of the same to the owner, contractor or occupant by certified mail.
3. Appearance ticket: If the owner of the real property or other person charged with the maintenance of the property fails to terminate work or correct the violation in the time provided, the Code Enforcement Officer shall file a written complaint, signed by the complaining party if other than the Code Enforcement Officer, with a town justice specifying the conditions, acts, or omissions constituting a violation, and the name and address of the real property owner, lessee, occupant, or other person charged with the maintenance of the property, and the Code Enforcement Officer or the local police authority having jurisdiction, and shall serve on the real property owner, lessee, occupant, or other person charged with the maintenance of the property, an appearance ticket requiring his or her appearance in court. If such person does not appear, the Town Justice may issue a warrant for the arrest of said person based upon any complaint or information previously filed.

D. Violations; Penalties - Shall be as follows:

1. Any person or corporation, whether as owner, lessee, agent or employee, who shall violate any of the provisions of these Regulations, or who fails to comply with any order or regulation made hereunder; or who erects, alters moves or uses any building structure, system or land in violation of any detailed statement or plans submitted by him and approved under the provisions of these Regulations, shall be guilty of an offense and upon conviction shall be punished by a fine not exceeding two hundred fifty dollars (\$250) or imprisonment not exceeding thirty (30) days, or both.

2. Each week's (seven days) continued violation shall constitute a separate additional offense.
 3. In case of violation of these Regulations, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure, land or system; or to prevent any illegal act, conduct, business or use in or about such building, structure, land or system.
 4. In the event that the Town of Sharon institutes any appropriate action or proceeding, pursuant to Section 19 herein, all work, repairs, costs, disbursements and attorney's fees thereby incurred shall be a monetary judgment and shall also be a lien upon the property where the violation existed, and the amount so assessed and levied shall be collected in the same manner as Town taxes.
- E. Appeal - All appeals for relief from the application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals, which Board shall function as set forth in Appendix 'A' of this Code which is hereby made a part of these Regulations. Where the Board finds that a practical difficulty or hardship may result from strict compliance with these Regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of these Regulations or the Town Plan. In granting such variances, the Board of Appeals shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.
- F. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Town Board or any officer or department of the Town concerning these Regulations may have the decision reviewed in the manner provided by Article Seventy - Eight of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the receipt of written notice of the decision. Costs shall not be allowed against the Town unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 20 - Interpretation and Effectuation

- A. Interpretation - In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules,

regulations or ordinances, the most restrictive, or that imposing the higher standard, shall govern.

- B. Separability - The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Fees - A schedule of fees for permits and procedures under these Regulations shall be as established by the Town Board.
- D. Effective Date; Repealer - The "TOWN OF SHARON BUILDING AND SANITARY REGULATIONS" shall take effect at the time and in the manner provided by law and any existing ordinances, statutes, resolutions, regulations or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.

PART II -SUBDIVISION REGULATIONS

ARTICLE I - ENACTMENT AND APPLICABILITY

Section 1 - Enactment

- A. The Planning Board of the Town of Sharon in the County of Schoharie, New York does hereby adopt and the Town Board approve the Town of Sharon Subdivision Regulations under and pursuant to Article 16 of Chapter 62 of the Town Law of the State of New York.

Section 2 - Title

- A. These Regulations shall be known and may be cited as the "TOWN OF SHARON SUBDIVISION REGULATIONS".

Section 3 - Purpose

- A. It is the purpose and intent of these Regulations to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town of Sharon. This means among other things, that:
1. land to be subdivided shall be in accord with the Town Land Use Plan in its present state of completion;
 2. land shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace;
 3. proper provision shall be made for surface and subsurface drainage, water supply, sewerage and other needed improvements;
 4. all proposed lots shall be so laid out and of such size as to be in harmony with the capability of the land and water resources to support such development;
 5. the proposed streets shall compose a convenient system conforming to the Town Plan, as such exists at the time, and shall be of such width, grade and location as to accommodate the prospective traffic and to facilitate fire protection and other services that would need to be provided; and
 6. land shall be subdivided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced. Adequate sites for open space parks and playgrounds, shall be located so that all residents shall have convenient access.

Section 4 - Scope

- A. Pursuant to Town Law, Sections 265A, 276 as rewritten by Chapter 964 of the Laws of 1972; 277, 278, 281 and 282 and acts amendatory thereto, these Regulations

authorize and empower the Planning Board of the Town of Sharon to approve Preliminary and Final Plats according to the process and standards set forth herein.

- B. When ever any subdivision of land is proposed to be made, and before any contract for sale of, or any offer to sell any lots in such subdivision or any part thereof is made, the subdivider or his duly authorized agent shall apply in writing for approval of all such proposed subdivision in accordance with procedures set forth in Article II of these Subdivision Regulations.
- C. These Regulations shall apply to the division of any parcel of land as herein defined and shall be applicable to any entirely or partially undeveloped plat previously filed with the Clerk of Schoharie County where twenty (20) percent or more of the lots within the plat are unimproved on the effective date of these Regulations.
- D. Any subsequent enactment of Zoning Regulations affecting a previously filed or otherwise eligible subdivision plat shall entitle the subdivider to the applicable exemption from those Zoning Regulations as provided for under Section 265-A of the Town Law.

Section 5 - Definitions

- A. Terms and words used herein are as defined in Appendix 'C' of this Code which is hereby made a part of these Regulations.

ARTICLE II - APPLICATION AND REVIEW PROCEDURE

Section 6 - Pre-application Conference and Sketch Plan

- A. Prior to the filing of an application for approval of a Preliminary Plat, the subdivider or his agent shall appear and submit a Sketch Plan and accompanying information as provided in Appendix 'B' with a request for informal consideration by the Planning Board and for an expression of its views. No formal application is thereby required.
- B. The purpose of such appearance and submission of information and data is primarily to afford the subdivider an opportunity to consult informally and at an early stage with the Board with a view toward conserving the time and expense of the subdivider and creating mutual opportunities for an exchange of information that will aid in assuring a desirable subdivision in the public interest.
- C. Study of Sketch Plan. Within thirty days after the Pre-application Conference the Board shall inform the subdivider that the Sketch Plan and data as submitted, or modified, do, or do not meet the objectives of these regulations and it shall express its reasons.
- D. Lot Line Adjustment Review – Upon determination by the Planning Board that the action proposed in the Sketch plan constitutes a Lot Line Adjustment, the Board shall

confirm that decision by resolution that the proposed action does not constitute a Subdivision as defined in the Code. After preliminary acceptance of the proposed action as a Lot Line Adjustment, the Planning Board shall determine the extent of the certified survey to be provided by a licensed New York State Surveyor. Having determined that the certified survey ma agrees with the Sketch Plan presented at the Pre-Application Conference, the approved certified map (5 copies) shall be signed by a duly authorized officer and filed by the applicant or the applicant's designated agent, with the County Clerk within 62 days of the date of such signature. The map to be filed with the County Clerk shall be no larger than 34 inches by 44 inches nor smaller than 8.5 inches by 11 inches. Distribution of other authenticated copies shall be determined by the Planning Board.

- E. Subdivision Review - Three (3) lots or Less. Upon approval of the Sketch Plan, the Planning Board has the discretion of determining the extent of the field survey and mapping needed for subdivision review in the case of three lots or less.

Section 7 - Formal Application

- A. Whenever any subdivision of land as herein defined is proposed to be made and following the Pre-Application Conference and review of the Sketch Plan, the subdivider shall apply in writing to the Planning Board for approval of such subdivision.
- B. There shall be filed with the Board a Preliminary Plat of the entire property for approval and subsequently thereto a Final Plat for conditional approval and signing as hereinafter specified.
- C. Required information to be included in the application for a Preliminary and Final Plat is as stipulated in Appendix 'B' of this Code which is hereby made a part of these Regulations.
- D. In the event that the Town of Sharon institutes any appropriate action or proceeding, pursuant to Section 7 herein, all work, repairs, costs, disbursements and attorney's fees thereby incurred shall be a monetary judgment and shall also be a lien upon the property where the violation existed, and the amount so assessed and levied shall be collected in the same manner as Town taxes.

Section 8 - Preliminary Plat - Submission and Consideration

- A. Content - Following the Pre-Application Conference, the subdivider shall cause to be prepared a Preliminary Plat which shall consist of, as a minimum, those items of information called for in Appendix 'B' unless any of these are specifically waived by the Planning Board.
- B. Submission - Five (5) copies of the Preliminary Plat and supplementary material required shall be submitted to the secretary of the Planning Board with written

application for Preliminary Plat approval not less than ten (10) business days prior to a regularly scheduled Planning Board meeting. The date the Preliminary Plat is so filed shall be the date of submission.

C. Referral and Response - Shall be according to the following:

1. Whenever any proposed subdivision is located within five hundred (500) feet from any boundary of an adjoining municipality or the boundary of any state or county property or easement, including rights-of-way, a copy of the application for Preliminary Plat approval will be referred to the Schoharie County Planning and Development agency under the applicable provisions of Section 239-h-n of the General Municipal Law where such is required by this Section.
2. In the instance of such referral, the County Planning and Development agency shall have thirty (30) days in which to report its recommendations to the Board. Failure of the County Planning and Development agency to report within thirty (30) days may be construed to be approval by that agency.
3. Any application for subdivision approval by the Town of Sharon Planning Board that would occur on property within an Agricultural District containing a farm operation or on property within five hundred (500) feet of a farm operation located in an Agricultural District, shall include an Agricultural Data Statement. The planning 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 such Agricultural District.
4. Upon receipt of such application by the planning board, the Secretary of such board shall mail written notice of such 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, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for said project. The cost of mailing said notice will be borne by the applicant.
5. The Secretary of the planning board shall refer all applications requiring an Agricultural Data Statement to the Schoharie County Planning agency as required by sections two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law.

D. Public Hearing - The Board shall, within sixty-two (62) days after submission of the application, hold a public hearing on the Preliminary Plat, as submitted. Said hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing.

E. Action - Shall be according to the following:

1. Within sixty-two (62) days after the date of such hearing, the Board shall approve, with or without modification, or disapprove the Preliminary Plat. Failure of the Board to act within such sixty-two (62) day period shall constitute approval of the Preliminary Plat. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual, written consent of the applicant and the Board.
2. If the Schoharie County Planning agency recommends disapproval or modification on any matter referred to them, the Board shall not approve such application other than in accord with the recommendations, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. Whatever the final action of the Board, where referral under Section 239 of the General Municipal Law is called for, the County Planning agency will be notified of the same within seven (7) days following such action.
3. Any approval, required modification and the reasons therefore, or disapproval and the reasons therefore, shall be stated in the record of the Board, and the applicant so notified with a copy certified to by the Secretary of the Board within five (5) days from the date of action taken.

Section 9 - Final Plat - Submission and Consideration

- A. Content - The Final Plat shall conform substantially to the Preliminary Plat as approved. If desired by the subdivider, the Final Plat may constitute only that portion or section of the approved Preliminary Plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these Regulations. Application for approval of the Final Plat shall be accompanied by five (5) copies of the Final Plat as required in Appendix 'B' and shall be submitted to the secretary of the Planning Board at least ten (10) business days prior to a regularly scheduled Board meeting. The date the Final Plat is so filed shall be the date of submission.
- B. Submission - The Subdivider shall, within six (6) months after approval of the Preliminary Plat, file with the Planning Board an application for approval of the Final Plat; otherwise such approval of the Preliminary Plat shall become null and void unless an extension of time is applied for and granted by the Board. Any approved Preliminary Plat, of which only a portion or section is submitted as a Final Plat, shall not be null and void after six (6) month so long as each subsequent phase is submitted for Final Plat approval in accord with a previously established timetable.
- C. Referral and Response - Any proposed subdivision previously referred to the Schoharie County Planning agency under the General Municipal Law, Section 239-h-n , at the Preliminary Plat stage shall also be referred at the Final Plat stage. In the instance of such referral, the Schoharie County Planning agency shall have thirty (30)

days in which to report its recommendations to the Board. Failure of the agency to report within thirty (30) days may be construed to be approval by that agency.

- D. Public Hearing - Within sixty-two (62) days of submission of the Final Plat in proper form, the Planning Board shall hold a public hearing; except that where the Board determines the Final Plat to be in substantial agreement with a previously approved Preliminary Plat, the Board may waive the requirement for a public hearing on the Final Plat. If a public hearing is to be held, it shall be properly advertised in a newspaper of general circulation in the Town at least five (5) days prior to the date of hearing.
- E. Action - Shall be according to the following:
1. The Board shall, by resolution, conditionally approve, with or without modification, or disapprove the Final Plat within sixty-two (62) days of the date of submission if no public hearing is held; or within forty-five (45) days of the hearing, if such hearing is held. Upon failure of the Board to act within the prescribed period of time, the Final Plat shall be deemed approved and the Town Clerk shall issue a certificate indicating the date of submission and the failure of the Board to take action within the prescribed time, such certificate to be sufficient in lieu of written endorsement or other evidence of approval. Notwithstanding the foregoing, the time within which the Board must act may be extended by mutual, written consent of the applicant and the Board.
 2. If the Schoharie County Planning agency recommends disapproval or modification, the Board shall not approve such application, other than in accord with the recommendation, except by a vote of a majority plus one of all the members of the Board after adoption of a resolution setting forth their reasons. Whatever the final action of the Board, where referral under Section 239 of the General Municipal Law is called for the Schoharie County Planning agency will be notified of the same within seven (7) days following such action.
 3. Upon resolution of the Board to conditionally approve the Final Plat, with or without modification, the Chairman of the Planning Board shall be authorized to sign the Plat subject to such requirements as may be stated in the resolution. The Final Plat shall not be signed by the Chairman until the paragraph F-1 or 2 is complied with as required hereunder.
 4. Any conditional approval, required modification and the reasons therefore, or disapproval and the reasons therefore, shall be stated in the records of the Board, and the applicant so notified with a copy certified to by the Secretary of the Board within five (5) days from the date of action taken.
- F. Required Improvements - Within one hundred eighty (180) days from the date of any resolution granting conditional approval, the applicant shall either:

1. In an amount set by the Planning Board file with the Town Clerk either a certified check or performance bond to cover the full cost of the required improvements. Any such bond shall be satisfactory to the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year or such other period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond within which time required improvements must be completed; or
2. Complete all required improvements to the satisfaction of the Enforcement Officer and the Planning Board and file with the Board a letter and required drawings signifying the satisfactory completion of all such required improvements. For any required improvements not so completed and approved, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved, in accordance with the requirements of paragraph 1 above.

If the subdivider elects to provide a bond or certified check for all required improvements as specified in sub-paragraph F-1., such bond or check shall not be released until satisfactory As-Built Drawings are approved. If however, the subdivider completes all required improvements according to sub-paragraph F-2., then As-Built Drawings shall be submitted and approved prior to signature of the Final Plat by the Planning Board Chairman.

3. Notwithstanding the foregoing, the Planning Board may extend the time in which a conditionally approved Final Plat must be submitted for signature, where, in its opinion such extension is warranted, for a maximum of two (2) additional periods of ninety (90) days each.

G. Signature and Filing - Shall be according to the following:

1. Upon satisfactory completion of the above requirements, the Chairman of the Planning Board shall affix his signature to the Final Plat, which signature shall constitute final approval of the Plat.
2. Within sixty (60) days from the date of such signature denoting final approval, or from the date of issuance of a certificate issued by the Town Clerk noting failure of the Board to act within the prescribed time, the Final Plat or approved sections thereof shall be duly filed by the applicant in the office of the Schoharie County Clerk.
3. Within thirty (30) days from the date of filing with the Schoharie County Clerk the Final Plat or filed sections thereof shall be filed with the Town Clerk.
4. In the event that the approved Final Plat is filed in sections, each section shall constitute at least ten (10) percent of the total number of lots contained in the

Final Plat and all sections subsequent to the first shall be filed prior to the date of expiration of any exemption provided for under Article I, Section 4 of these Regulations.

5. Plat void if revised after approval - No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the Plat, unless said Plat is first resubmitted to the Planning Board and such board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plat stricken from the records of the County Clerk.

Section 10 - Coordination With Zoning Regulations

- A. Under and pursuant to the provisions of Section 281 of the Town Law the Planning Board may, at its discretion, entertain as part of the application for any Preliminary and Final Plat a request to adjust the applicable Zoning Regulations of the Town coincidental with its review and approval of any subdivision plat.
- B. The purpose of this provision is to introduce flexibility in the design of a subdivision in a manner consistent with the public interest, the wise use of the land, and the efficient provision of services. The use of this provision shall in no way be contrary to the Town Plan, or the purpose and intent of these or the Zoning Regulations.
- C. Such adjustment of the Zoning Regulations shall not result in a greater number of building lots or dwelling units than would be allowable under the Zoning Regulations and no change in the types of uses or activities provided for in the zoning district shall be allowed under this provision.
- D. Any Final Plat approved, signed and filed which has included any adjustment to the Zoning Regulations allowed for under this provision shall be filed as required with the Town Clerk who shall make appropriate notation thereof in the affected Zoning Regulations.

ARTICLE III - MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS

Section 11 - General

- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and shall be in keeping with the objectives of the Town Plan. All standards set forth herein are required minimum standards and where conditions warrant the Planning Board may

call for such additional measures as are reasonable and appropriate under the circumstances.

Section 12 - Natural Features

- A. The utmost consideration shall be given to existing natural features of both the subdivision and adjoining lands and every effort shall be made to preserve and design with appropriate recognition to existing land forms, tree cover, waterways, shorelines, vistas, and other exceptional physical characteristics. These shall be shown as required in Appendix 'B'.

Section 13 - Monuments

- A. The tract boundary lines, and the lines of all streets or roads shall be monumental with concrete, stone or iron monuments with monument caps. Individual properties shall be monumental with iron pins or pipe. All monuments shall be in place and capable of being located prior to the Chairman affixing his signature to the Final Plat.

Section 14 - Roadways

- A. General - All roadways and related construction whether to be offered for dedication or not shall be the responsibility of the subdivider unless otherwise indicted and shall be in accord with the following criteria:
 - 1. The arrangement, character, extent, width, grade and location of all streets shall conform to the Town Plan as such exists at the time, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets.
 - 2. The arrangement of streets in a subdivision shall provide for the continuation, if appropriate, of residential streets in the surrounding area and be such as to compose a convenient system both for the subdivision and connections to the existing highway system.
 - 3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
 - 4. Where a subdivision abuts, contains or has access to an existing or proposed major traffic artery, the Board may require a frontage street or reverse frontage with screen-planting contained in a non-access reservation along the property line or such other treatment as may be necessary for adequate protection of both the subdivided properties and the scenic qualities of the Town and to afford separation of through and local traffic.

5. No street or highway names shall be used which will duplicate or be confused with the names of existing streets or highways in the Town. Street names shall be subject to the approval of the Board.
6. Every street shown on a Plat that is hereafter filed or recorded in the office of the County Clerk shall be deemed to be a private street until such time as it has been formally offered for cession to the Town and formally accepted as a public street by resolution of the Town Board; or alternatively until it has been condemned by the Town for use as a public street.

B. Design Considerations - Shall be as follows:

1. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted.
2. The length of a tangent between reverse curves on major and collector streets shall be a minimum of two hundred (200) feet; and on minor streets a minimum of one hundred (100) feet.
3. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees and all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.
4. Street grades shall conform as closely as possible to the natural topography and further, shall be not less than one-half of one (0.5) percent nor more than ten (10) percent.
5. Dead-end streets shall not be permitted, except as provided herein:
 - a. A closed turn-around or cul-de-sac street may be permitted where no through connection is possible or desirable providing it is designed with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a street right-of-way line diameter of at least one hundred fifty (150) feet.
 - b. A way may be used as a temporary measure provided a turning area sixty (60) feet wide and sixty (60) feet deep shall be provided.
 - c. In the case of dead-end streets, the Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next street. Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets or streets on an approved Subdivision Plat for which a bond has been filed.

6. The classification of roadways shall be as determined by the Planning Board. Street rights-of-way and pavement or improved surface area shall have the following widths:

Classification	Minimum Right-of-Way	Minimum Pavement or Improved Surface Area
Major	75'	40 - 44'
Collector	60'	36 - 40'
Minor		50'
a. 18' + two 5' shoulders		(rural)
		b. 18-28' + curbing or two 5' shoulders (village)

C. Construction Considerations - Shall be as follows:

1. The road bed shall be approved before any gravel is placed upon it and the finished graveled roadway shall be approved before construction of the double surface treatment. This approval must be in writing from the Town of Sharon Superintendent of Highways.
2. Each street or road shall have been compacted with suitable run-of-bank gravel to a depth of eighteen (18) inches, size of stone not to exceed two (2) inches in diameter, extending fourteen (14) feet in each direction from the center line of said street or road so that each street or road shall have been so constructed that the same is comprised of a bed constructed of compacted gravel to a width of twenty-eight (28) feet. No gravel shall be laid on any roadway unless the type of gravel shall have been approved by the Superintendent of Highways. In addition, the Planning Board may, in any case where the nature of the soil over which a street is to be laid out requires special construction, designate that the subdivider build said carriageway with a base of cinders or gravel or crushed stone and box it with run-of-bank gravel to a greater amount and extent than eighteen (18) inches as above set forth.
3. The surface course shall consist of a double surface treatment of oil and stone (in accordance with New York State Department of Transportation Specification 55B). In addition, the Board may require an asphalted concrete pavement surface when it determines such is needed based on the following:
 - Whether access is to year-round or seasonal uses;
 - The street classification and the type and volume of anticipated traffic; and
 - Schedule for completion in sections and/or in its entirety.

4. Proper drainage facilities shall be installed where required. Corrugated metal pipe other than aluminum shall be used throughout for all culverts or surface drains. Drainage shall be according to one of the following: 1) ditch a minimum of twenty-four (24) inches below the finished center line; 2) a concrete or asphalt gutter; 3) a concrete or asphalt curb with storm sewer; or such combination of the above to be determined by and acceptable to the Board.
5. Catch basins, manholes, seepage drains, reinforced concrete pipe, headers or other drain appurtenances and all under drains shall be installed or constructed in accordance with the direction and requirements of the Board and shall vary in size as conditions may require and shall be connected from basins or manholes to the proper lines and grades in such a manner as directed by the Board and all such under drains shall connect with piping or ditches leading to a live stream, where feasible, as required by the Board.
6. Where curbs exist on abutting properties, their extension by the subdivider shall be required throughout the proposed subdivision. All curbs shall be approved by the Planning Board. Where curbs are not required, adequate gutters shall be graded and protected by seeding or appropriate surfacing by the developer.
7. The shoulder shall be constructed with a one (1) inch per foot pitch and a minimum of five (5) feet in width. The paved area should consist of two (2) nine (9) foot lanes on an eighteen (18) inch gravel base with double surface treatment pitched at a minimum of three-eighths (3/8) inch per foot.
8. No roadside areas within the right-of-way will exceed a one-on-three slope without appropriate provision for stabilization.
9. The Planning Board may require such sidewalks as it deems necessary to provide for the safety of pedestrians. Concrete sidewalks at least four (4) feet wide and four (4) inches thick shall be installed where required, as specified by the Planning Board.

Section 15 - Blocks

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 1. The type of development proposed;
 2. Zoning requirements as to lot sizes and dimensions, if any and to the requirements of these Regulations;
 3. Need for convenient access, circulation, control and safety of street traffic, with particular attention to limitation of the number and location of points of ingress and egress; and

4. Limitations and opportunities of topographical and other site characteristics.
- B. Where the subdivision is laid out in conventional block form, block lengths shall generally not exceed fifteen hundred (1,500) feet nor be less than seven hundred fifty (750) feet. Block width shall generally be two lots deep.

Section 16 - Lots

- A. The lot size, width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, topographical conditions and for the type of development and use contemplated.
- B. Minimum lot size and lot width shall be in accord with the requirements of the Town Zoning Regulations, if any. In addition, all lots shall have area and width equal to minimum requirements of the State or County Health Department, as may be applicable.
- C. The subdividing of land shall be such as to provide each lot with frontage on an improved street, with satisfactory access to an existing public street.
- D. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets in accord with front yard setbacks as established by the Zoning Regulations, if any, or as otherwise stipulated by the Board.
- E. Double frontage lots with access to two streets shall not be approved.
- F. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- G. Off-street parking space shall be required for all uses. In the case of dwellings, at least four hundred (400) square feet of off-street parking space per dwelling unit shall be provided back of the building set back line, plus access drive and maneuvering space.

Section 17 - Grading and Drainage

- A. Storm and surface water drainage shall be designed for the tract in relation to the drainage area above the tract and drainage outlets into adjacent tracts. Drainage systems must be sufficient to handle discharge from the entire drainage area whether inside or outside the subdivision, based on a fifty (50) year storm. No subdivision shall be approved where anticipated runoff incident to the subdivision development will overload existing downstream facilities during a fifty (50) year storm.
- B. The cost of a facility in excess of that for the particular subdivision shall be as determined by the Board and may be pro-rated among upstream property owners and the Town.

- C. Drainage structures and facilities shall be installed as necessary to assure adequate drainage for the tract, and drainage easements shall be provided, where necessary.
- D. The subdivider shall allow no holes, depressions or other undrained areas to remain, except such wet areas as may be natural features which shall be protected as such at the direction of the Board.

Section 18 - Easements

- A. Adequate easements centered on rear or side lot lines shall be provided for utilities, where necessary. A minimum easement width of thirty (30) feet is required.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both as will be adequate for the purpose, as determined by the Board.
- C. A pedestrian right-of-way or easement not less than twelve (12) feet wide, in addition to any street, shall be provided where required by the Board to provide safe circulation or access to schools, playgrounds and other community facilities.
- D. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded, where required.
- E. Reserve strips controlling access to streets, water or sewage mains, lines or treatment plants, or other land dedicated or to be dedicated to public use shall be prohibited unless control thereof is expressly placed in the Town under conditions approved by the Board.

Section 19 - Utilities

- A. Sewage Disposal System - If, in the opinion of the Board, a subdivision can be reasonably served by the extension of a public sanitary sewer or by a community system, the developer shall provide sanitary sewers and laterals for each lot for such service. Community disposal systems must conform to standards and inspection by the County or State Health Department, as may be applicable. Where public or community sanitary sewers are not feasible, the developer shall provide specifications including location for installation of individual systems for each lot in accordance with State and local requirements upon specific approval by the Planning Board.
- B. Water Supply - If, in the opinion of the Board a subdivision can be reasonably served by the extension of a public or community water supply system, the subdivider shall

connect each lot at the property line with the public or community supply system. Community water supply systems where provided, must conform to standards and inspection by the State or County Health Department, as may be applicable. Where public or community water supply is not feasible, the developer shall provide specifications including location for installation of individual systems for each lot in accordance with State and local requirements upon specific approval by the Planning Board.

- C. Other Utilities - Electric, telephone, and other available utilities shall be arranged for by the subdivider and shall be placed underground wherever it is practical to do so.
- D. Utilities shall be located in accord with Public Service Commission guidelines and as approved by the Planning Board. The Board shall require, wherever possible, that underground utilities be placed in the street right-of-way between the street surface and the street right-of-way line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is surfaced.

Section 20 - Street Lights, Trees, Signs and Screening

- A. Street lights shall be arranged for by the subdivider, where appropriate, as determined by the Planning Board, and be of the type and at such interval as specified by the Board.
- B. Street trees are to be the responsibility of the subdivider. Preservation of existing trees and location and type of new trees shall be approved by the Board.
- C. The area between the drainage way and the property line shall be seeded and otherwise improved by the subdivider and maintained by the owner.
- D. Street name signs shall be provided by the Town, unless otherwise agreed upon by the Town and the applicant.
- E. When so required by the Board, screen-planting or other appropriate buffer not less than ten (10) feet wide, may be required along the line of lots between the subdivision and any adjoining industrial, commercial, major street, railroad or other similar use.

Section 21 - Public Sites and Open Spaces

- A. Where a proposed park, playground, school or other public use shown in the Town Plan, or desirable for use as same, is located in whole or in part in a subdivision, such area shall either be dedicated to the proper public service agency, or it shall be reserved for acquisition by such agency within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the public agency regarding the time and method of acquisition, and the cost thereof.

- B. Where a subdivision is of a size and in a location so as to warrant the provision of a park or play ground area to serve such subdivision, the Planning Board may require that up to ten (10) percent of the land area of such subdivision be reserved and improved for open space recreation purposes.
- C. If the Planning Board determines that suitable open space recreation area cannot be located in a given subdivision or it is otherwise not practical to do so, the Board may require as a condition to approval of any such plat such other or further conditions as may be authorized by law, including payment to the Town of an acceptable sum which shall constitute a trust fund to be used exclusively for open space recreational purposes designed to serve such subdivision, including the improvement of existing facilities. In the instance that monetary payment in lieu of land and recreation improvements is made to the Town, such payment shall be based on a formula which considers the following:
 - 1. The area (in square feet or acres) of the subdivision that would otherwise be required to be dedicated to recreation or open space up to a maximum of ten (10) percent of the land area of the subdivision.
 - 2. The estimated dollar value of that amount of land based on the sale value of unimproved lots in the subdivision comparable to the amount of land that would otherwise be dedicated to recreation and open space.
 - 3. The dollar value of initial improvement and installation of facilities to adequately serve and otherwise carry out the intended recreation use for the subdivision to be served.

Section 22 - Required Adjustments

- A. If at any time following approval and filing of the Final Plat it is demonstrated that unforeseen conditions make it necessary or desirable to modify the location or design of any required improvement or installation, the Planning Board may authorized such modification provided it is within the spirit and intent of the original action and does not constitute a substantial departure from the approved and filed Final Plat.

ARTICLE IV - ADMINISTRATION AND ENFORCEMENT

Section 23 - Required Plat Approval

- A. Upon enactment of these Regulations the Town Clerk shall file a notice of same with the County Clerk who shall thereafter file no subdivision or any part thereof except when approved and signed in accord with these Regulations.

- B. No subdivision or part thereof as herein defined shall be developed or offered for sale nor shall any lot included in such subdivision be recorded with the County until a Final Plat has been approved, signed, and filed in accord with these Regulations.
- C. A fee to be determined by the Town Board shall be paid to the Town Clerk for credit to the account of the Planning Board in the General Fund when the Preliminary and Final Plat is submitted to the Board for action thereon.
- D. Any costs incurred for professional review of Preliminary and/or Final Plat shall be paid by the applicant. Any costs will be paid prior to the Public Hearing.
- E. Approval and filing of the Final Plat shall not constitute acceptance by the Town Board of the dedication of any part of such Final Plat without separate and formal acceptance by the Town Board.

Section 24 - Waiver of Non-Applicability

- A. Where the division of separate, non-contiguous and unrelated tracts of land held in one ownership or the division of property by inheritance or other such devise are clearly not intended to be within the purview and intent of these Regulations, the Planning Board, upon application and in accord with any requirements they may establish, may authorize a waiver of non-applicability which shall release the applicant from compliance with these Regulations or a specified portion thereof for the specific action under consideration.
- B. Where the division of property does not permit the achievement of the standards or required improvements set forth in these Regulations or, where due to the special circumstances of a particular subdivision the provision of certain required standards or improvements is inappropriate and not requisite in the interest of the public health, safety and general welfare, the Planning Board upon application and in accord with any requirements they may establish, may authorize a waiver of non-applicability for those specified and applicable portions of the Regulations, provided such departure is within the purpose and intent of the Town Plan and these Regulations.

Section 25 - Enforcement; Violation; Appeal

- A. Enforcement - These Regulations shall be enforced as provided for by corresponding Local Law adopted separately by a person hereinafter called the "Enforcement Officer", designated by the Town Board, who shall in no case grant any Permit where any proposed subdivision, construction or installation would be in violation of any provision of these Regulations.

- B. Citizen Complaint - Any resident, property owner or other person of legitimate interest may file with the Enforcement Officer a written and signed complaint against any alleged violation of these Regulations. It shall be the duty of the Enforcement Officer to investigate such alleged violation and to report thereon to the Town Board in a timely manner, which report shall be filed and be part of the public record of the Town. The citizen who filed the complaint shall receive a written response within sixty-two (62) days of the Enforcement Officer's receipt of the complaint.
- C. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board or any officer or department of the Town concerning a Preliminary or Final Plat may have the decision reviewed in the manner provided by Article Seventy-Eight of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the filing of the decision in the office of the Town Clerk. Costs shall not be allowed against the Planning Board, unless it appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 26 - Interpretation and Effectuation

- A. Interpretation - In their interpretation and application the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard, shall govern.
- B. Separability - The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Effective Date; Repealer - the "TOWN OF SHARON SUBDIVISION REGULATIONS" shall be come effective upon adoption by the Planning Board and subsequent approval by the Town Board at the time and in the manner provided by law and any existing ordinances, statutes, resolutions, regulations or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.
- D. In the event that the Town of Sharon institutes any appropriate action or proceeding, pursuant to Section 26 herein, all work, repairs, costs, disbursements and attorney's fees thereby incurred shall be a monetary judgment and shall also be a lien upon the property where the violation existed, and the amount so assessed and levied shall be collected in the same manner as Town taxes.

SUBDIVISION ENFORCEMENT REGULATIONS
ARTICLE I - ENACTMENT AND APPLICABILITY

Section 1 - Enactment

- A. The Town Board of the Town of Sharon in the County of Schoharie, New York does hereby ordain and enact the Town of Sharon Subdivision Enforcement Regulations under and pursuant to the Municipal Home Rule Law and in accord with Article 16 of Chapter 62 of the Town Law of the State of New York.

Section 2 - Title

- A. This Local Law shall be known and may be cited as the "TOWN OF SHARON SUBDIVISION ENFORCEMENT REGULATIONS".

Section 3 - Purpose

- A. It is the purpose and intent of this Local Law to provide for the enforcement of the Town of Sharon Subdivision Regulations previously adopted by the Town Planning Board and approved by the Town Board.

Section 4 - Scope

- A. Pursuant to Town Law, Sections 265A, 276 as rewritten by Chapter 964 of the Laws of 1972, 277,278,281 and 282 and acts amendatory thereto, and in accord with the provisions of the Municipal Home Rule Law, these Regulations authorize and empower the Town Board of the Town of Sharon to enforce and provide penalties for the violation of the Town of Sharon Subdivision Regulations.

Section 5 - Definitions

- A. Terms and words used herein are as defined in Appendix 'C' of this Code which is hereby made a part of these Regulations.

ARTICLE II - ENFORCEMENT PROVISIONS

Section 6 - Enforcement

- A. These Regulations shall be enforced by a person hereinafter called the "Enforcement Officer" designated by the Town Board, who shall in no case grant any Permit where any proposed subdivision, construction, or installation would be in violation of any provision of the Town of Sharon Subdivision Regulations. The Enforcement Officer shall make such inspections of the premises as are necessary to carry out his duties and no Permit or authorization to proceed shall be approved or issued by the Enforcement Officer, except in compliance with the provisions of the Town Subdivision Regulations.

- B. Notification and Correction - Any subdivision found to be in violation of these Regulations shall be so recorded by the Enforcement Officer and official notice to this effect shall be given to the owner of record thereof. The owner shall initiate measures to correct such noted violation within sixty (60) days from the date of notification. If any such violation is not corrected within sixty (60) day period, or positive steps taken to initiate a process for correction, the Town may institute proceedings to compel compliance.

Section 7 - Violations and Penalties

A. Shall be as follows:

1. Any person or persons who commit or permit any acts contrary to the provisions of the Town of Sharon Subdivision Regulations shall be guilty of a violation thereof and, upon conviction, shall be subject to a fine not exceeding two hundred fifty (\$250) dollars or imprisonment for a period not to exceed thirty (30) days, or both.
2. Each week's (7 days) continued violation shall constitute a separate and additional offense.
3. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or restrain by injunction, the violation of the Town Subdivision Regulations.
4. In the event that the Town of Sharon institutes any appropriate action or proceeding, pursuant to Section 7 herein, all work, repairs, costs, disbursements and attorney's fees thereby incurred shall be a monetary judgment and shall also be a lien upon the property where the violation existed, and the amount so assessed and levied shall be collected in the same manner as Town taxes.

Section 8 - Effectuation

- A. The "TOWN OF SHARON SUBDIVISION ENFORCEMENT REGULATIONS" shall become effective upon adoption by the Town Board at the time and in the manner provided by law and any existing ordinances, statutes, resolutions, regulations or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.

Part III
Town of Sharon Zoning Regulations

ARTICLE I - ENACTMENT AND APPLICATION

Section 1 - Enactment

- A. The Town Board of the Town of Sharon in the County of Schoharie, New York, does hereby ordain and enact the Town of Sharon Zoning Regulations under and pursuant to Article 16 of Chapter 62 of the Town Law and in accord with the Municipal Home Rule Law of the State of New York.

Section 2 - Title

- A. These Regulations shall be known and may be cited as the "TOWN OF SHARON ZONING REGULATIONS".

Section 3 - Purpose

- A. The purpose of these Regulations is to promote the health, safety, morals or the general welfare of the community and thus to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to promote aesthetic values; and to encourage the most appropriate use of land throughout the Town.

Section 4 - Scope

- A. These Regulations shall apply to the construction, installation or alteration of any building, structure or appurtenant system, any change in use, and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Sharon.

Section 5 - Definitions

- A. Terms and words used herein are as defined in Appendix 'C' of the Code which is hereby made a part of these Regulations.

ARTICLE II - ESTABLISHMENT OF DISTRICTS

Section 6 - Purpose

- A. In furtherance of those general purposes outlined above, it is the objective of these Regulations to define various appropriate categories of residential, commercial, agricultural and open space districts in such manner as to recognize the existing character and quality of land uses and natural features throughout the Town, and in accord with the Town Land Use Plan.

Section 7 - Districts

A. For these purposes, the Town of Sharon is divided into the following districts:

R	Residential District
R-H	Residential-Highway District
R-R	Residential-Rural District
R-A	Residential-Agricultural District
R-C	Rural-Center District
O-S	Open-Space District
C-I	Commercial Industrial District
F-H	Flood Hazard (Overlay) District
P-CI	Planned Commercial Industrial District

B. Provision is also made for the creation of one or a combination of the following Planned Development Districts:

P-R	Planned Residential District
P-Rec	Planned Recreational District
P-C	Planned Commercial District
P-I	Planned Industrial District

Section 8 - Standard and Uses Requiring Special Permits

A. The Standard uses and uses requiring Special Permits permitted in each of the above established districts, and a summary of the standards applicable thereto are set forth in Attachment I entitled "Zoning Schedule", which is hereby made a part of these Regulations.

Section 9 - Planned Development Districts

A. Purpose:

1. The purpose of this provision is to provide a means of developing those land areas within the Town considered appropriate for new residential, recreational, commercial or industrial use - or a satisfactory combination of these uses - in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of these Regulations.
2. In particular, this provision is designed to accommodate proposed planned unit development or clustering techniques not otherwise provided for and to provide for consideration of such special types of uses as mobile home courts.
3. The Planned Development District procedure is not intended for the conventional development of a single parcel in an isolated manner unrelated to the Town Plan

or in contravention to these Regulations. The Planned Development District is designed to accommodate such large scale uses as will be of benefit to the community but which could not have been anticipated at the time of adoption of the Local Law. The Planned Development District procedure shall not be used in instances where conventional Subdivision Regulations or Special Permits, as set forth in Attachment I, would apply.

4. A Planned Development District shall be treated as an amendment to this Land Use Code. Any proposed District shall be at least twice the size required for a single building lot in the District from which the new Planned Development District is being created.

B. Procedure:

1. For establishment of a Planned Development District:
 - a. Any applicant wishing approval for a Planned Development District shall submit this request to the Town Board in the form of a Preliminary Proposal. The applicant shall furnish that data called for under Preliminary Plat/Plan in Appendix 'B' of this Code which is hereby made a part of these Regulations. Application for designation of a Planned Development District shall be referred to the Planning Board within ten (10) days of its receipt by the Town Board.
 - b. In addition, a written explanation of the character and purpose of the Planned Development including the type and density of any housing proposed, open space to be provided, the water and sewage disposal system proposed, a general statement of proposed financing, and an indication of the expected timetable of development shall be submitted.
2. Developer's Conference -
 - a. Within sixty-two (62) days after receipt of the Preliminary Proposal from the Town Board, the Planning Board shall schedule a conference with the applicant to review the Proposed Planned Development. If said proposal seems to be in accordance with overall planning objectives for the area, the Planning Board and the applicant shall jointly consider the conditions and specifications under which the proposal will be approved. After such conference, if the applicant wishes to proceed with the Planned Development, he shall submit to the Planning Board a written statement of intent to comply with the conditions and specifications as established.
 - b. The Planning Board may require such changes in the Preliminary Plan as are found to be necessary to meet the requirements of this Section, to protect the established permitted uses in the vicinity and to promote the orderly growth and sound development of the Town. In considering the proposal and in

reaching its decisions regarding the preliminary plans, the Planning Board shall consider and make findings regarding those considerations set forth under paragraph 3-c of this subsection.

- c. If agreement on conditions cannot be reached, the Planning Board may, at that time, recommend to the Town Board that the proposal not be approved. Such recommendation shall include a detailed explanation of the basis for the Planning Board's decision.
 - d. The Planning Board shall report its findings and make its recommendation to the Town Board within sixty-two (62) days after the final developer's conference with the Planning Board has been completed. It may recommend approval, disapproval, or conditional approval subject to modifications regarding the proposed development.
 - e. The Town Board shall hold any public hearing after public notice as required for any amendment to these Regulations and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. It may amend the Zoning Map to establish and define the type and boundaries of the Planned Development District, and in so doing may state specific conditions in addition to those provided by this Section, further restricting the nature or design of the development.
3. For the approval of development within an established Planned Development District:
- a. Amendment of the Zoning Map shall not constitute authorization to develop in the district.
 - b. Such authorization, after a Planned Development District has been established shall require that the applicant submit to the Planning Board such further plans and specifications, supporting documents and data as are required under Final Plat/Plan in Appendix 'B' of the Code.
 - c. The Planning Board, and the Board's professional planning advisor, shall set forth the particular ways in which the proposed development would or would not be in the public interest, including, but not limited to findings of fact and conclusions on the following: (Any costs incurred for professional review of a Planned Development District shall be paid by the applicant.)
 - 1- The need for the proposed project.
 - 2- In what respects the plan is or is not consistent with the stated purposes of a Planned Development District.

- 3- The extent to which the plan departs from zoning regulations formerly applicable to the property in question, including but not limited to bulk, density and permitted uses and its relationship to the Town Land Use Plan.
 - 4- The existing character of the neighborhood and their relationship, beneficial or adverse, of the proposed development to this neighborhood.
 - 5- The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.
 - 6- The provision for pedestrian circulation and open space in the planned development, the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation as related to the proposed density and type of development.
 - 7- The recognition and satisfactory accommodation of important natural and physical limitations and opportunities of the site.
 - 8- The traffic circulation features within the site including the amount of, location of, and access to automobile parking and service areas.
 - 9- The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards such as inadequate site distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes.
 - 10-The provision for storm, sanitary and solid waste disposal and other utilities on and adjacent to the site.
 - 11-The proposed location, type and size of signs and landscape features.
 - 12-The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands including water, sewerage and fire protection.
- d. No Permit shall be issued until the Planning Board has made its recommendation based on the foregoing considerations and the Town Board has considered this recommendation and authorized issuance of Permit by resolution. The Town Board may override the recommendation of the Planning Board in adopting its resolution to authorize or deny a Permit only by an affirmative vote of a majority of the Town Board.
 - e. All conditions imposed by the Town Board in its amendment and all subsequent conditions imposed by the Planning Board or Town Board in their

review of the final plans, including the posting of any performance bond as provided for in Appendix 'B' of this Code or any other conditions stipulated precedent to the issuance of any Permit, shall continue in force and effect as it applies to the approved project and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.

- f. If construction of the development in accordance with the approved plans and specifications has not begun within one (1) year after the date of the resolution authorizing issuance of the Permit, all permits shall be come null and void, and the approval shall be deemed revoked and vacated.

C. Special Applicability:

1. All proposed mobile home courts and recreational campgrounds shall be subject, and considered according, to the Planned District process as set forth above.
2. In addition to the provisions and appropriate considerations detailed under the Planned District process, the following standards shall apply for:
 - a. Mobile Home Courts:
 - 1- A mobile home court shall have a minimum parcel size of five (5) acres and provide for a minimum of ten (10) mobile home sites.
 - 2- Individual mobile home sites within the court shall be a minimum of six thousand (6,000) square feet.
 - 3- All internal roadways within a mobile home court shall have a paved or stone course, the minimum width of which shall be twenty (20) feet for two-way traffic and twelve (12) feet for one-way traffic. In addition to the surface width, a five (5) foot shoulder shall be maintained on each side of every internal roadway.
 - 4- No mobile home shall be located within twenty (20) feet of any internal roadway or within fifty (50) feet from the boundaries of any public roadway.
 - 5- A minimum of one (1) off-street parking space shall be provided for each mobile home lot in the mobile home court outside the required road and shoulder area.
 - 6- All water supply and sewage disposal systems will comply with those standards set forth, and be approved, by the County or State Health Department before any Permit is authorized.

- 7- Adequate provision will be insured for accommodation of surface drainage and refuse disposal.
- 8- All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulations of the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground.
- 9- Fuel tanks, where used, shall be placed at the rear of the mobile home and at a distance of at least five (5) feet from any exit and must be equipped with a safety shut-off valve at the tank. A centralized fuel supply system is to be encouraged wherever possible.

b. Recreational Campgrounds:

- 1- A recreational campground shall include a minimum parcel size of five (5) acres and provision for the accommodation of a minimum of ten (10) recreational living units.
- 2- Within the campground a minimum area of three thousand (3,000) square feet shall be designated for each unit's location.
- 3- Roadway, sanitary and site improvement considerations will be as provided for above under mobile home courts or as is otherwise appropriate as determined by the Planning and Town Board in their review of any such proposal.

Section 10 - Zoning Map

- A. The above established districts are delineated on a Zoning Map entitled "Zoning Map Town of Sharon, N.Y." included herein as Attachment II, which map, with all amendments thereto, is hereby made a part of these Regulations.

ARTICLE III - APPLICATION OF REGULATIONS

Section 11 - Interpretation of Zoning Map

- A. The following rules shall apply to determine the boundaries of the districts shown on the Zoning Map.
1. Whenever district boundaries follow street or highways, the center line of such streets and highways shall be considered the district boundaries. Whenever district boundaries on the Zoning Map follow natural features such as streams or waterways, the center of such natural features shall be considered to be the district boundaries.

2. Whenever district boundaries are so indicated that they apparently follow individual lot lines or field, tree and fence lines as interpreted from aerial photography, such lines of demarcation shall be considered the district boundaries.
3. Where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a dimension expressing its distance in feet from the road center line or other boundary line as indicated; or by use of the scale appearing on the Zoning Map.
4. Where a district boundary line divides a lot in single ownership on the effective date of these Regulations, the standards for the less restricted portion of such lot shall extend not more than one hundred (100) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
5. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals, upon application, shall render a determination with respect thereto.

Section 12 - Interpretation of Regulations

- A. Regulations governing minimum lot area and lot width; required front, side and rear yards; and maximum building coverage and building height are specified in Attachment I, subject to such additional standards as may be set forth in the these Regulations.
- B. Except as otherwise provided in these Regulations:
 1. No building shall be erected, constructed, reconstructed or altered, and no land or building or part thereof shall be used for any purpose or in any manner except as permitted for the district in which such building or land is located as set forth under the list of permitted Standard uses and uses requiring Special Permit in Attachment I of these Regulations.
 2. No existing lot of record on the effective date of these Regulations shall be reduced, subdivided or otherwise reduced in size or changed in configuration so as to make it nonconforming under the Regulations.
 3. No building shall be erected, reconstructed or altered nor shall any open space surrounding any building be encroached upon or reduced in any way, except in accordance with the yard, lot area and building location regulations of these Regulations for the district in which such building is, or is proposed to be, located; or where such open space or land is located.
 4. No yard or other open space surrounding any building located in conformance with these Regulations shall be considered as providing the requisite yard or

open-space area for another building. Likewise no yard or open space on one lot shall be considered as providing a yard or required open space for a separate principal or accessory building on any other lot.

5. The regulations listed for each district are hereby adopted and prescribed for such district, subject to the provisions of other applicable Sections of these Regulations, and unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Section 13 - Additional Lot and Building Location Regulations

- A. No more than one principal structure on any lot, other than as may be approved under the Planned Development District provisions, shall be permitted.
- B. On a corner lot in any district where a front yard is required, a yard shall be provided on each roadway equal in depth to the required front yard on each such road. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a Permit.
- C. Where a single lot under individual ownership extends from one roadway to a parallel or nearly parallel roadway, the principal structure shall be erected to face the roadway on which those adjoining structures face.
- D. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained which obstructs visibility from the roadway or interferes with the safe movement of vehicular traffic.
- E. When a vacant lot in any district is situated between two improved lots, the front yard of the vacant lot shall have a minimum depth equal to the average depth of the front yards of the two adjoining improved lots, but not less than twenty-five (25) feet from the road right of way or fifty (50) feet from road center line, whichever is greater.
- F. The space in any required yard shall be open and free from any building except for accessory buildings in a side or rear yard and except for the ordinary projections of window sills, eaves and other architectural features, provided, however, that such features shall not project more than two (2) feet into any required yard.
- G. No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except that the height limitations of these Regulations shall not apply to barns, silos, church spires, chimneys, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended.

H. Residential fences shall be no closer than twenty four inches from the property line.

Section 14 - Accessory Buildings and Uses

A. On any lot accessory buildings(s) or use(s) in connection with the principal structure and use may be constructing and located subject to the following:

1. All accessory buildings or uses shall require a Permit to be issued prior to their initiation as elsewhere required in these Regulations.
2. No more than two (2) accessory buildings or uses in addition to a private garage in conjunction with a residence, including such things as a home workshop, tool shed, wood shed and like buildings and uses shall be permitted on any residential lot. The total area encompassed by such accessory building(s) and use(s) shall not exceed that maximum percent of total lot coverage as identified according to the respective zoning district in Attachment I - Zoning Schedule. No such limitation shall apply to farm or commercial uses, except that permitted accessory buildings and uses may be determined by the Planning Board in accord with their review of any proposed Planned Development District or any use required a Special Permit.
3. Accessory Buildings to a residential use which are not attached to a principal building may be erected in accordance with the following requirements:
 - a. Rear or side yard - at least ten (10) feet from side or rear property line.
 - b. Side yard, street side of corner lot - same as for principal building.
 - c. No closer to a principal of other accessory building than ten (10) feet.
4. An accessory building attached to a principal residential building or an accessory building to other than a residential use, whether attached to the principal structure or not, shall comply in all respects with the requirements of these Regulations applicable to the principal building.
5. No accessory building or enclosure shall be constructed or located to house livestock, other than a domestic household pet, on any lot less than three (3) acres in size. Front, side and rear yard setbacks for any such building or enclosure designed to house livestock shall be a minimum of one hundred (100) feet from the side and rear lot lines.
6. Maximum height of any accessory building shall be one and one-half (1 1/2) stories or twenty (20) feet, whichever is less; except that it shall not exceed the height of the principal building. This height limitation does not apply to farm structures.

7. A private, outdoor swimming pool shall be permitted as an accessory use to a dwelling unit only in accordance with the following regulations:
 - a. Such pool shall be accessory to a principal residential use and shall be erected only on the same lot as the principal structure.
 - b. Such pool may be erected or constructed only in the side or rear yard of the lot, shall conform with the minimum side and rear yard requirements of the principal building for the district in which it is located and shall not be less than fifteen (15) feet distant from any principal or accessory structure.
 - c. Such pool shall be adequately fenced according to the New York State Uniform Fire Prevention Building Code in order to assure that it will be used only by those persons having approved entrance to the pool.
 - d. Such pool shall be adequately screened or otherwise situated so as not to be visible from the public right of way or to present a nuisance to any adjoining use.
 - e. Such pool shall not adversely affect the character of any residential neighborhood and all lighting or other appurtenances shall be so arranged as not to interfere with neighboring uses.

In addition, a swimming pool to be constructed or installed as an accessory use to a motel, tourist or like accommodation or as part of any commercial or club facility shall be permitted after application to, and authorization of a Permit therefore by, the Enforcement Officer. Such swimming pool shall be so located as not to cause a hazard or nuisance and shall be designed and located in accord with acceptable engineering standards and any applicable County or State requirements.

8. One (1) mobile home shall be permitted as an accessory use to a farm where the location of the mobile home is in conjunction with a commercial, operating farm and for the sole purpose of providing residential quarters for a full-time employee, and the employees family, of the farm. In considering an application for a mobile home to be located as an accessory dwelling to an operating farm, the Enforcement Officer shall determine that:
 - a. The location, including front, side and rear yards are as otherwise required for a principal residential use in the district as regards the parcel on which the mobile home is located and relative to any principal or accessory building.
 - b. The provisions for all sanitary facilities are adequate.

- c. Proper assurances are provided, including a performance bond where deemed necessary, for the removal of any mobile home no longer used for occupancy by a full-time employee of such operating farm.
 - d. All other provisions relating to mobile homes under these Regulations are met.
9. A building, mobile home, trailer or other structure, accessory to a construction project for office, storage or related construction use may be permitted upon issuance of a Permit by the Enforcement Officer, such installation to be temporary and continued only for the duration of the construction project to which it is accessory.

Such Permit will be issued only in conjunction with the construction of an approved use for which a Permit has also been issued and a Certificate of Compliance applied for. Such temporary facility shall not be designed or used for living accommodations except for the nonpermanent accommodation of a clerk-of-the-works or night watchman, and shall be promptly removed upon completion of the construction project or part thereof to which it is accessory, such date to be determined by the Enforcement Officer. Upon notice from the Enforcement Officer, the Permit shall expire and the rights and privileges hereunder shall be vacated. Failure to remove such installation in a prompt manner after notice by the Enforcement Officer shall be considered a violation of these Regulations.

Section 15 - Nonconforming Situations

- A. A permitted building or use may be constructed or located on any lot of record in any district even if said lot is less than the minimum area required for said use in the district in which it is located, providing the following conditions exist or are met:
- 1. The owner of said lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area; and
 - 2. Any structure erected or use located on a nonconforming lot shall have front, side and rear yards conforming to the minimums required for the district in which said lot is located, except as may be otherwise approved by the Board of Appeals as elsewhere provided for and according to the variance procedures under these Regulations.
- B. The lawful use of any land or principal or appurtenant structure or use requiring a Permit under these Regulations and existing on the effective date of these Regulations may be continued although such use or structure does not conform with the provisions of these Regulations and any such use or structure may be reconstructed, altered or changed in use subject to the following:

1. A nonconforming building or use shall not be added to or enlarged in any way that will extend the nonconforming features unless such nonconforming building or use is made to conform to the regulations of the district in which it is located.
2. A nonconforming use may be changed to another nonconforming use only upon a determination by the Board of Appeals, as elsewhere provided for and according to the variance procedures under these Regulations, that such change represents an improvement to the existing use and its relationship to adjoining uses.
3. A nonconforming structure or use, once removed, shall not be reintroduced or replaced other than by a conforming structure or use.
4. Whenever a nonconforming use has been discontinued for a period of one (1) year, any future use shall be in conformity to the provisions of these Regulations.
5. A nonconforming structure or use which has been damaged by fire or other natural causes may be restored, reconstructed or used as before, provided the bulk, height and area requirements shall not exceed that which existed before said damage. Said restoration must be completed within one (1) year of such occurrence or the use of the building or land as a legal nonconforming use thereafter shall be terminated.
6. Any building or use which has been conclusively initiated or for which a Permit has been lawfully granted, and on which construction has been started and diligently prosecuted before the effective date of these Regulations or its amendment may be completed.
7. Nothing in the foregoing shall be interpreted to preclude the substitution of a replacement mobile home for an existing mobile home of record nonconforming as to use on the effective date of these Regulations, provided that all other applicable provisions of these Regulations are complied with; and further provided that such replacement is accomplished within one (1) year from the date of removal of the existing mobile home of record.

ARTICLE IV - SUPPLEMENTARY REGULATIONS

Section 16 - Special Use Permits

- A. Land use activities listed in Attachment I - Zoning Schedule as requiring a Special Use Permit shall not be permitted until such special conditions have been fulfilled or a Special Use Permit has been authorized by the Planning Board in accordance with the provisions of this Local Law.

B. Process - On application the Planning Board may authorize the Enforcement Officer to grant a Special Use Permit for any use for which approval of the Planning Board is required by these Regulations according to the following:

1. The Enforcement Officer shall transmit a copy of each application to the secretary of the Planning Board for its consideration.
2. The Planning Board shall, pursuant to law, hold a public hearing on any application for a Special Use Permit prior to acting thereon. Such hearing shall be held within a reasonable time and the Board shall render its decision within sixty-two (62) days following the date of public hearing.
3. Notice of the Planning Board's Decision will be given in writing to both the applicant and the Code Enforcement Officer and filed with the Town Clerk within five days of rendering its decision.

C. Required Submissions - The nature and content of an application for a Special Use Permit shall be as follows:

1. Where the proposed use involves only the interior conversion or renovation of an existing structure or the addition or alteration of an accessory building, the Board shall require as a minimum, the following items of information:
 - a. Application with name and address of property owner and applicant, existing zoning district, tax map number and description of type and extent of proposed use.
 - b. Sketch Plan as set forth in Appendix 'B', drawn to scale in ink on minimum sheet size of 8 1/2" X 11" showing lot size, placement of principal and accessory buildings and relationship to adjoining parcels and buildings thereon, location of required parking and any alterations to the site.
2. Where the proposed use involves a new or additional principal structure or exterior structural renovation of such principal building, or any significant change in the use or configuration of the site, the Board may require as a minimum, those pertinent items of information, and in the form, set forth under Preliminary Plat/Plan in Appendix 'B' of this Code.
3. In any instance where the size, location, nature or complexity of the proposed use is such that more detailed plans or specifications are necessary for a complete understanding of the application, the applicant shall be notified that all or portions of the information set forth under Final Plat/Plan in Appendix 'B' will be required as well as any further information that the Board may specify.

D. Applicable Considerations - In their consideration of an application for a Special Use Permit, the Board shall determine that:

1. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 2. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, pedestrian movement, relation to main traffic thoroughfares and to street and road intersections, the general character and intensity of development of the neighborhood and its relationship to the overall intensity guidelines for the particular zoning district as set forth in the Town Land Use Plan.
 3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and building or impair the value thereof.
 4. Notwithstanding any provision of law to the contrary, where a proposed Special Use Permit contains one or more dimensional features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance, without the necessity of a decision or determination by the administrative official charged with the enforcement of Zoning Regulations.
- E. Standards appropriate to individual Special Use Permits to be considered under the provisions of these Regulations include, but are not limited to, the following:
1. Home Occupation - A home occupation may be approved only if it complies with the following:
 - a. One sign as is permitted under these regulations. Outdoor display of items produced by such Home Occupation shall be subject to approval and regulation by the Planning Board. Request for permission to display items shall be made when applying for Special Use Permit.
 - b. Such use is clearly incidental and secondary to the use of the premises for residential purposes and further provided that such use shall not occupy or utilize in excess of twenty (20) percent of the gross floor area of the dwelling unit and its accessory buildings.
 - c. Off-street parking shall be provided for all clients, customers, or patients in the side or rear yard. Such off-street parking shall be located at least ten (10)

feet from any side or rear property line, shall be paved, screened or fenced as directed by the Board, and shall be so lighted that there will be no direct light into adjacent properties or streets.

- d. More than one home occupation may be permitted on a single lot. A separate Special Use Permit shall be required for each permitted Home Occupation. The area occupied by all permitted Home Occupations shall not exceed twenty (20 %) percent of the gross floor area of the buildings on the lot.
2. Rural Service, Shop, Use - Such use shall be permitted only where the Board determines that its purpose location and characteristics of operation are consistent with the purposes of the district and would not interfere with the rural residential or agricultural use of neighboring lands. In addition, the Board shall stipulate the following:
 - a. In the instance an accessory building is to be constructed or located for this purpose, it shall conform with all minimum yard, building location and height requirements elsewhere specified in these Regulations, and shall not exceed nine hundred (900) square feet in gross floor area.
 - b. No more than one (1) nonresident shall be employed or engaged in the operation of the business or service and any such use shall provide suitable parking, fencing, signing, lighting or other requirements as called for elsewhere in these Regulations and as the Board may specify.
 3. Roadside Stand - A permanent structure, stand or location for the sale of seasonal farm produce may be established upon authorization of a Special Use Permit by the Planning Board where the Board determines that:
 - a. Such use will not interfere with the normal flow of traffic or present a hazard by way of its proximity to the highway and in this regard that adequate pull-off and parking area is provided.
 - b. Such use will not present a nuisance or be objectionable to neighboring uses in terms of traffic, noise or unsightliness.
 - c. In addition, an annual Operating Permit shall be required for all roadside stands, such Permit to be effective to that date specified in the application of the calendar year of its issuance. Application for such Operating Permit will be made to the Town Clerk sixty (60) days prior to initiation of the proposed use. Upon recommendation of the Enforcement Officer and the Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth herein and any established fee schedule.

4. Public/Semi-Public Structure, Use - Such uses shall include various municipal and quasi-public, nonresidential uses such as school, church or library. These uses shall be subject to the following regulations:
 - a. The location, design, and operation of such facility shall not adversely affect the character of the surrounding residential area.
 - b. Any required off-street parking, service area and other requirements of the use shall be satisfactory to the Board.
5. Public Utility or Service Structure, Use – Public utility structures or installations used to transmit energy such as electrical and gas substations including switches and auxiliary apparatus serving a distribution area, water and sewage pumping stations, public works garage, sanitary landfill and similar facilities together with administrative offices accessory thereto but expressly excluding telecommunications facilities.
 - a. Such facility or installation shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
 - b. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
 - c. Any required off-street parking, service area and other requirements of the use shall be satisfactory to the Board.
 - d. Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen planted in accordance with the needs of the instant situation as determined by the Board.
6. Eating, Drinking Establishment - In addition to meeting the minimum yard and lot coverage requirements, such businesses shall be subject to the following regulations:
 - a. Such use shall have adequate frontage on a public roadway.
 - b. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Board.
 - c. Such use shall be adequately fenced and screened from any adjacent residential property and lighting shall be directed away from adjacent property and the highway.

7. Gasoline Station, Service Garage - In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
 - a. Such establishment shall not be closer than two hundred (200) feet to any existing residential use.
 - b. The minimum distance between pump islands and between the building and any pump islands shall be twenty (20) feet.
 - c. No waste water, oil or other materials shall drain onto, pollute or create hazardous or unsightly conditions because of surface drainage.
 - d. The number of driveways shall be subject to the approval of the Planning Board.
 - e. Any auto wash in addition to meeting the off-street parking requirements shall provide four (4) stacking spaces per bay on the lot to prevent the waiting of automobiles in the public street.
 - f. No exterior storage of dismantled or disabled motor vehicles, parts or salvage material shall be permitted.

8. Hotel, Motel, and Tourist Accommodation - Any such use shall be considered by the Planning Board according to the following:
 - a. The appropriateness of the use in its proposed location relative to the R-H district classification and to surrounding uses or open-space characteristics.
 - b. The amount of land involved, the number of occupants and the size and sophistication of accommodations to be provided as these pertain to the intensity of the use and the ability of the land and the character of the surrounding areas to accommodate it within the intent of the R-H zoning district.
 - c. Adequate access, egress and parking accommodations including at least one (1) parking space per rental unit.
 - d. A minimum of ten (10) rental units shall be provided for and the minimum floor area of each shall not be less than three hundred (300) square feet.
 - e. Lighting, signing and landscaping shall be as otherwise required under these Regulations and in accord with any additional provisions the Board may stipulate.

9. Commercial Excavation, Mineral Extraction, Mining - Except when incidental to the construction of a building on the same lot, the excavation, processing or sale of topsoil, earth, sand, gravel, clay or other natural mineral deposits is subject to the following conditions:
 - a. Such excavation or extraction shall not endanger the stability of adjacent land or structures nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic or other condition. The Planning Board shall specify any reasonable requirements to safeguard the public health, safety and welfare in authorizing such Special Use Permit.
 - b. The slope of such topsoil, sand, gravel, clay or other earth material shall not exceed the normal angle of repose of such material.
 - c. The top and the base of such slope shall not be nearer than one hundred (100) feet to any property line nor nearer than one hundred (100) feet to the right-of-way line of any street or highway.
 - d. Any accompanying structure or processing facility shall be so located as not to interfere with the visual qualities or open-space character of the land or any adjoining uses.
 - e. Adequate fencing and appropriate screen-planting shall be as stipulated by the Board.
 - f. A plan for restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a Permit to assure conformance with the public health, safety and welfare. The Planning Board, upon approval of such plan, may require a performance bond to assure rehabilitation of commercial excavation sites in conformity with the plan.

10. Junkyard - No junkyard shall be established hereafter in any area of the Town unless a Special Use Permit shall have been authorized by the Planning Board for such use. Before a Special Use Permit for a junk yard is authorized, the Planning Board shall find that such use will not constitute a detriment to the public health, safety, welfare, convenience, and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other condition. The Planning Board may specify any reasonable requirements to safeguard the public health, welfare, safety, convenience and property values in authorizing such Permit, including the following:
 - a. Said use shall not be located within one hundred (100) feet of any highway, stream or property line; or five hundred (500) feet from any existing church, school, public building or place of public assembly.

- b. Any new junk yard shall be completely surrounded with a fence which substantially screens said area and shall have a suitable gate which shall be closed and locked except during the normal working hours of said use. Such fence shall not be erected nearer than fifty (50) feet from any highway or property line. All junk and dumping materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during transportation of same in the reasonable course of the business. No dumping or burning of same shall be accomplished within the Town.
 - c. Where the topography, landforms, natural growth of trees or other considerations accomplish the purpose of this provision in whole or in part, the fencing requirements hereunder may be reduced by the Planning Board, provided, however, that such natural barrier conforms with said purposes.
11. Other Commercial Uses - Those other commercial and light industrial uses provided for in Attachment I - Zoning Regulations - Uses requiring Special Use Permit, and not otherwise specifically provided for in this Section may be permitted upon authorization of the Planning Board. Uses similar to those listed may also be considered for a Special Use Permit. In either case, the Planning Board shall determine that:
- a. The proposed use will not detract from or interfere with adjoining uses or vacant land.
 - b. The proposed use is consistent with the Town Plan for the area in question.
 - c. The individual parking, loading, storage, signing, screening and other needs of the proposed use are provided for in a manner satisfactory to the Board.
12. Family Care Facility - The Planning Board shall review any such proposed use to determine that it will not adversely affect the existing character and social structure of the neighborhood or surrounding area and to preclude the over concentration of such facilities that would defeat the purpose of deinstitutionalization. In particular, the Board shall review any application for such use according to the following:
- a. In addition to the requirement set forth in Attachment I, the Board shall determine that the lot area and open space provisions are of adequate size and suitably located to satisfactorily accommodate the number and type of occupants. Specifically, an average of three hundred (300) square feet of open space recreational area shall be provided on the site for each resident less than eighteen years of age and two hundred (200) square feet of open space recreational area shall be provided on the site for each resident eighteen years of age and older.

- b. Not more than two (2) such facilities will be located within one thousand three hundred twenty (1320) feet or one-fourth (1/4) mile of another such use in the Town and the total number of such facilities will not exceed five (5) percent of the total number of year-round single family dwellings in the Town, exclusive of the Village, at any point in time.
 - c. Adequate access and egress shall be provided to the public right-of-way and suitably located off-street parking provided, including a minimum of one (1) parking space for each resident or employee authorized to operate a motor vehicle.
13. Dwelling, Multi-family - The Planning Board shall review any such proposed use to determine that it will not adversely affect the existing character of the neighborhood or surrounding area. In particular the Board shall review any application for such use according to the following:
- a. In addition to the requirements set forth in Attachment I, shall determine that the structure is appropriately placed on the lot so as to fit with the surrounding neighborhood and is of exterior design suitable to the locality. Provision shall be made for open space suitably located to satisfactorily accommodate the recreational needs of the residents.
 - b. Provision shall be made for adequate water supply either by one or more proven wells or by approved water storage tanks. Plans submitted to the Planning Board shall include documentation to ensure that all units will have adequate water during peak hours of use.
 - c. No new structure for such use shall exceed four (4) dwelling units. No unit within the structure will exceed two (2) bedrooms. Each unit shall have a minimum of six (600) square feet of living space.
 - d. An existing residential structure may have the number of dwelling units contained within it increased, provided that the total number of dwelling units within the structure after conversion shall not exceed three (3). Each unit shall have a minimum of six hundred (600) square feet of living space.
 - e. Such facilities shall be located on hard surfaced roads which permit access for fire and rescue equipment, school buses and snow removal.
 - f. Adequate access and egress shall be provided to the public right-of-way and suitable located off-street parking shall be provided, including a minimum of one and one-half (1 1/2) parking spaces per dwelling unit.
 - g. Not more than two (2) such facilities will be located within two thousand six hundred forty (2,640) feet or less than one half (1/2) mile of another such use in the Town. The total number of such facilities will not exceed five (5)

percent of the total single/two family dwellings in the Town, exclusive of the Village of Sharon Springs, at any point in time.

14. Efficiency Apartments - Conversion of an existing building to contain efficiency apartments shall be permitted only in accord with the following:
 - a. Living space shall be two hundred (200) square feet at a minimum including sanitary facilities.
 - b. A maximum of one (1) conversion or addition of an efficiency apartment can be made to a single or two family dwelling.
 - c. Structures, such as motels, may be converted to efficiency apartments, provided that each unit will have a minimum of two hundred (200) square feet of living space and a separate, private bathroom.
 - d. Provision shall be made for adequate water supply either by one or more proven wells or by approved water storage tanks. Plans submitted to the Planning Board shall include documentation to ensure that all units will have adequate water during peak hours of use.
 - e. Such facilities shall be located on hard surfaced roads which permit access for fire and rescue equipment, school buses and snow removal.
 - f. Adequate access and egress shall be provided to the public right-of-way and suitable located off-street parking shall be provided, including a minimum of one and one-half (1 1/2) parking spaces per dwelling unit.
 - g. Not more than two (2) such facilities will be located within two thousand six hundred forty (2,640) feet or less than one half (1/2) mile of another such use in the Town. The total number of such facilities will not exceed five (5) percent of the total single/two family dwellings in the Town, exclusive of the Village of Sharon Springs, at any point in time.

15. Kennels - The Planning Board shall review any such proposed use to determine that it will not adversely affect the existing character of the neighborhood or surrounding area. In particular the Board shall review any application for such use according to the following:
 - a. The minimum lot size shall be five (5) acres.
 - b. No kennel enclosure, building, or fence shall be permitted within fifty (50) feet of any property line.
 - c. All outdoor areas used by animals shall be located to the side or rear of the principle building on the site. Such areas shall be enclosed by fencing of a

type of construction and height sufficient to confine any animal on the premises.

- d. In considering the application for a Special Use Permit for a kennel, the Planning Board shall consider the number, size, breed and temperament of animals to be sheltered in order to ensure the health, safety and general welfare of the community.
 - e. Buildings in which animals are to be housed shall have adequate provisions for heat, ventilation and sanitation for proper maintenance of the health of the animals. Sufficient housing shall be provided to ensure that all animals can be confined inside a building simultaneously.
 - f. Adequate provisions shall be made for sanitary disposal of animal waste supplies and to preclude offensive odors becoming a nuisance.
 - g. In issuing the Special Use Permit approval for a Kennel, the Planning Board shall stipulate the maximum number and type of animals to be boarded, harbored or trained.
 - h. All animals being boarded, harbored or trained in a kennel facility shall be confined indoors during hours of darkness.
16. Bed and Breakfasts - Any such use shall be considered by the Planning Board according to the following:
- a. The appropriateness of the use in its proposed location relative to the R-H district classification and to surrounding uses or open-space characteristics.
 - b. The amount of land involved, the number of occupants and the size and sophistication of accommodations to be provided as these pertain to the intensity of the use and the ability of the land and the character of the surrounding areas to accommodate it within the intent of the R-H zoning district.
 - c. Adequate access, egress and parking accommodations including at least one (1) parking space per rental unit.
 - d. A minimum of two rental units.
 - e. Lighting, signing and landscaping shall be as otherwise required under these Regulations and in accord with any additional provisions the Planning Board may stipulate.
17. Telecommunications Facilities

a. A telecommunication facility shall be allowed in any district subject to the issuance of a special permit and site plan approval by the Planning Board.

b. Telecommunication facilities proposed for co-location on a previously approved facility shall not require a special permit but shall require site plan approval by the Planning Board and the issuance of a building permit by the Code Enforcement Officer. Facilities proposed to be located on an existing structure or at a location not previously approved for such a facility shall require a special permit as well as site plan approval.

c. For each telecommunication facility requiring only a building permit and site plan approval the applicant shall submit a written application for a building permit together with materials and documentation listed below with the exceptions of 1.) & 2.).

For each Telecommunications Facility requiring a Special Use Permit, the applicant shall submit the following:

- 1.) A written application for such permit to the Planning Board on a form prescribed by the Planning Board.
- 2.) Environmental Assessment Form (long form) with the Visual Addendum as referred to therein.
- 3.) An analysis demonstrating that location of the telecommunication facility as proposed is necessary to meet the frequency reuse and spacing needs of the applicant's telecommunication system and to provide adequate service and coverage to the intended area.
- 4.) A site plan prepared to scale and in sufficient detail and accuracy showing at minimum:

a.) The exact location of the proposed telecommunication facility together with any guy wires and guy anchors, if applicable;

b.) The maximum height of the proposed telecommunication facility;

c.) A detail of tower type (monopole, guyed, freestanding, other);

d.) The location, type and intensity of any proposed lighting;

e.) Property boundaries and name of owner together with the names of adjacent land owners;

f.) The location of all other structures on the property and all structures on any adjacent property within ten (10) feet of the property lines, together with the distance of those structures to any proposed telecommunication facility;

- g.) The location, nature and extent of any proposed fencing, landscaping and/or screening;
- h.) The location and nature of proposed and existing easements and access road, if applicable;
- 5.) Proof of consent and acknowledgment of potential liability for tower removal by the owner of the telecommunication facility and the owner of the structure and land on which the facility is located, if not the same person or entity.
- 6.) Agricultural Data Statement;
- 7.) Copy of Federal Communications Commission (FCC) license;
- 8.) Engineer's report of new access driveways and parking;
- 9.) Certification of Structural Safety;
- 10.) Letter of intent of removal of obsolete/unused facilities;
- 11.) Documentation of Intermunicipal Notification and;
- 12.) Any other supporting documentation the Planning Board deems necessary.

d. ADDITIONAL REQUIREMENTS AND STANDARDS

1.) SETBACKS

a.) All telecommunication facilities shall be set back from abutting parcels, recorded rights of way and roads a distance equal to one and one-half (1 1/2) times the height of the facility or one hundred feet, whichever is greater. In addition the Planning Board may require such additional distances which in its opinion are necessary to contain on-site all ice-fall or debris from tower failure and preserve the privacy of any adjoining property.

b.) A telecommunication facility may be located on a single lot as a principal structure or on a portion of a lot of any existing use. If the land for such facility is to be leased, the entire area required shall be leased from a single lot of record unless a waiver is granted by the Planning Board based upon a showing of necessity that more than one parcel of record is essential to the development of the facility.

2.) SHARED FUTURE USE OF NEW TOWERS

In the interest of minimizing the number of new telecommunication facilities the Planning Board may require as a condition of either site plan or Special Use Permit approval that the applicant indicate in writing a commitment to co-location of such facilities and that the applicant will design any towers to have a minimum height and carrying capacity needed to provide future shared usage. The condition for co-location may not be required if the applicant demonstrates that provisions of future shared usage are not feasible or impose an unnecessary burden based upon:

- a.) the number of potential Federal Communications Commissions (FCC) licenses available for the area;
- b.) the kind of facility proposed;
- c.) the number of existing and potential licensees without facilities;
- d.) available spaces on other existing and approved facility; and
- e.) potential adverse visual impacts by a facility designed for shared usage.

3.) Co-location: Co-location utilizing existing tall structures such as municipal water tanks, silos or similar structures shall be preferred to the construction of new facilities. An applicant for a Special Use Permit shall present a report inventorying existing facilities and/or structures within a technologically reasonable distance of the proposed site and outlining opportunities for shared use of same as an alternative to a proposed new facility including documentation demonstrating good faith efforts to secure such shared use including an analysis of any technical, physical and/or financial reasons why shared usage is not appropriate.

4.) AESTHETICS - A telecommunication facility shall be located and buffered to the maximum extent which is practical and technologically feasible to help insure compatibility with surrounding land uses. In order to minimize adverse aesthetic effects on neighboring residences the Planning Board may impose reasonable conditions including the following:

- a.) Landscaping consisting of trees or shrubs to screen the base of the facility from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent.
- b.) Siting and design of any tower so as to avoid, if possible, application of Federal Aviation Administration (FAA) lighting and

painting requirements, it being understood that towers should not be artificially lighted, except as required by the FAA.

c.) Any facility shall, subject to FAA requirements, contain materials, colors and textures designed to blend with the natural surroundings; and

d.) No facility shall contain any advertising sign or device.

5.) TRAFFIC ACCESS AND SAFETY

a.) Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. New access driveways shall conform to the provisions contained in Town Law 280(a) and, in addition, shall have a sufficient base to support a twenty ton emergency vehicle as certified by a detailed cross-section stamped by a licensed engineer. Driveway areas shall be clear of obstructions for a height of twelve (12) feet and a width of sixteen (16) feet.

b.) The number of off-street parking spaces shall be not less than one space for each employee at maximum shift and shall be designed and located to provide adequate berths for both passenger and service vehicles. The parking area shall be designed to provide emergency and service access. The Planning Board may also require additional spaces based upon its review of the site, its proximity from other land use activities and public roads and the surrounding topography.

c.) All tower and guy anchors shall be enclosed by a fence no less than six (6) foot in height or otherwise sufficiently secured to protect the site from trespassing or vandalism.

d.) The applicant must comply with all applicable state and federal regulations including, but not limited to, FAA and FCC regulations.

e.) The applicant shall provide certification from a qualified, licensed engineer, certifying that the telecommunication facility meets applicable structural safety standards including those required by all applicable codes and that its operation will not interfere with local frequency transmissions including radio and/or television.

f.) The building height regulations otherwise applicable in the underlying district shall not apply to towers provided that the

applicant submits sufficient information to justify the proposed height as the minimum necessary to meet its transmission requirements.

6.) REMOVAL OF OBSOLETE/UNUSED FACILITIES - Written notification of discontinuance of a facility shall be given to the Code Enforcement Officer and filed with the Town of Sharon Planning Board not less than thirty (30) days prior to such discontinuance. Facilities which are discontinued shall be removed from any site no later than six (6) months of such notification. This provision shall not apply to any structure which otherwise was in existence prior to its use as a facility and the use of which may continue independently of such facility.

7.) INTERMUNICIPAL NOTIFICATION - In addition to the inter-municipal and county notification which may be required by other laws it is the intention of the Planning Board to promote Intermunicipal cooperation in the approval of telecommunication facilities and to also promote the development of a 911 warning system. Therefore, all applicants shall provide written notification to the legislative body of each municipality that borders the Town of Sharon, the Schoharie County Planning and Development Agency and the Director of the Schoharie County Communications 911 Program of its application including the exact location of the proposed facility and a general description of the project including the maximum height of same and its capacity for future use. Proof of such notification shall be submitted to the Planning Board as part of the application.

8.) PROFESSIONAL REVIEW OF SUBMISSIONS - The Planning Board shall require at the applicant's expense the following:

a.) Review of the application by a qualified engineer in order to evaluate the need for the facility at the proposed location and the appropriateness of the site layout and design; and

b.) Report of a licensed professional engineer certifying that any proposed shared use will not diminish the structural integrity and safety of an existing facility and, if so, what modifications will be required in order to achieve said result.

9.) INSURANCE - The applicant shall obtain a policy of General Public Liability Insurance if a special use permit is granted. The policy shall be obtained from an insurance company licensed to do business in New York State and shall be an amount equal to the coverage carried by the Town of Sharon. A certificate of insurance shall be presented to the Town Board of Sharon and a copy to the Planning Board within three months after final Special Use Permit approval or before commencing with construction,

whichever comes first, or said Special Use Permit shall be deemed void. The certificate of insurance shall name the Town of Sharon as an additional insured. Such policy shall be maintained until the telecommunication facility has been removed. The applicant will provide the clerk of the Town of Sharon with proof of insurance and /or insurance renewal on a yearly basis, no less that sixty (60) days before such policy expires.

10.) At such time as notification is given, as provided herein, of the discontinuance of a facility, the applicant shall also provide the Town of Sharon a bond to cover the cost of removal which names the Town as a party in interest. A qualified engineer of the Planning Board's choice will determine the bond amount. The responsible party will also provide such a bond within three months after final special use permit approval or before commencing construction of any facility, whichever comes first, or said special use permit shall be deemed void. Such bond shall remain in effect until the construction or removal is complete

11.) EXEMPTIONS - The following telecommunication facilities are not subject to the provisions of this Section:

a.) Antennas and satellite dishes having a diameter not exceeding two (2) meters in commercial districts and one (1) meter in all other districts designed and intended to be used exclusively for the occupants of the property on which they are located provided they are not situated on towers having a height greater than 35 feet above the ground.

12.) REPAIR AND MAINTENANCE: Telecommunication facilities may be repaired and maintained without further approval except for such permits as required under applicable building, fire and similar local, state or federal laws.

18. Adult Use and Entertainment Establishments

a. Definitions

Adult Use and Entertainment Establishments: A public or private establishment, or any part thereof, which presents any of the following entertainments, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or service; topless hair care or massages; service or entertainment where the servers or entertainers wear pasties or G-strings or both; adult arcade; adult bookstore or adult video stores; adult cabarets; adult motels; adult motion picture theaters; adult theaters; escort agencies; nude model studios and sexual encounter centers. Adult Use and Entertainment Establishments customarily exclude minors by reason of age, and are those businesses defined as follows:

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices which are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions, are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing “specified sexual activities” or “specified anatomical areas”.

Adult Bookstore or Adult Video Store means a commercial establishment that has a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its interior business advertising from the sale or rental for any form of consideration any one or more of the following:

- (A) books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or described “specified sexual activities” or “specified anatomical areas”; or
- (B) instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an Adult Bookstore or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas”. For purposes of this definition, “principal business purpose” shall mean twenty-five percent (25%) or more of any of the following:

- (1) the number of different titles or kinds of such merchandise;
- (2) the number of copies or pieces of such merchandise;
- (3) the amount of floor space devoted to the sale and/or display of such merchandise; or
- (4) the amount of advertising that is devoted to such merchandise, either in print or broadcast media.

Adult Cabaret means a nightclub, bar, non-alcoholic or ‘juice’ bar, restaurant, or similar commercial establishment which regularly features:

- (A) persons who appear in a state of nudity; or
- (B) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- (C) films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Motel means a hotel, motel or similar commercial establishment which:

- (A) offers accommodations to the public for any form of consideration; provides patrons with closed- circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and which advertises the availability of sexually oriented type of material by means of a sign visible from the public right of way or by means of off-premise advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- (B) offers sleeping rooms for rent on a regular basis for a period of time that is less than (10) hours; or
- (C) allows a tenant or occupant of a room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Theater means a theater, concert hall, auditorium or similar commercial establishment which for any form of consideration features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

Escort Agency means a person or business association who furnishes, or offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Escort means a person who, for a fee, tip or other consideration, agrees or offers to any of the following: act as a date for another person; to privately model lingerie for another person; or to privately perform a striptease for another person.

Massage Parlor any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with “specified sexual activities”, or where any such person providing such treatment, manipulation, or service related thereto, exposes his or her “specified anatomical areas”. The definition of Adult Use shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program.

Nude Model Studio means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, other than as a part of a course of instruction offered by an educational institution established pursuant to the laws of the State of New York.

Sexual Encounter Center means a business or commercial enterprise that, as one of its primary business purposes, offers, for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or exposure of “specified anatomical areas”, or activities between persons when one or more of the persons is in a state of “nudity” or “semi-nude”.

Minor means a person less than eighteen (18) years of age.

Nudity or a State of Nudity means the appearance of “specified anatomical areas”.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-Nude means a state of dress in which clothing covers no more than the “specified anatomical areas”, as well as portions of the body covered by supporting straps or devices.

Specified-Anatomical Areas means (a) unless completely and opaquely covered, human genitals, pubic region, buttocks, or breasts below a point immediately above the top of the areola; and (b) even if completely and opaquely covered, male genitals in a discernibly turgid state.

Specified Sexual Activity means and includes any of the following:

- (A) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or breasts;
- (B) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (C) masturbation, actual or simulated; or
- (D) excretory functions.

b. Location within Allowed Zoning Districts

All Adult Use and Entertainment Establishments as defined herein may only be created, opened, commenced or operated within the Residential-Highway (R-H) zoning district within the Town of Sharon by special use permit issued by the planning board pursuant to Part III, Article IV, Section 16 of the Town of Sharon Land Use Code. Within such district, such uses shall have a minimum lot requirement of three (3) acres, a maximum

building height of 2.5 stories or 30 feet, and any structures containing the Adult Use and Entertainment Establishment and any accessory use/structure shall not be allowed:

- i) within 25 feet of any property line;
- ii) within one hundred (100) feet of the property line of a parcel used for residential purposes in the Town;
- iii) within one thousand (1,000) feet of the property line of a parcel containing a church, synagogue, mosque, other place of worship, active cemetery, library, school, day-care facility, park, or playground, whether or not such use is located in the Town;
- iv) on the same parcel as another Adult Use and Entertainment Establishment; or,
- v) within five hundred (500) feet of the property line of another Adult Use and Entertainment Establishment, whether or not such other establishment is located in the Town.

The above distances of separation shall be measured from the nearest exterior wall or corner of the structure containing the Adult Use and Entertainment Establishment.

c. Standards appropriate to Special Use Permit for Adult Use and Entertainment Establishment

The Town of Sharon intends to protect the scenic beauty of US Route 20 and the value of residential homes in the Residential-Highway zoning district. Therefore, Adult Use and Entertainment Establishments shall meet all applicable requirements in the Town of Sharon Land Use Code and shall be designed to be as least intrusive as possible by using the following additional standards:

- i. Such use and parking area shall be adequately fenced and/or buffered (landscaping/berms) from any adjacent property and lighting shall be directed away from adjacent property and public highways.
- ii. Parking shall be located in the side or rear yard and no parking space may be located less than twenty-five (25) feet from any property line.
- iii. Any structure containing the Adult Use and Entertainment Establishment and any accessory structure shall have a residential appearance similar to existing dwelling units (excluding mobile homes) in the Town of Sharon. Building design shall avoid areas of blank wall sections and faux windows are encouraged to comply with display prohibition.

d. Display Prohibited

All adult uses and entertainment establishments shall be conducted in an enclosed building. It shall be a violation to display or exhibit (in the open air, through a window, or by means of a sign, depiction or decoration), or to allow to be displayed or exhibited, any “specified anatomical area” or “specified sexual activity”.

e. Penalties for Offenses

Any person, firm, corporation or entity found to be violating any provisions of this local law shall be subject to the provisions outlined in Part III Zoning Regulations Article IV, Section 26 of the Town of Sharon Land Use Code.

Section 17 - Off-Street Parking

- A. Off-street Parking space shall be required for all principal buildings constructed or substantially altered after the effective date hereof. Each off-street space shall consist of at least one hundred eighty (180) square feet. In addition, space necessary for aisles, maneuvering and drives shall be provided and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.
- B. Parking requirements shall be provided on the basis of two (2) spaces per each dwelling unit and two (2) spaces for each 200 square feet of retail, office, sales or display area in any business or commercial use unless otherwise stipulated. For uses not specified or not of the nature or type generally described here, the Planning Board shall recommend to the Town Board parking requirements in specific cases consistent with the guidelines provided herein. The required provisions for parking may be provided by the Town or in combination with adjacent uses in a manner deemed appropriate by the Town Board after application, consideration and recommendation by the Planning Board.
- C. The required parking space in residential districts shall be for resident parking only and shall not be located in any required front yard. This shall not prohibit arranging for, by lease or other arrangement, required parking space for one automobile of a non-resident of the premises.
- D. No more than one unlicensed, unregistered motor vehicle shall be parked or stored out-of-doors or other than in a fully-enclosed structure in any district for a period not to exceed sixty-two (62) days.
- E. No recreational vehicle or living unit, boat, or other utility or service vehicle or equipment shall be stored in any required front yard or within ten (10) feet of any lot line.
- F. Off-Street parking for gasoline stations and service garages shall be limited to employee and customer cars which are licensed and in running condition and shall not be used for repair or sale of new or used cars or parts wherefrom.
- G. For any building having more than one use, parking space shall be required for each use. For the purposes of computing parking requirements, floor areas shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding the basement, cellar and attic areas.

- H. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 1,500 square feet and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.
- I. An off-street loading space may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any lot in any residential district unless wholly within a completely enclosed area or within a building.

Section 18 - Signs

A. General Regulations - The following regulations shall apply to all signs.

1. No new or additional sign shall be created by erecting, installing, painting, upon; or be otherwise established, without a Permit therefore.
2. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
3. Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street or highway, nor project beyond the authorized property lines, except where no other provision is possible in which case the Board of Appeals, in accordance with the variance procedures elsewhere provided for in these Regulations, shall make a determination relative thereto.
4. All temporary signs erected for a special event or property sale, rental or repair shall be removed by the property owner or his agent when the circumstances leading to their erection no longer apply.
5. No sign shall physically or visually impair vehicular or pedestrian traffic by design, illumination, color or placement. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the highway and, if illuminated, the light shall not be directed toward any public highway or adjacent residential use. In addition, no flashing or intermittently lighted sign shall be permitted.
6. Any business or advertising sign hereafter erected shall not project into a public street right-of-way and shall not be closer than ten (10) feet to any lot line.

B. In all districts, the following signs are permitted:

1. One nameplate, identification or professional sign not to exceed four (4) square feet of sign area, showing the name and address of the resident or other permitted activity associated with the premises.
 2. One non-illuminated sale or rental sign not to exceed eight (8) square feet of sign area during and pertaining to the sale, lease or rental of the land or building. Such sign shall be of a temporary nature.
 3. One artisan's sign not to exceed eight (8) square feet of sign area during and pertaining to construction, repairs or alterations on the property. Such signs shall be removed promptly upon completion of the work.
 4. One institutional or religious identification sign not to exceed sixteen (16) square feet in area.
 5. A sign advertising the sale or development of a tract of land may be erected upon the tract by the developer, builder, contractor or owner. The size of the sign shall not exceed sixteen (16) square feet and not more than two (2) signs shall be placed upon the tract along any highway frontage. Such sign must be at least fifty (50) feet from the road or highway right-of-way line.
 6. One principal and one accessory business sign for any existing or permitted commercial use provided that the gross surface area of the principal business sign shall not exceed two (2) square feet per lineal foot of building frontage, but in no case shall exceed twenty-four (24) square feet, and the accessory business sign shall not exceed fifty (50) percent of the area of the principal sign.
- C. In R-H and C-I districts the applicable signs above are permitted, and in addition, the following:
1. One (1) principal and one (1) accessory business sign for any existing or permitted commercial use provided that the gross surface area of the principal business sign shall not exceed two (2) square feet per lineal foot of building frontage, but in no case shall exceed forty-eight (48) square feet, and the accessory business sign shall not exceed fifty (50) percent of the area of the principal sign.
 2. No sign attached or unattached shall be higher than the principal building to which it is accessory.
 3. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the highway.
- D. In any R-H, R-R, or R-A district an advertising sign shall be permitted, provided the gross surface area of such sign shall not exceed sixty (60) square feet and further provided that no such sign will be located within fifty (50) feet from the edge of the

pavement of the nearest roadway, within one hundred (100) feet from any residence, or within two hundred (200) feet from any roadway intersection.

- E. In any Planned District, the Planning Board and the Town Board shall review and approve any proposed business sign as a part of the review of a project in such Planned District.

Section 19 - Site Improvements and Screening

- A. Site improvements, including landscaping and screen-planting may be required according to the following:
 - 1. Any use required by these Regulations to be screened shall provide a fence, screen, or landscaping sufficient to obscure such uses from view from abutting properties and the public right of way as is considered appropriate.
 - 2. Plans and site design for the installation of such fencing or screening as are required shall be reviewed and approved by the Planning Board in the instance of a Special Use Permit or a Planned Development District prior to authorization of a Permit.
 - 3. Any fencing or screening installed in accordance with this Section shall be maintained in good order to achieve the objectives of the same. Failure to maintain required fencing and screening shall be considered a violation of these Regulations.

Section 20 - Mobile Homes

- A. All mobile homes located or installed after the effective date of these Regulations or its amendment shall comply with the State Code for Construction and Installation and Standards, Rules and Regulations for Mobile Homes, effective January 15, 1974 and as it may be amended.
- B. A Permit shall be required for any and each addition or alteration to the mobile home and such Permit shall include a provision for removing the structural addition, unless a Certificate of Compliance is granted therefore, at such time as the mobile home may be removed or relocated.
- C. An approved metal, wood or other suitable skirting or framing, properly ventilated and attached shall enclose that area from the bottom of the floor line of the mobile home to the ground.
- D. Recreational Living Units (camping trailers, tents, or other recreational or temporary living quarters) will be allowed for the purpose of camping for temporary periods, not to exceed one hundred fifty (150) days per calendar year, and must have fully self-contained sanitary facilities or sanitary facilities connected to an approved septic

system. All recreational living units allowed under this section must be removed from the premises at the end of the one hundred fifty (150) day period, except legally registered recreational vehicles may be stored upon the premises if a permanent dwelling exists on the lot. Permit required unless unit falls under Exempt Building/Use definition.

Section 21 - Land Use Permit

- A. Permit Required - No building or structure shall be erected or relocated and no new or expanded use introduced or added to until a Land Use Permit therefore has been issued by the Enforcement Officer.
- B. Application - There shall be submitted with all applications for a Land Use Permit two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of any existing and proposed building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of these Regulations. An application for a Certificate of Compliance shall be made coincidental with any application for a Land Use Permit, such application to be valid for the duration of the Permit.
- C. Notification of Determination - The Enforcement Officer shall issue or refuse to issue the applied for Land Use Permit, or advise the applicant of any required additional information or referral required within ten (10) days of receipt of the application. Notice of refusal to issue any Permit shall be given to the applicant in writing and shall state the reasons for said refusal. Approval of the application shall be indicated by issuance of the Land Use Permit, subject to the payment of such fee as may have been established by the Town Board.
- D. Duration of Validity - A Land Use Permit issued under these Regulations shall be valid for a period of one (1) year from the date of issuance and shall thereafter be deemed null and void; except when application is made to the Board of Appeals for an extension of validity and the Board authorizes such extension as it may determine appropriate.
- E. Invalid Permit - No Permit authorized or granted by any official of the Town in contradiction to the provisions of these Regulations shall vest any rights or interest to the Permit holder irrespective of any action taken or obligation incurred in reliance on such Permit, nor shall the Town be liable for same, under any such invalidly issued Permit.

Section 22 - Certificate of Compliance

- A. Certificate Required - No existing land or building shall be changed in use and no building hereafter erected, altered or extended, shall be used or changed in use until a Certificate of Compliance shall have been issued by the Enforcement Officer.

- B. Application - Application for a Certificate of Compliance shall be made coincidental with any application for a Land Use Permit. Such application shall be valid for the duration of the validity of the Land Use Permit.
- C. Notification of Determination - The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a Certificate of Compliance is required before issuing such Certificate. Such inspection shall be made within ten (10) days from the date of notification of project completion. A Certificate of Compliance shall be issued only if the proposed use of the building or land conforms to the provisions of these Regulations and to that plot plan, purpose and description for which the Land Use Permit was issued. Issuance of the Certificate or written notification of refusal to issue the same and the reasons therefore are to be accomplished within fifteen (15) days from the date of notification of project completion.

Section 23 - Amendments

- A. The Town Board may on its own motion, on petition, or on recommendation of the Planning Board or Board of Appeals, after public notice and hearing, amend, supplement, repeal or change the regulations and district boundaries established by these Regulations pursuant to law.
- B. All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within fifteen (15) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- C. Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law.
- D. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend these Zoning Regulations, except in the instance of a Protest Petition.
- E. If a Protest Petition against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by legitimate parties of interest as provided for under Section 265 of the Town Law such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of the members of the Town Board

Section 24 - Public Hearings

- A. A Public Hearing shall be required prior to action on any amendment, formal interpretation, Special Use Permit, or variance considered under these Regulations.
- B. The Town Board shall hold any public hearing in consideration of an amendment to these Regulations, in accordance with the provisions of law.
- C. The Board of Appeals shall hold any public hearing in consideration of a request for a formal interpretation or variance.
- D. The Planning Board shall hold any hearing in consideration of a request for Special Use Permit.
- E. Public notice of any required public hearing will be advertised in a newspaper of general circulation in the Town at least five (5) days prior to the date of such hearing and shall specify the date, time, place and purpose of such hearing.
- F. The hearing shall be conducted in accord with the guidelines established by the presiding officer. Any person or party of interest may appear in person or by agent or attorney and shall be given an opportunity to be heard as it is relevant to the proceeding.

Section 25 - Required Referrals

- A. Whenever any amendment, conditional use, or variance would change the district classification of or a regulation applying to real property within a distance of five hundred (500) feet from any boundary line of a neighboring municipality or within five hundred (500) feet of any County of State property or right of way, said proposed Special Use Permit, variance or amendment shall be referred to the Schoharie County Planning and Development Agency, which agency shall have thirty (30) days in which to report its recommendations to the Board from which it was referred. Failure of the County Planning and Development agency to report within thirty (30) days may be construed to be approval by the agency. Notification of action taken on any matter previously referred to the County Planning and Development agency will be given within seven (7) days of such action.
- B. Any application for a special use permit, site plan approval, use variance requiring approval by the Town 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 (500) feet of a farm operation located in an Agricultural District, shall include an Agricultural Data statement. The Town Board, Planning Board, or Zoning Board of Appeals 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 such Agricultural District. Such data statement is included in Appendix B - required submissions.

- C. Upon the receipt of such application by the planning board, zoning board of appeals or town board, the clerk of such board shall mail written notice of such 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, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice will be borne by the applicant.
- D. The clerk of the town board, planning board, or zoning board of appeals shall refer all applications requiring an agricultural data statement to the Schoharie County Planning and Development Agency as required by section two hundred thirty-nine-m and two hundred thirty-nine-n of the general municipal law.

Section 26 - Enforcement; Violation; Appeal

- A. Enforcement - These Regulations shall be enforced by a person designated by the Town Board and herein called the "Enforcement Officer", who shall in no case grant any Permit or Certificate of Compliance for any building or use where the proposed erection, alteration, relocation, placement or use thereof would be in violation of any provision of these Regulations. The Enforcement Officer shall make such inspections as are necessary to carry out his duties.
- B. Citizen Complaint - Any resident, property owner or other person of legitimate interest may file with the Town Clerk a written and signed complaint against any alleged violation of these Regulations. Such complaint shall then be referred to the Enforcement Officer or Dog Control Officer, as appropriate. It shall be the duty of said Officer to investigate such alleged violation and report thereon to the Town Board in a timely manner, which report shall be filed as part of the public record of the Town. The citizen who filed the complaint shall receive a written response within sixty (60) days of the Enforcement Officer's receipt of the complaint.
- C. Notification and Correction - Any building or use found to be in violation of these Regulations shall be so recorded by the Enforcement Officer and official notice to this effect shall be given to the owner and/or tenant, user or occupant thereof. The owner, tenant, user or occupant shall correct such noted violation within sixty (60) days from the date of notification. If any such violation is not corrected within this sixty (60) day period, the Town may institute proceedings to compel compliance, as specified in Local Law No. 1 of 1991, (To amend the Land Use Code, Part III Zoning Regulations) and as it may be amended.
- D. Violations; Penalties - Shall be as follows:

1. Any person or corporation, whether as owner, or lessee, agent of employee, who shall violate any of the provisions of these Regulations, or who fails to comply with any order or regulation made hereunder; or who erects, alters, moves or uses any building or uses any land in violation of any detailed statement of plans submitted by him and approved under the provisions of these Regulations, shall be guilty of an offense and upon conviction shall be punished by a fine not exceeding two hundred fifty (\$250) dollars or imprisonment not exceeding thirty (30) days, or both.
 2. Each week's (7 days) continued violation shall constitute a separate additional offense.
 3. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of these Regulations, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land.
 4. In the event that the Town of Sharon institutes any appropriate action or proceedings, pursuant to Section 26 herein, all work, repairs, costs, disbursements and attorney's fees thereby incurred shall be a monetary judgment and shall also be a lien upon the property where the violation existed, and the amount so assessed and levied shall be collected in the same manner as Town taxes.
- E. Appeal - All appeals for relief from the application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals which Board shall function as prescribed in Appendix 'A' of this Code which is hereby made a part of these Regulations. Where the Board finds that practical difficulty or unnecessary hardship may result from strict compliance with these Regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of these Regulations or the Town Plan. In granting such variances, the Board of Appeals shall require such conditions as will, in its judgment secure substantially the objectives of the standards or requirements so varied.
- F. Court Review - Any person or persons, jointly or severally aggrieved by any decision of the Planning Board, Board of Appeals, Town Board or any officer or department of the Town concerning these Regulations may have the decision reviewed in the manner provided by Article Seventy-Eight of the Civil Practice Law and Rules, provided the proceeding is commenced within thirty (30) days after the receipt of written notice of the decision. Costs shall not be allowed against the Town unless it

appears to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from

Section 27 - Interpretation and Effectuation

- A. Interpretation - In their interpretation and application, the provision of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.
- B. Separability - The invalidity of any provision of these Regulations shall not invalidate any other provision thereof.
- C. Fees - A schedule of nonrefundable fees for permits and procedures under these Regulations shall be as established by the Town Board.
- D. Effective Date; Repealer - The "TOWN OF SHARON ZONING REGULATIONS" shall take effect at the time and in the manner provided by law and any existing ordinances, statutes, resolution, regulations, or laws in conflict with its provisions shall be deemed repealed upon the effective date of these Regulations.

**ATTACHMENT I
ZONING SCHEDULE**

**ATTACHMENT II
MAP**

Part IV
APPENDICES

APPENDIX 'A' - BOARD OF APPEALS

A Board of Appeals consisting of five (5) members shall be appointed by the Town Board to carry out the duties prescribed for such Board under this Land Use Code in accord with the provisions of law.

I-Powers and Duties

A. The Board of Appeals shall prescribe such rules for the conduct of its affairs as may be necessary to carry out its duties under this Code and all its determinations shall be made in accord therewith. The Board of Appeals shall have all the powers and duties prescribed by law and by the Regulations which comprise this Code, which are more particularly specified as follows:

1. Interpretation - Upon application or appeal from a decision by the Enforcement Officer, to decide any question involving the interpretation of any provision of the Regulations embodied in this Code including determination of the exact location of any zoning district boundary if there is uncertainty with respect thereto.
2. Variances - To vary or adapt the strict application of any of the requirements of the Regulations embodied in this Code where strict application would result in practical difficulty or unnecessary hardship as further differentiated between below:
 - a. Area Variance - Applicable only where a proposed use is a permitted standard or accessory use under the Zoning Regulations, but does not strictly comply with all district regulations or other supplemental provisions of those or other applicable Regulations and the application for appeal establishes the following:
 - the request is of reasonable size or dimension;
 - the request is consistent with the character of the neighborhood;
 - the request is not caused by simple inconvenience which can be obviated by another method;
 - the conditions of the request shall not have resulted from any act of the applicant; and
 - the interests of justice will be served by allowing the variance
 - b. Use Variance - Applicable only where not handled under Special Use Permit and where the appeal firmly establishes the following:
 - the land in question cannot yield a reasonable return if used only for a purpose allowed in that zoning district;

- the plight of the owner is due to unique circumstances and not to the general conditions of the neighborhood;
- the use to be authorized will not alter the essential character of the neighborhood; and
- the conditions creating the unnecessary hardship shall not have resulted from any act of the appellant or owner nor shall the owner have acquired the land or structure with actual or constructive knowledge that the desired use is not permitted without variance.

No Variance in the strict application of this Code shall be granted, except where the Board determines that the granting of the Variance will be in harmony with the general purpose and intent of the Regulations so varied, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and that the Variance granted is the minimum adjustment that will accomplish the intended purpose.

II – Procedure

- A. The Board of Appeals shall act in strict accordance with the procedures specified by law and by this Code in accord with the following:
1. Application - All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Regulations involved and shall set forth exactly the Interpretation that is claimed, or the details of the Variance that is applied for and the grounds on which it is claimed that the Variance should be granted, as the case may be. Appeal for Variance shall be made only after permit has been denied by the Enforcement Officer. If the Planning Board denies a request for Special Use Permit, the applicant may apply to the Zoning Board of Appeals for relief within thirty days of notification of denial. In such case, the Zoning Board of Appeals will not request a recommendation on the matter from the Planning Board, but shall request information supporting the reason for denial.
 2. Notification and Public Hearing - The Board of Appeals shall fix a reasonable time for the public hearing required for every appeal or application and shall give public notice thereof by publication in the official paper of a notice of such public hearing at least ten (10) days prior to the date thereof; and shall, at least ten (10) days before such public hearing, mail notices thereof to the applicant or appellee involved.
 3. Referrals - At least fifteen (15) days before the date of the public hearing required by law on an application or appeal for an Interpretation, or Variance, the Board of Appeals shall transmit to the Planning Board a copy of said application or appeal, together with notice of the aforesaid public hearing and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application or appeal; and the Planning Board shall submit a report of such

advisory opinion on or before the date of said public hearing. In addition, any Interpretation, or Variance involving lands within five hundred (500) feet of an adjoining municipality, state or county property or right of way shall be referred to the Schoharie County Planning and Development agency and acted upon in accord with the requirements of Section 239-M of the General Municipal Law.

Any application for a special use permit, site plan approval or use variance requiring municipal review and approval by the 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 (500) feet of a farm operation with an Agricultural District, shall include an Agricultural Data statement. The zoning board of Appeals 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 such Agricultural District.

Upon the receipt of such application by the zoning board of Appeals, the Secretary of the zoning board of Appeals shall mail written notice of such 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, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice will be borne by the applicant.

The Secretary of the zoning board of Appeals shall refer all applications requiring an Agricultural Data statement to the Schoharie County Planning and Development agency as required by section two hundred thirty-nine-m of the general municipal law.

4. Decision and Notification - within sixty (60) days from the date of the public hearing, the Board shall render a determination with respect to the subject consideration, and the applicant or his authorized agent will be so notified in writing. Every decision of the Board of Appeals shall be by resolution of a majority of the full membership of such Board, each of which shall contain a full record of the findings of the Board on file in the office of the Town Clerk together with all documents pertaining thereto. The Board of Appeals shall notify the Town Board and Planning Board of each Interpretation rendered and each Variance authorized under the provisions of this Code.

APPENDIX 'B' - REQUIRED SUBMISSIONS

Plans and data to be submitted in accord with the procedures as outlined in these Regulations shall be as required in Article 9, Section 334 of the Real Property Law where applicable. Required plats, plans and data to be submitted as required in accord with the procedures of the respective Regulations as outlined in this Code shall include the applicable information described below. Upon application and review by the Board responsible for consideration of the matter at hand the requirements for the submission of information may be modified to reflect the sophistication and complexity of the matter at hand.

I - Sketch Plan

A. Site Plan - To scale

1. Location map showing location of proposed development or project in the Town, boundaries of the tract, contiguous properties and any zoning districts and easements.
2. Existing features including existing land use, land and water areas, and other important elements of the site.
3. General layout, including lot and street arrangement, where appropriate.
4. Aerial photo map of property if available.

B. Development Data

1. Total acreage of tract or parcel.
2. Proposed timetable or stages for sale or development.
3. Type of project, i.e., sale of lots, building, etc.
4. Existing and proposed utilities and service facilities.
5. Proposed number of lots and typical lot size.

C. Legal Data

1. Names and addresses of owner, developer or subdivider and professional advisors.

II - Preliminary Plat/Plan

A. Site Plan - Minimum scale of 1" = 100'; Preferred scale 1" = 40' to include:

1. Title, scale, north arrow and date.
2. Tract boundaries and owners of record of adjoining properties. If topographic conditions are significant, contours should be indicated.
3. Topographic data based on USGS or equivalent and other site characteristics including soils, drainage and tree cover.
4. Existing land use on and immediately adjacent to the parcel.
5. Lot layout, including adequate means to identify each lot and each block, minimum setback or building line.
6. Street layout, including right of way and improved surface widths, street names and typical cross sections of proposed roadways.
7. Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.
8. Location, dimension and purpose of any easement.
9. Existing drainage ways and provision for collecting and discharging surface drainage and run-off.
10. Location, dimension and description of land or facilities to be dedicated or reserved for public use.

B. Development Data

1. As required for Sketch Plan, as it may have been amended.
2. Feasibility data on sewer, to include percolation test, water and storm water drainage, including documentation from on-site investigation provided by Schoharie County Department of Health or private engineer.
3. Lineal feet of streets, acres in park or recreational areas.

C. Legal Data

1. Application

2. As required for Sketch Plan, and to include names of all adjoining property owners with tax map number as disclosed by the most recent municipal tax records.
3. All existing restrictions on the use of land including easements, covenants, or zoning lines.
4. Environmental Assessment Form, as required by the State Environmental Quality Review Act.
5. Agricultural Data Statement, if required, to include the following: the name and address of the applicant; a description of the proposed project 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 (500) feet of the boundary 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 Agricultural Data statement.
6. Required fees, if any.

III - Final Plat/Plan

- A. Site Plan - Scale to be same as for Preliminary Plat/Plan. Copy to be filed in the office of the County Clerk shall meet standards set by that office.
 1. As required for Preliminary Plat/Plan.
 2. Tract boundary lines, right of way lines, easements and individual lot lines with accurate dimensions, bearings, radii, arcs, and central angles of all curves and locations and description of all monuments.
 3. Reference to adjoining platted land or names of owners of record of unplatted lands.
 4. Topographic data showing contours at a minimum of two (2) foot intervals related to USGS or other permanent bench mark where natural contours are to be changed; otherwise at five (5) foot intervals.
 5. All trees to be removed or within fifty (50) feet of any area where the natural contour is to be altered which are of eight (8) inch caliper or more as measured three (3) feet above ground level.
 6. Typical cross-sections of streets, including pavement, shoulders, ditches, and walks and cross sections of drainage easements, as necessary.

7. Profiles of street center lines showing vertical curve data, slope of tangents and elevations of street intersections and other critical points.
8. Profiles of storm and sanitary sewers, if any, showing diameter of pipe, and distance between manholes and catch basins.

B. Development Data

1. As required for Preliminary Plat/Plan.
2. Detailed drawings and specifications for water supply, storm water disposal, sanitary sewage disposal and any other required facilities, services or installations.

C. Legal Data

1. As required for Preliminary Plat/Plan.
2. Certification of title showing that applicant is the land owner.
3. Certification by surveyor or engineer of survey and plat accuracy.
4. Protective covenants in form for recording, including covenants governing the maintenance of unceded public space or reservations.
5. Offers of cession dedicating streets, easements, open space and other facilities.
6. Approval by the State or County Health Department as applicable, of sewer and water facility drawings and proposals.
7. Approval by the Department of Environmental Conservation, where applicable.
8. Copies of agreements showing the manner in which areas reserved by the subdivider or developer are to be maintained.
9. Certificate by a licensed professional engineer, licensed land surveyor and/or landscape architect as is appropriate, noting that required facilities have been designed to meet the minimum standards of this Code or as otherwise required by law.
10. Any other data as may be required by the Planning Board or Town Board for the enforcement of this Code including the posting of a Performance Bond to cover the full cost of improvements to be offered for dedication to, or to otherwise become the responsibility of, the Town.
11. Required fee, if any.

IV - Drawings of Record

- A. Drawings of Record will be filed upon completion of any required underground improvements. No certified check or performance bond shall be released until the drawings and documents listed below have been filed with and approved by the Town Board.
 - 1. Facilities and improvements as located and constructed in accord with the Final Plat/Plan, certified to by a licensed land surveyor, professional engineer, architect and/or landscape architect, as is appropriate.
 - 2. All offers of cession, deeds, abstracts and easements for any street, sewer, water or other facilities as approved and certified to by the Town Attorney.

APPENDIX 'C' DEFINITIONS

I-For the purpose of this code certain words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel."

The word " shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended; arranged, or designed to be used or occupied."

II-Definitions shall include the following:

ACCESSORY BUILDING: A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building.

ALLEY: A public way having a right-of-way width of twenty (20) feet or less.

ADULT USE AND ENTERTAINMENT ESTABLISHMENTS: A public or private establishment, or any part thereof, which presents any of the following entertainments, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or service; topless hair care or massages; service or entertainment where the servers or entertainers wear pasties or G-strings or both; adult arcade; adult bookstore or adult video stores; adult cabarets; adult motels; adult motion picture theaters; adult theaters; escort agencies; nude model studios and sexual encounter centers. Adult Use and Entertainment Establishments customarily exclude minors by reason of age, and are those businesses defined in Part III Zoning Regulations, Article IV, Section 16, E18.

AIR FIELD: A facility for aircraft including landing, departure, service and storage of such aircraft.

ANTENNA: A device designed, used or intended to be used to transmit and/or receive electromagnetic signals, including the frequencies used by radio, television, cellular, paging, PCS and microwave.

APPURTENANT STRUCTURE/USE: A structure, installation or equipment designed and located ancillary to and in support of the principal building or use.

ASSEMBLY, SPECIAL EVENT: A gathering of persons, especially for worship, entertainment, deliberation and/or legislation, not to include, among other things, adult entertainment/uses.

ATHLETIC FIELD: Outdoor grounds, public or private, intended for organized sporting events.

BASEMENT: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

BED AND BREAKFAST: An owner occupied facility offering lodging and breakfast for paying customers with stays of three days or less, with a minimum of two bedrooms for this use.

BLOCK: the length of a street between two street intersections. Where street intersections are at intervals greater than twelve hundred (1,200) feet, 1,200 feet shall be considered the length of a block for purposes of this law.

BOARDINGHOUSE AND/OR ROOMING HOUSE: A dwelling, other than a hotel or bed and breakfast, wherein more than four (4) people are sheltered and or fed for profit.

BUILDING: Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING, CHANGE OF USE:

1. any change in use from one district classification to another,
2. removal of a building from one location to another.
3. Any change in supporting members of a building except such changes as may be required for its safety,

BUILDING, HEIGHT OF: The vertical distance measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gambrel roofs.

BUILDING LINE: A line parallel with the front, side and rear lot lines, respectively, beyond which a structure may not extend as determined by this Code.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

CELLAR: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

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

CENTER LINE OF STREET OR ROAD: A line midway between and parallel to two street or road property lines or as otherwise defined by the Planning Board.

CHURCH: A building for public worship and/or a residence for ecclesiastical personnel.

CLINIC: A facility for diagnosis and treatment of outpatients or a group practice in which several physicians work cooperatively.

CLUBHOUSE: A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other public place.

CO-LOCATION: The placement of two or more telecommunication facilities at the same location.

COMMERCIAL EXCAVATION/MINERAL EXTRACTION/MINING: Property or part thereof used for the purposes of extracting stone, sand, gravel, or topsoil as a commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which a Permit has been issued.

COMMERCIAL GARAGE: Any garage operated for gain, and whose primary purpose is the storage, repair, or servicing of motorized vehicles, including, but not limited to, autos, trucks, snowmobiles and ATV's.

COMMERCIAL RECREATION/TOURIST ATTRACTION: Any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to amusement parks, replicas of real or fictional places, things or people, miniature golf, drive-in theatre, natural geological formations, health spa, and mineral baths.

CONDOMINIUM: A legal arrangement involving a combination of two kinds of ownership of real property:

- a. Fee simple ownership of the individual dwelling unit, and

- b. undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management of which is controlled by a property owners' or like association.

CONSTRUCTION, FIRE RESISTANT: That type of construction in which the walls, partitions, columns, floor and roof are noncombustible with sufficient fire resistance to withstand the effects of a fire and prevent its spread.

COURT: An unoccupied open space, other than yards, in the same lot with a building which is bounded on two or more sides by the walls of such building.

CREMATORY: Also “crematorium”. A furnace for cremating.

DECK: An unroofed extension made as a part of a building, used seasonally which is structurally sound and has a railing.

DWELLING: A house, apartment building or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding house, or rooming house, tourist homes, motels, hotels, or other structures designed for transient residence.

DWELLING, GROUP: A building or portion thereof designed primarily for residential purposes for year-round occupancy by more than three (3) persons not constituting a family, with or without common dining facilities, constituting one or more complete dwelling units.

DWELLING, MULTIPLE FAMILY (MULTI-FAMILY): A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than a rooming house, hotel, fraternity, commune or other group quarters such as a row or town house.

DWELLING, ONE-FAMILY (SINGLE FAMILY): A detached dwelling unit providing complete housekeeping facilities designed for year round occupancy by one family only, (other than a mobile home, recreational living unit or any temporary structure) and where in, not more than three (3) people are sheltered and/or fed for profit.

DWELLING, ROW OR TOWN HOUSE: A dwelling accommodating or designed to accommodate a single family in a single dwelling unit, and the walls of the adjoining dwellings are party or lot line walls.

DWELLING, SEASONAL: A detached one-family dwelling unit providing complete housekeeping facilities for one family designed for seasonal or non-year-round occupancy other than a mobile home, recreational living unit or any temporary structure.

DWELLING, SECTIONAL (DOUBLE WIDE): Two or more factory-fabricated dwelling units which are transported to the site by means other than on their own chassis

where they are placed on a permanent foundation and are joined to make a dwelling unit for year-round or seasonal living. The term 'sectional' shall include the term 'modular' and such dwelling units shall be deemed to be one-, two-, seasonal- or multiple-family dwellings, as is appropriate in the context of this code.

DWELLING, TWO FAMILY: A detached dwelling unit designed for year-round occupancy by two families living independently of each other, other than a mobile home, recreational vehicle or rooming house.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one family, including living, sleeping, cooking and sanitary facilities.

EASEMENT: Authorization by a property owner for the use by another party and for a specified purpose, of any designated part of his property.

EDUCATIONAL FACILITIES: School, private or public, for the instruction of children and/or adults.

EFFICIENCY APARTMENT(S): An apartment in which the living and sleeping facilities are combined in one room. A kitchen may be included in this area or may be a separate room. Such apartment will have a separate private bathroom.

ENFORCEMENT OFFICER: The duly-designated official responsible for enforcing this Code as prescribed herein and as directed by the Town Board. The duties of such Enforcement Officer may be assigned to the Highway Superintendent, Town Engineer, or others as directed by the Town Board.

EXEMPT BUILDING/USE: A minor ancillary structure or use such as a children's play or tree house, play equipment, outdoor barbecue, dog house and like facilities common to and generally not affecting the principal use of the premises in any significant manner, the dimensions of which shall not exceed twelve (12) feet in any direction nor one hundred forty four (144) square feet in area. Such building or use shall not require a Permit under this Code and shall not be counted against the allowable number of, or area to be occupied by, accessory buildings or uses.

FAMILY: One or more persons living together in one dwelling unit and maintaining a common household, including domestic servants and gratuitous guests, together with boarders, roomers or lodgers not in excess of the number allowed as an accessory use.

FAMILY CARE FACILITY: A residential facility designed to provide housing and care for four (4) to ten (10) individuals not constituting a family, but living as a housekeeping unit under the supervision of a resident family operating an approved program regulated by the State of New York or a political subdivision thereof. Such facility shall be duly certified by and maintain full compliance with the appropriate governing social services, mental hygiene or corrections agency under whose auspices the program is functioning.

FARM IMPLEMENT DEALERSHIP: Facility designed for the sales and service of agricultural equipment.

FARM, OPERATING: An operating farm is one as defined by current Agricultural District Regulations.

FARM STRUCTURE/USE: The management and use of land for the raising for compensation of agricultural products, including field crops, produce, horticulture, livestock and dairy products. The term includes the sale of products grown or raised directly on such land and the necessary buildings and appurtenant construction such as barns, silos and fences which are a normal part of such operation. All provisions of this Code with respect to farms shall apply only to operating farms and agricultural practices related to this operation. The minimum area requirements in Attachment I of the Zoning Regulations shall apply to the establishment of a operating farm and not the requirement for placement of an individual structure or use in such operating farm.

FINAL PLAT/PLAN: The final map or drawing and supplementary information as required in Appendix 'B' of this Code, including that plan of subdivision which, if approved, shall be submitted to the County Clerk for filing by the applicant

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other inland areas of water.

FLOOD HAZARD AREA: A land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded during a 100-year flood as depicted by the U.S. Department of Housing and Urban Development.

FLOOD, 100 YEAR: The highest level of flood that on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year).

FLOOD PLAIN MANAGEMENT: The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to land, water and sanitary facilities, structures and contents of buildings.

FLOOD PROTECTION ELEVATION: The 100-year flood elevation.

FLOODWAY: The channel of a river or other watercourse and the adjacent land area required to carry and discharge a flood of a given magnitude.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of the exterior walls or from the center lines of wall separating two buildings.

FOREST PRACTICES: The production, management and harvest of forest and woodland products including related research and educational activities. Such term shall include the construction and maintenance of directly related structures for the storage of materials and equipment and access trails and roadways.

GARAGE -PRIVATE: A building, accessory to dwellings, used primarily for the parking or temporary storage of motor vehicles, boats and trailers.

GARAGE-COMMERCIAL: A building, other than a private garage, one or more stories in height, used for housing, storage or repair of truck, trailers, automobiles, farm equipment and other motorized vehicles whether or not accessory or incidental to another use.

GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term gasoline station shall be deemed to include filling station and service stations.

GOLF COURSE: A facility designed for playing the game of golf.

GREENHOUSE (COMMERCIAL): A structure devoted to the protection, or cultivation of tender plants.

GROUP CARE FACILITY: A residential facility designed to provide housing and care for eleven (11) to twenty-five (25) individuals not constituting a family, but living as a housekeeping unit under the supervision of a resident family operating an approved program regulated by the State of New York or a political subdivision thereof. Such facility shall be duly certified by and maintain full compliance with the appropriate governing social services, mental hygiene or corrections agency under whose auspices the program is functioning.

HABITABLE SPACE: The space within a dwelling unit occupied for living, sleeping, bathing, eating and cooking purposes and exclusive of a cellar, attic or such other portions of the dwelling unit not generally occupied by the residents of the dwelling unit.

HIGHWAY, COMMERCIAL: A retail commercial activity or service designed primarily to accommodate, and dependent on, the motoring public. As used in this Code, the term includes but is not limited to gasoline station, service garage, motel or tourist accommodation, and eating and drinking establishments.

HIGHWAY SUPERINTENDENT: The duly-elected or appointed official responsible for overseeing construction and maintenance of the Town highway system.

HOME OCCUPATION: An occupation or a profession which:

1. is carried on wholly within the enclosed walls of the dwelling unit exclusive of accessory structures and does not use more than twenty five (25) percent of the floor area;
2. is carried on by a member or members of the family of the dwelling unit;
3. is clearly incidental and secondary to the use of the dwelling unit for residential purposes;
4. not more than one (1) person outside the family shall be employed in the home occupation;
5. shall not generate traffic beyond that normally expected in a residential neighborhood. Any need for parking generated by such use shall be provided in an off-street area, other than in a front yard;
6. shall not create noise, dust, vibration, odor, glare, fumes or electrical interference detectable by the normal senses or person outside the dwelling unit. In the case of electrical interference, there shall be no radio, television or other electrical distribution outside dwelling unit or fluctuations in line voltages of the premises;
7. there shall be no advertising display visible from the street, other than a small unlighted professional nameplate not over two (2) feet in area.
8. not to include, among other things, kennels and restaurants.

HOTEL/TOURIST ACCOMMODATION: Hotel shall mean a public inn in which there are rental rooms without provisions for cooking in any individual room or suite. Such uses may include accompanying eating, drinking and related sales provided that any such ancillary service uses are directly related and secondary to the principal function of overnight sleeping accommodations.

HOSPITAL: An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including sanitarium, and shall be limited to the treatment or other care of humans.

JUNKYARD: A lot, land or structure or part thereof, used for the collecting, storage, or sale of waste paper, rags, scrap metals, used or salvaged building or other discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles. It shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unlicensed, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts or materials there from or not. Such term shall include any place of storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together equal in bulk two (2) or more vehicles.

KENNEL: Any premises on which four or more dogs over six months old are housed, boarded or sold.

LANDFILL, SANITARY: A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

LIGHT INDUSTRIAL USE: Manufacture, assembly, treatment or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare or vibration beyond the property boundaries. This does not include, among other things, commercial incineration of waste.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open space and principal frontage on a public street or roadway as is required by this Code. A separate and distinct lot shall be properly delineated for each separate principal use including the location and permanent recording of front, side and rear lot lines for the purpose of determining compliance with the provisions of this Code.

LOT, AREA: The total area included within side and rear lot lines and the street or highway right of way.

LOT, CORNER: A lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a corner lot, if the tangents to the curve at its points beginning within the lot or at the point of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

LOT LINE: Any line dividing one lot from another or from an established right of way.

LOT LINE ADJUSTMENT: A modification of lot boundaries, in which a portion of one or more lots is added to an adjoining lot or lots, without increasing the total number of lots. A Lot Line Adjustment fee will be added to regular fees.

LOT LINE, FRONT: The lot line adjoining and separating the lot from any street or highway right-of-way line.

LOT, UNIMPROVED: A lot on which no building or structure has been constructed or located and on which no excavation, improved driveway, or the installation of water supply or sewage disposal systems has been initiated with the intent to serve a building or structure allowed for in the zoning district.

LOT WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the zoning district.

LOT OF RECORD: Any lot which has been established as such by plat, survey, record or deed prior to the date of enactment of the Land Use Code, as shown on the records of the Schoharie County Clerk's Office.

MAJOR LAND FORM, ALTERATION OF: The manipulation or movement, whether by dumping, filling or extracting, of an amount of earthen material to a differential of two (2) feet from the natural contour of the land form over an area in excess of 2,500 square feet or 100 linear feet.

MEDICAL/DENTAL CLINIC: Any structure or group of structures occupied by medical practitioners, including but not limited to doctors, dentists, chiropractors, opticians, optometrists, etc., and related services for the purpose of providing health services to people on an outpatient basis.

MOBILE HOME: A factory-finished movable dwelling unit, having a minimum floor area of six hundred (600) square feet, designed and built on a frame and wheels to be towed on its own chassis and designed for and providing housekeeping facilities for year-round or seasonal occupancy after being transported to the building site and placed on a permanent foundation. It does not include a recreational living unit, but may include such expandable or joined mobile units referred to as 'telescoping'. A mobile home shall have been designed and installed in compliance with the State Code for the Construction and Installation of Mobile Homes and Standards, Rules and Regulations for Mobile Homes, effective January 15, 1974, and as it may be amended; (as set forth in Volume 9 Executive (B) of the "Official Compilation of Codes, Rules and Regulations of the State of New York") and further, any such unit shall bear the required seal noting such compliance.

MOBILE HOME PARK/COURT: A tract of land, not less than ten (10) acres of contiguous land, which is used or intended to be used for the location of two or more mobile homes to be used for residential dwellings.

MODULAR HOME: A residence consisting of a minimum of two (2) large sections each of which must be transported to the building site separately, placed on a permanent foundation with heating system to be installed and siding applied after.

MOTEL OR MOTOR COURT: A building or group of buildings, whether detached or connected used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for off street parking facilities with provisions for but not limited to

- a. automobile parking space to accommodate not less than one (1) car per rental unit, and
- b. separate toilet facilities and hot and cold running water for each rental unit.

Term "motel or motor court" includes buildings designated as tourist cabins, motor lodges, auto courts, motels and similar appellations.

MOTOR VEHICLE: All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

NON-CONFORMING BUILDING OR STRUCTURE: An established building or structure lawfully existing prior to and at the time of the adoption of this law and its amendments which, because of its inherent nature of construction, does not conform to and with the provisions of this law for the district in which it is located.

NON-CONFORMING USE OF BUILDING OR STRUCTURE OR LAND: An established use of a building or structure or use of land lawfully existing prior to and at the time of the adoption of this law and its amendments that does not conform to and with the permitted use provision of this law for the district in which it is located.

NON-CONFORMING LOT: Any lot in single ownership, which does not conform with the minimum area and/or dimensions required in the district in which it is situated and where the owner of said lot does not own any adjoining unimproved property, the subdivision of which could create one (1) or more conforming lots.

NON-CONFORMING SITUATION: Use of a building or of land that does not comply with the applicable regulations set forth in this Code and where such building or use existed legally on the effective date of the respective Regulations embodied in this Code.

NURSING HOME/ADULT HOME: A facility in which persons not related to each other are housed, fed and furnished with long term nursing care and related therapeutic services necessary to maintain their health and such care is normally provided within the facility by persons said to provide such care. Not intended to include care for acutely ill, or surgical or obstetrical services.

OFFICES: The building or room(s) used for a for-profit or non-profit business or organization to conduct their business or operation.

OFFICIAL MAP: The map established by the Town of Sharon, if any pursuant to Town Law showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town or additions thereto resulting from the approval of subdivision plats by the Board and the subsequent filing of such approved plats. Streets not accepted by the Town as public streets may be shown thereon, but shall be marked as private streets.

OPEN SPACE RECREATION USE: A recreational use particularly oriented to and utilizing the natural landscape and outdoor character of an area, including hiking, equestrian, and recreational vehicle trails, park, picnic or beach area and similar undeveloped, outdoor non-intensive uses.

PERFORMANCE BOND: A bond to cover the full cost of any required improvements, the amount of which shall be established upon recommendation of the Town Engineer and as agreed upon by the Town Board, and which shall be further certified to as to form, sufficiency, manner of execution and surety by the Town Attorney.

PERMANENT FOUNDATION: A permanent foundation shall consist of:

a. A masonry wall constructed on a footer placed a minimum of four (4) feet below ground level.

or

b. A five (5) inch reinforced concrete pad extending two (2) feet beyond the outer limits of the sides and ends of the portable structure. The pad to be placed on a well drained site containing solid fill.

or

c. A series of concrete piers adequate to support the structure not more than eight (8) feet apart under each of the bearing beams of the structure. Piers to be placed a minimum of four (4) feet below ground level.

or

e. An approved, engineered, permanent wood foundation. Permanent wood foundations shall be shop engineered and constructed of pressure-permanent-preservative lumber and plywood components. All components shall be marked by an approved inspection agency certified to inspect preservative treated lumber and plywood.

PERSONAL SERVICE SHOP: Establishments to provide services related to personal care. A barbershop, beauty salon, masseur, shoe repair or tailor would be examples of “personal service” establishments, not to include, among other things, adult entertainment/uses.

PORCH, OPEN: A porch open on three (3) sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash. A structure having a driveway running to it, under it, or through it shall not be considered to be an open porch.

PERSONAL SERVICE, SHOP: A building or business where a service is sold; such as a cleaners, Laundromat, barber shop, beauty salon or tailor.

PRELIMINARY PLAT/PLAN: The preliminary drawing or drawings and supplemental information as required in Appendix 'B' of this Code, including that plan of subdivision submitted to the Planning Board for its approval.

PUBLIC, SEMI-PUBLIC STRUCTURE, USE: Municipal, educational, and religious facilities and institutions.

PUBLIC UTILITY STRUCTURE, USE: An installation used by a public utility to supply electric, gas, water, cable television, telephone, or other utility service. Included are such facilities as electric unit substations, high voltage transmission lines, pump stations, water towers, and telephone substations. Utility distribution facilities serving customers directly are considered customary accessory uses, not utility facilities. Not to include, among other things, wireless telecommunication facilities.

RECREATIONAL CAMPGROUND: A parcel of land designed to accommodate recreational living units or other accommodation for seasonal or temporary or transitory living arrangements, including building and facilities thereon.

RECREATIONAL LIVING UNIT: A mobile recreational housekeeping unit including travel trailer, pick-up camper, converted bus, motor home, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.

RESTAURANTS: Premises in which meals are prepared and served to seated customers. While alcoholic beverages may also be served, the primary business of the establishment is the preparation of meals.

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, newsstand, shoe store, stationary store, and variety store.

RIDING STABLE (COMMERCIAL): A facility housing horses, and/or providing other equestrian related activities.

ROADSIDE STAND: A small open-air structure along the road for the retail sale of agricultural commodities produced on the property where the stand is located.

RURAL SERVICE SHOP, USE: A limited commercial business or service oriented to the rural residential or agricultural needs of the Town and involving the use of space in the principal residential structure or in an accessory building, whether existing or built specifically for this purpose.

SEASONAL CLUB, LODGE: Land and necessary appurtenant facilities for use by a membership club or organization and permitted guests for fishing and/or hunting purposes. Such land and buildings need not have frontage on or public access to a public highway or body of water.

SEWAGE DISPOSAL SYSTEM: An approved method and installation of the proper accommodation and disposal of sanitary wastes. Such system may include connection to an approved public, community or individual disposal system as provided for in this Code.

SIGN: Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. Each graphic display surface shall be considered to be a 'sign'.

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

SIGN, AREA: The area of a sign shall be that area as determined by circumscribing the exterior sign structure with a circle, triangle, quadrangle or other geometric form connecting all extreme points. The structure supporting a sign is not included in determining the sign area unless the structure is designed in a way to form an integral background for the display. Only one face of a double-face sign is included in the computation of such sign area.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted, or a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

SIGN, DIRECTORY: A panel, booth or similar structure identifying and giving direction to business, civic, recreational or other attractions in the Town.

SIGN, DOUBLE-FACED: Any sign designed to be viewed from two (2) directions and which at no point is thicker than thirty-six (36) inches measured from the exterior surface of each face and the two (2) faces of the sign are either parallel or the angle between them is thirty (30) degrees or less. Such sign shall be considered as one (1) sign.

SIGN, ERECTION: To build, construct, attach, hang, place, suspend, affix or paint a sign.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of the Code, any revolving, illuminated sign shall be considered a "flashing sign".

SIGN, ILLUMINATED: Any sign containing electrical wiring or lighted by an exterior or interior light source.

SIGN, NON-CONFORMING: A sign which was installed prior to the effective date of the respective Regulations embodied in this Code, but which is in conflict with the provisions thereof.

SINKHOLE: A soil or rock depression, otherwise known as a doline, pit or closed depression; usually closed, circular or oval in shape, from 3 to 3,000 feet in diameter and 3 to 300 feet deep. These are natural formations associated with karst topography.

SKETCH PLAN: An informal plan or plat indicating salient existing features of a tract or parcel and its surroundings, and the general layout of a proposed project as required in Appendix 'B' of this Code.

SPECIAL USE PERMIT-USE: A use that would not be generally appropriate without restriction within a zoning district, but which, if controlled as to number, area, locations and/or relation to the neighborhood may be permitted if specific provision for such special use permit use is made in the Zoning Regulations, after application to and authorization by the Planning Board of a Special Use Permit therefore.

STANDARD USE: A use permitted in one or more of the respective zoning districts, upon application for and issuance of a Permit by the Enforcement Officer in accord with the standards applicable thereto.

STORY: Story shall mean that part of a building, included between any floor, other than a cellar floor, and the floor or roof next above.

STREETS Any way, either public or private, dedicated to public travel for vehicular traffic, greater than twenty (20) feet in width, including the following:

- Major streets are those principal through traffic arteries.
- Collector streets are those that interconnect, and carry traffic between, minor residential and major streets.
- Minor streets are those which are used primarily for access to abutting residential properties. A 'cul-de-sac' is a minor street with only one outlet and having a turning loop at the closed end.
- Frontage or access roads are generally parallel with and adjacent to a major street or highway designed to provide access to abutting properties and protection from through traffic.

STREET LINE: A street line is the right of way line of a street as indicated by dedication or by deed of record.

STRUCTURE: Any facility constructed or used for residential, business, industry or public or private purposes, or accessory thereto, including but not limited to tents, lunch wagons, dining cars, mobile homes, swimming pools, billboard, signs, satellite dishes and similar facilities, whether stationary or movable.

SUBDIVIDER: Any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: The division of any parcel of land into two or more lots, blocks, or sites with or without new or additional roadways, for the purpose whether immediate or future, of transfer of ownership or building development, of one or more of the lots and

shall include resubdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped.

(Note: For information only. The following was in the original but is now deleted. "a-In the 'Open Space' and 'Residential - Agricultural' classifications of the Town Plan and Zoning Regulations - three (3) or more lots; b-In the remainder of the Town - five (5) or more lots.")

SWIMMING POOL: A private, outdoor pool designed and built for swimming purposes, including any such deck that may be attached, as an accessory use primarily by the occupants or tenants of said property. Such pool shall include any permanent in or above-ground pool and enclosure as required by the Uniform Fire Prevention Building Code.

TELECOMMUNICATIONS FACILITY: A principal or accessory structure or appurtenance including a telecommunication tower and/or antenna used to provide broadcast services through any existing or future technology such as digital, cellular telephone, personal communication (PCS), paging, radio and television. This term shall also apply to a principal or accessory structure or appurtenance which is or may have been designed to be used for any other purpose but which is proposed to be used to incorporate a telecommunication facility either exclusively or in conjunction with one or more other permitted uses.

TELECOMMUNICATION TOWER: A structure designed, used or intended to be used to support one or more antennas including free-standing, guyed, monopole and similar structures.

TILE FIELD: An approved leaching or drainage field which is connected to and part of a septic tank or other approved disposal process and which is located and constructed in accord with the requirements of this Code.

TOURIST HOME: A dwelling in which overnight accommodations and food are provided or offered for transient guests for compensation.

TOWN ENGINEER: A licensed professional engineer or other individual duly designated by the Town Board to carry out his duties.

TOWN PLAN: A comprehensive plan prepared for and by the Town setting forth the objectives and policies with regard to that general physical development of the Town, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

TRUCK TERMINAL: Any location where freight originates, terminates or is handled in the transportation process or where carriers maintain operating facilities, excluding the premises of shippers or receivers of freight.

VEHICLE/TRAILER DEALERSHIP: Facility designed for the sale and service of automobiles, trucks, RV's, and trailers.

VETERINARY CLINIC: A facility for professional medical treatment or care of animals.

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

USGS: United States Geological Survey.

VARIANCE: An authorized departure by the Board of Appeals from the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Regulations embodied in this Code would result in practical difficulty or unnecessary hardship as these requirements have been differentiated between and according to the criteria for each established in the respective Regulations and in case law.

WATER SUPPLY SYSTEM: An approved source and connecting supply system for the provision of water for any use required to have such system. Such system may include water derived from approved spring or well sources as part of an approved public, community or individual system as provided for in this Code.

WETLAND: Land or areas (such as swamps) containing much soil moisture.

WOODSHED: A roofed structure, with or without side walls, used for the storage of fuel wood.

YARD, REQUIRED FRONT: An open space extending across the entire width of the lot between the required building set back line and the front property line, (street or road right-of-way line) and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices and similar fixtures.

YARD, REQUIRED REAR: An open space extending across the entire width of the lot between the required rear set back line and the rear line of the lot, and unoccupied except for accessory buildings and open porches which in the aggregate shall not occupy not more than thirty-five (35) percent of the area.

YARD, REQUIRED SIDE: An open space on the same lot with a principal building existing between the required side yard set back line and the side property line of the lot, extending through from the front yard and to the rear yard. There shall be no extension of building parts other than eaves with an overhang of not more than two (2) feet, rain water leaders, window sills, and other such fixtures and open steps for a distance not exceeding four (4) feet in the required side yard.

APPENDIX ‘D’ – ENVIRONMENTAL ASSESSMENT

This Environmental Assessment is prepared in accord with the requirements as set forth in HUD Handbook I, Chapter 4, Section 2. It is based on and designed to accompany the Final Report entitled Land Use Code for the Town of Sharon, New York prepared for the Town of Sharon, Schoharie County, New York under the Comprehensive Planning and Management Assistance Program, CPA-NY-02-00-1039.

I - Summary Description

This Land Use Code is designed to provide land use and development regulations consistent with the needs and objectives of the Town of Sharon. It has been drafted to include under one cover and within one administrative framework several regulatory measures, including Building and Sanitary, Subdivision and Zoning Regulations.

Included within this Land Use Code for the Town of Sharon are four sections, each constituting a separate, but coordinated tool to effectively promote development in accord with appropriate standards and consistent with the Town Plan.

Part I - "Building and Sanitary Regulations" - is a streamlined building, housing and sanitary code aimed at the elimination and future prevention of housing, building and associated environmental problems in the Town.

Part II - "Subdivision Regulations" - includes the procedure and standards to insure the sound and well-ordered division of land into plats for sale or building purposes.

Part III - "Zoning Regulations" - includes those standards designed to guide development in the Town in accordance with the Town Plan by regulating the use, density and location of buildings and structures and the use of land in those unincorporated areas of the Town.

Part IV - "Appendices" - includes provisions for the Board of Appeals, Required Submissions, Definitions and this Environmental Assessment and is applicable to all three preceding parts of the Code.

Each of the land use regulations is designed to be adopted separately and to be incorporated within the framework of this Land Use Code to form a coordinated and consolidated system of land use controls in the Town of Sharon.

II - Environmental Impact of Plans and Policies

The environmental impact of these land use regulations should be a positive one. They are intended to assure proper recognition to the natural, physical and social

environmental conditions in the course of maintaining existing structures and installations and in the consideration of new developmental activities.

III - Adverse Environmental Effects

These proposed land use regulations have no foreseeable adverse environmental effects. Rather, their explicit purpose is to recognize potential adverse impacts and, through the application of the standards and processes established in the regulatory measures, to preclude any significant adverse environmental impact.

IV - Alternatives

The essential alternatives would be different regulatory standards or no regulations at all. The alternative of no land use regulation was discarded when the Town embarked on this program to prepare a comprehensive plan and accompanying regulations, and is therefore unacceptable. The proposed standards reflect the consensus of opinion after consideration of alternative approaches by the Planning Board and Town Board.

V - Short-Term, Long-Term Relationship

The land use regulations attempt to recognize the need to relate existing conditions and immediate needs and situations to the long-term natural, physical and social environmental conditions in the Sharon community and their proposed enactment is designed to maintain and improve upon these conditions.

VI - Irreversible Commitments

The commitment which this Land Use Code makes is to the intelligent consideration of the physical and socio-economic needs of the Town and is, therefore, considered a positive statement in this regard. The proposed land use regulations in and of themselves would result in no irreversible commitment of resources other than the financial resources necessary to properly administer them.

VII - Other Applicable Controls

Other related environmental controls include those under the jurisdiction of the U.S. Environmental Protection Agency, the New York State Department of Environmental Conservation, the New York State Health and the Schoharie County Health Department. These agencies have established standards and are responsible for their administration in such areas as water supply, sewage treatment, solid waste disposal and water and air pollution. The Town regulations embodied in this Land Use Code are designed to complement and work in conjunction with the applicable requirements of these other jurisdictions.

In summary, this Land Use Code for the Town of Sharon is designed to have a positive impact on the Town environment, and more specifically, is designed to provide the basis that will assure that existing as well as new or changed development in the community will be assessed as to any adverse environmental effects that might be generated and thus to prevent, or at least minimize such adverse impact.