Village of Richmondville Zoning Law (DRAFT – for review only)

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Appendix A – Village of Richmondville Preliminary Plat/Plan

A. [HISTORY: Adopted by the Board of Trustees of the Village of Richmondville May 20, 1986 as L.L. No. 2-1986. Sections 205-6, 205-11C, E, and F, 205-12A, 205-20D, 205-23B, 205-24D.1.c.(2),and 2.(c), 205-25B.3.h.(3), 205-28B.1.c., 205-33B, 205-34C, 205-35, 205-36, and 205-39, and Schedule I amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.] [Enacted May 20, 2003 as Local Law 1-2003 Adult Use and Entertainment Establishments Regulation Law by the Village Board of the Village of Richmondville]

General References

Planning Board – see Ch. 33.
Building Construction – see Ch. 98.
Flood Damage Prevention – see Ch. 101.
Mobile Home and Mobile Home Parks – see Ch. 135.

ARTICLE I
General Provisions

§ 205-1. Short title.

These regulations are known and cited as the “Village of Richmondville Zoning Regulations.”

§ 205-2. Enactment.

The Village Board of the Village of Richmondville in the County of Schoharie, under the authority of Article 7 of the Village Law of the State of New York, hereby enacts and publishes as follows:

§ 205-3. Intent.

The intent of these regulations is to establish comprehensive controls for the development of land in the Village of Richmondville, based on the Comprehensive Plan for the Village, and enacted in order to promote and protect the health, safety, comfort, convenience, and general welfare of the people.

§ 205-4. Purpose.

Such regulations shall be made in accordance with the Village's Comprehensive ~~Development~~ Plan and designed to lessen congestion in the streets; to secure safety from fires, flood, panic, and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to facilitate the provisions of transportation, water, sewerage, schools, and parks; and to protect aesthetic resources and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the characteristics of the district and its peculiarities for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the village.

§ 205-5. Scope.

No building, structure, or land shall hereafter be used and no building, structure, or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

§ 205-6. Jurisdiction.

These regulations regulate and restrict, as set forth above, the use of land throughout the entire area of the Village.

ARTICLE II
Word Usage and Definitions

§ 205-7. Interpretation and word usage.

~~Words used in the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used;" and the word "shall" is mandatory and not optional.~~

A. Except where specifically defined herein all words used in this law shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

B. The word "shall" or "must" is always mandatory. The word "may" is permissive. The word "building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, and a co-partnership.

C. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

§ 205-8. Definitions.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of these regulations. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY APARTMENT - A separate dwelling unit, in conformity with this law, which is subordinate in size and intensity of use to the primary use of the building in which it is located.

ACCESSORY FACILITY – An accessory facility that serves the principal use, extent and purpose of the principal use, and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage sheds.

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 pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "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:

(a) the number of different titles or kinds of such merchandise;
(b) the number of copies or pieces of such merchandise;
(c) the amount of floor space devoted to the sale and/or display of such merchandise; or
(d) the amount of advertising that is devoted to such merchandise, either in print or broadcast media.

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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 specified sexual activities"; or
(c) films, motion pictures, video cassettes, 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 ten (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 sexual activities" or "specified anatomical areas".

ESCORT AGENCY means a person or business association which 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, offers or agrees 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 means 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.

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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.

REGULARLY means more than once annually.

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 female 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.

AGRICULTURE – The science or art of cultivating the soil, producing crops, and raising livestock.

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

ANTENNAE – A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, wireless and microwave communications, as well as any and all communications not listed that might occur.

AREA, BUILDING – The area of all floors of a building including finished attics, finished basements, and enclosed porches.

AREA, LAND – The term "land area," when referring to the required area per dwelling unit, means "net land area," the area exclusive of streets and other public open space.

ASSISTED LIVING FACILTIES -- A building/facility providing rental housing for the elderly, sometimes called "enriched housing" or "congregate housing", that allows individuals to maintain their independence through provision of private or semiprivate rooms, shared dining and certain other shared facilities.

BAR – See "Tavern/Night Club."

BASEMENT – A finished story below established or final grade level, having at least one half of its height measured from floor to ceiling, not less than four feet above average finished grade. A basement shall be counted as one story determining the height of a building in stories.

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BED & BREAKFAST/TOURIST HOME – A private residence in which is provided overnight accommodations for not more than ten (10) transient guests who stay up to five nights and may include the serving of breakfast.

BLOCK – That portion of a street between two street intersections.

BOARDING HOUSE AND/OR ROOMING HOUSE – A detached building designed for the use of a single household, including one (1) or more persons living as a family and wherein not more than three (3) boarders are sheltered and/or fed for profit.

BUILDING, ACCESSORY – A building, the use of which is customarily incidental to that of a principal building and which is located on the same lot as that occupied by the principal building.

~~BUILDING, ACCESSORY USE OF – A use customarily incidental to the use of a principal building, not occupying more than twenty-five percent (25%) of the total above ground floor area of the principal building thereof and including:~~

~~A. The office or studio of a physician or surgeon, dentist, accountant, artist, musician, lawyer, architect, engineer, teacher, insurance agent, realtor, or other such professional person residing on the premises, provided that there is no advertising display visible from the street other than a small professional nameplate. The above shall not be interpreted to include the office or place of business of a mortician.~~

~~B. Customary home occupations as defined herein, provided that:~~
~~1. There is no display of goods visible from the street;~~
~~2. There is no exterior advertising other than an unlighted sign not over two (2) square feet in area; and~~
~~3. Such occupation is conducted in the main building by a person or persons residing therein, with not more than one paid assistant.~~

BUILDING, ALTERATION OF – Any addition to a building, any change or rearrangement in the structural parts or exit facilities or any change in the use from one district classification to another or the removal of a building from one location to another.

BUILDING, HEIGHT OF – The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof, to the deckline of a mansard roof, and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

BUILDING LINE, FRONT – A line parallel to street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the municipality or by private covenant.

BUILDING OR STRUCTURE, NONCONFORMING – An established building lawfully existing prior to and at the time of the adoption of these regulations which, because of its inherent nature or construction, does not conform to the provisions of these regulations for the district in which it is located.

BUILDING, PRINCIPAL – A structure in which is conducted the principal use of the site on which it is situated. In any residential district any dwelling shall be deemed to be a “principal building” on the district lot in which the same is located.

CEMETERY – Land used or intended to be used for the burial of dead human beings and dedicated for cemetery purposes, including columbariums, mausoleums, and mortuaries when operated with and within the boundary of such cemetery.

CLASSIC CAR – A motor vehicle of 25 years or older.

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CLUBHOUSE – A building or portion thereof, used by a club (a group of people organized for a common purpose to pursue common goals, interests or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws) not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other place of business.

COVERAGE – That percentage of the lot covered by the building area.

DINER – See "Restaurant."

DOUBLE-WIDE HOME – See "Dwelling, Manufactured."

DRIVEWAY – Land situated on a lot used or intended to be used to provide access to it by vehicular traffic.

DWELLING – A house or other building designed or used primarily for human habitation. The word "dwelling" shall not include tourist homes, motels, hotels, or other structures designed for transient residence. A bus is not construed to be a "dwelling."

DWELLING, MANUFACTURED –

- Dwelling, mobile (mobile home/house trailer) – A structure, whether occupied or not, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities.

- Dwelling, Sectional (Double-wide/modular) – 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, MULTI-FAMILY – A dwelling containing three or more dwelling units.

DWELLING, ONE-FAMILY – A dwelling containing one dwelling unit only.

DWELLING, TWO-FAMILY – A dwelling containing two dwelling units only.

DWELLING UNIT – A building, or portion thereof, providing complete housekeeping facilities for one family.

ENHANCEMENT - The manipulating of the physical, chemical or biological characteristics of a riparian area to increase or improve specific functions or to change the growth stage or vegetation present.

ESSENTIAL PUBLIC SERVICES – The erection, construction, alteration, or maintenance by public utilities or village or other governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or village or other governmental agencies or for the public health or safety or general welfare, ~~but not~~ including buildings.

FAMILY – One (1) or more persons occupying a premises and living as a single nonprofit housekeeping unit, provided that unless all members are related by blood, marriage, or adoption, no single housekeeping unit shall contain more than five (5) members.

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FARM AND AGRICULTURAL OPERATIONS – Any tract of land comprising five (5) or more acres on which agricultural products are produced annually, and includes fur farms, ~~pig farms~~, livestock farms, cage-type poultry farms, and public stables, and kennels.

FLOOD HAZARD AREA – A land area adjoining a river, stream, watercourse or lake which is likely to be flooded during a one-hundred-year flood as depicted by the United States Department of Housing and Urban Development.

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

FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN MANAGEMENT – The operation of an overall program of corrective and preventive 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 structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities or structures, and their contents.

FLOOD PROTECTION ELEVATION – The one-hundred-year flood elevation.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Ch. 101, Flood Damage Prevention.

GARAGE, PRIVATE – A garage not conducted as a business nor used for the storage space for more than one (1) commercial vehicle, which shall be owned by a person residing on the premises.

GARAGE, PUBLIC – A garage conducted as a business. The rental of storage space for more than two (2) passenger cars or for one (1) commercial vehicle which is not owned by a person residing on the premises shall be deemed a business use.

GARAGE, PORCH or YARD SALE - A sale of personal property that takes place on residential property that has not been issued a permit to operate commercially. Includes all auctions, garage sales, lawn sales, yard sales, flea markets, attic sales, moving sales, estate sales or any similar sale where personal property is exposed, displayed and offered for sale to the general public on private property either outdoors or under or within any permanent or temporary structure.

GARDEN – A plot of ground, no larger than one acre, where herbs, fruits, flowers, or vegetables are cultivated for private use.

GASOLINE STATION/CONVENIENCE MARKET – A commercial establishment for the retail sale of motor fuel, oil, and motor vehicle accessories which may also include the sale of convenience goods, such as food, beverages, and sundries.

HEIGHT – When referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or Structure, even if said highest point is an Antenna.

HOME OCCUPATION (CUSTOMARY) – Any use customarily conducted entirely within the principal structure and carried out by the inhabitants thereof, which use is clearly incidental and secondary to the

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use of the principal structure and does not change the character thereof and which produces no offensive noise, vibration, smoke, dust, odors, heat, glare, or traffic congestion, either directly or indirectly.

In particular, a Home Occupation includes, but is not limited to the following:

1. Art Studio;
2. Barber Shops and Beauty Parlors;
3. Dressmaking, seamstress, or milliner
4. Professional office of a physician, dentist, lawyer, engineer, interior designer, photographer, architect, accountant, teaching of music or dancing to one (1) pupil at a time, or real estate dealer within a dwelling occupied by the same.
5. Mail order
6. Tutoring

However, a Home Occupation shall not be interpreted to include the following:

1. Commercial Stables and Kennels (unless on a farm and agricultural operation)
2. Veterinarian Offices or Animal Hospital
3. Restaurants
4. Funeral Homes and Mortuaries
5. Bed and Breakfast/Tourist Accommodations (unless on a farm and agricultural operation)
6. Greenhouses (unless on a farm and agricultural operation)
7. Clinic or hospital
8. Garage, porch or yard sale

HOME OCCUPATIONS (FARM AND AGRICULTURAL) – Any use customarily conducted entirely within the principal structure or a farm structure and carried out by the inhabitants of the farm, which use is clearly incidental and secondary to the use of the farm and does not change the character thereof and which produces no offensive noise, vibration, smoke, dust, odors, heat, glare, or traffic congestion, either directly or indirectly. Such Farm and Agricultural Home Occupations include all Customary Home Occupations and the following:

1. Commercial bakery in home
2. Commercial Stables and Kennels
3. Retail Store (small) in home
4. Commercial harvesting and trucking
5. Farm equipment repair
6. Welding assembly
7. Bed and Breakfast/Tourist Accommodations
8. Nursery/Greenhouse
9. Roadside stand

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

HOTEL – A public inn in which there are twelve or more rental rooms.

HOUSE TRAILER – See “Dwelling, Manufactured.”

JUNK AND/OR SALVAGE YARD – 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 deposit, whether in connection with another business or not, where two (2) 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 purposes of resale or used

parts or materials there from or not. Such term shall include any place of storage or deposit for any purpose of used parts or waste materials from motor vehicles which taken together equal in bulk two (2) or more such vehicles.

JUNK CAR – Any motor vehicle which is not licensed by the State of New York or other states or is not in legal operating condition.

KENNEL – Any establishment, including cages, dog runs, and structures, wherein more than two (2) dogs which are over six (6) months of age are harbored, bred, or boarded.

LIVESTOCK – Animals or poultry kept or raised for use or pleasure, especially farm animals kept for use and profit.

LOT – A piece, parcel, or plot of land occupied or designed to be occupied by a principal building and its accessory building or buildings and including the yards and other open spaces required by these regulations. In the case of public, institutional, commercial, or industrial buildings, a group of buildings under the same ownership may be considered as occupying the same "lot."

LOT, CORNER – A lot which has an interior angle of less than one hundred thirty-five degrees (135º) at the intersection of two (2) 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 points beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135º).

LOT DEPTH – The horizontal distance from the street line of the lot to its opposite rear line, measured along the median between the two (2) side lot lines.

LOT, INTERIOR – A lot other than a corner lot.

LOT LINES – The lines that bound a lot as defined herein.

LOT, NONCONFORMING – Any lot where the owner(s) of said not does not own any adjoining property, the subdivision of which would create one (1) or more conforming lots, which does not conform to the minimum width, depth, and area dimensions specified for the district in which said lot is located.

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

LOT, THROUGH – An interior lot having frontage in two (2) parallel or approximately parallel streets.

LOT WIDTH – The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch but not be in front of the building line required by these regulations. In the case of a corner lot, the minimum width shall be similarly measured, and for the purpose of this measurement only, the front line which has the least dimension shall be considered to be the front line, and the lot lines adjacent thereto shall be considered to be the side lot lines.

MANUFACTURING, HEAVY -- A use involving the manufacture of a product, requiring heavy, noisy or otherwise objectionable disturbances, such as vibration, dust and odors, and/or involving the use of heavy machinery or transporting equipment around the site.

MANUFACTURING, LIGHT -- A use involving the manufacture of a product, but not requiring heavy, noisy or otherwise objectionable disturbances, such as vibration, dust and odors, nor involving the use of heavy machinery or transporting equipment around the site.

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MINI MART – A small retail activity which offers for sale convenience goods such as food, beverage, and sundries, but not including motor fuel, often on a 24-hour/day basis. (See Gasoline Station/Convenience Market)

MOBILE HOME – See "Dwelling, Manufactured."

MOBILE HOME, SINGLE-WIDE – A mobile home is any portable structure which is designed to be transported on its own wheels or those of another vehicle; which is used, designed to be used, and capable of being used as a detached single family residence; and which is intended to be occupied as permanent living quarters containing one or more of the follow facilities: sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, plumbing or electrical connections for attachment to outside systems. This definition of mobile homes includes all additions which are purchased and added thereto or additions made subsequent to installation. This definition does not include travel trailers.

MOBILE HOME, DOUBLE-WIDE – See "Modular Home."

MOBILE HOME PARK – Any parcel of land whereon two (2) or more mobile homes are parked or located or which is planned and improved for the placement of two (2) or more mobile homes and which is held open to the public for the parking or placement of mobile homes.

MODULAR HOME – See "Dwelling, Manufactured."

MOTEL OR MOTOR COURT – A public inn containing not less than eight (8) rental units for transient occupancy, with provision for, but not limited to, automobile parking space to accommodate not less than one (1) car per unit, and separate toilet facilities and hot and cold running water for each rental unit.

MOTOR VEHICLE – Any vehicle designed to be propelled or drawn by power other than muscular power, originally intended or construed to be for use on public highways.

MOTOR VEHICLE BODY SHOP – A commercial establishment which performs motor vehicle body repair or reconstruction, welding, spray painting, or interior alterations or repairs.

MOTOR VEHICLE REPAIR FACILITY – A commercial establishment which repairs or replaces motor vehicle engine, drive train, electrical, or mechanical systems; not to include body reconstruction or repair (see Motor Vehicle Body Shop).

NURSERY SCHOOL – A facility designed to provide daytime care or instruction for two (2) or more children from two (2) to five (5) years of age, inclusive, and operated on a regular basis.

NURSING OR CONVALESCENT HOMES – Any establishment where persons are housed or lodged and furnished with meals and nursing care for hire.

OPEN SPACE – Any unoccupied space open to the sky required by the terms of these regulations.

OUTDOOR WOOD-BURNING FURNACE - An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other structure on the premises.

PARKING SPACE – For the purpose of computing the number of parking spaces available in a given area, ~~the ratio of three hundred (300)~~ one hundred and eighty (180) square feet per parking space shall be used.

PRINCIPAL STRUCTURE – The one main building on a parcel excluding accessory buildings.

PROFESSIONAL OFFICE – Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, engineers, surveyors, realtors, and similar professions.

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QUARRY, SAND PIT, GRAVEL PIT, or TOPSOIL STRIPPING – A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil for sale as an industrial operation, and exclusive of the process of grading preparatory to the construction of a building for which a building permit has been issued or highway construction.

RECREATIONAL CAMPSITE – Any parcel of land which is planned and improved for the placement of two (2) or more recreational vehicles or other temporary living quarters which are used as temporary living quarters and for occupancy of not more than ninety (90) consecutive days.

RECREATIONAL VEHICLE – Any portable vehicle which is designed to be driven or transported on its own wheels, which is designed and intended to be used for temporary living quarters for travel, recreation, or vacation purposes and which may or may not include one (1) or all of the accommodations and facilities included in a mobile home.

REGULATED ACTIVITIES - all activities in regulated riparian areas involving filling, excavation, dredging, large tree cutting/removal, dumping, excavation, changing of drainage, grading, mowing, placing of objects in water, excavation, or any other alteration or use of a riparian area.

RESTAURANT – Premises in which food is prepared and served to seated customers. While alcoholic beverages may also be served, the primary business of the establishment is the preparation and serving of meals. Typically, a restaurant allows minors and closes by 12:00 a.m.

RESTORATION - manipulating the physical, chemical or biological characteristics of a site to achieve a former condition with improved riparian functions, values, or acreage.

RETAIL STORE (LARGE) – A commercial facility including sales and service for new and used automobiles, trucks, mobile homes, recreational vehicles, and farm implements, furniture and large appliance sales. This includes Automobile Service Stations.

RETAIL STORE (SMALL) - A commercial activity characterized by the direct on-premise sale of goods and services to the ultimate consumer, including on-premise manufacturing, processing, servicing, and preparation customarily associated therewith of stock in trade such as are normally associated with department stores, food markets, and similar establishments. Small retail shall not include Large Retail Store or Gasoline station/Convenience market.

RIPARIAN AREA - means the area adjacent to rivers, streams, creeks and other bodies of water or channels having banks and bed through which waters flow at least periodically. These areas are subject to period flooding and are generally characterized or distinguished by a difference in plant species composition or an increase in the size and/or density of vegetation as compared to upland areas. See more detailed description in this law of regulated riparian areas.

ROADSIDE STAND – A stall or booth for business which shall be limited to the sale of farm products.

SCHOOL, ELEMENTARY – Any school having regular sessions with regularly employed instructors who teach those subjects that are fundamental and essential in general education under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body or a private corporation meeting the requirements of the State of New York.

SCHOOL, SECONDARY – The same meaning as “elementary school,” except that secondary education is provided.

SIGN – Any structure or part thereof attached thereto or painted or represented thereon which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation, but not including the flag, pennant or insignia of any nation, state, city, or other political unit or of any political, educational , charitable, philanthropic, civic, professional, religious, or like organization on the property thereof.

SIGN, BUSINESS – A sign which directs attention to a business, profession, or industry located on the premises where the sign is displayed, to the type of products sold, manufactured, or assembled and/or to the service or entertainment offered on such premises.

SIGN, FARM PRODUCTS – A sign advertising the sale of farm products raised on the premises.

SIGN, IDENTIFICATION – A sign used to identify the individual or organization occupying the premises or the name of the building or structure in connection with which the sign is displayed.

SIGN, REAL ESTATE – A sign advertising the property on which it is located or a building thereon for sale, rent, or lease.

SPECIAL USE – A use which, because of its unique characteristics, requires individual consideration in each case by the ~~Zoning Board of Appeals and the~~ Planning Board before it may be permitted in the district enumerated in this regulation.

STABLE, PRIVATE – An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

STABLE, PUBLIC – A building in which horses are kept for remuneration, hire, or sale.

STORAGE, OPEN – Land used for the keeping of goods, wares, or supplies on land outside of any building or structures.

STORY – That part of a building including that between any floor, other than a cellar floor, and the floor or roof next above.

STREET – Any public way greater than twenty (20) feet in width which is dedicated to public travel.

STRUCTURE – Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURE, ALTERATION OF – Any addition to a structure, any change or rearrangement in the structural parts, or any change in use from one district classification to another, or the removal of a structure from one (1) location to another.

STRUCTURE, TEMPORARY – Any structure with a limited life, not to exceed twelve (12) months.

SWIMMING POOL – Any body of water (excluding natural bodies of water fed by rivers, streams, brooks, or springs) or receptacle for swimming or bathing and constructed, installed, or maintained in or on the ground outside any building.

TAVERN/NIGHT CLUB – A premise licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises. Live or electronic entertainment may also be provided on a regular basis. The availability of food is incidental to the principal activity of selling alcoholic beverages. Typically, a tavern/night club does not allow minors and is open past 12:00 a.m.

TELECOMMUNICATION FACILITY – Any structure on which transmitting and/or receiving antennae and towers are located.

TEMPORARY STORAGE UNIT – Any container, storage unit, shed-like container, or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building. An accessory building, shed, or carport/RV port complying with all building codes and land use requirements shall not be considered a temporary storage unit.

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TENT – A collapsible cover temporarily used to ward off the elements.

TREE (LARGE) - any tree with a trunk diameter of ten (10) inches or more measured one (1) foot from the ground.

USE – The specific purpose for which land or a building is designed, arranged, or intended for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

USE, ACCESSORY – A use which is customarily incidental to and subordinate to the principal use of a premises, building, or structure and located on the same premises as the principal use, building, or structure.

USE, NONCONFORMING – An established use of a building or structure or use of land lawfully existing prior to and at the time of the adoption or amendment of these regulations that does not conform with the permitted use provisions of these regulations as they apply to the district in which the building, structure, or land is located.

VARIANCE – A permit to do some act contrary to the regulations set forth in this chapter.

WETLANDS - areas and waters that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include but are not limited to lands and waters meeting this definition and otherwise often referred to as swamps, marshes, bogs, wetland meadows, ephemeral and tributary streams vernal pools, banks, reservoirs, ponds, lakes, and lands under water bodies. The primary ecological parameters for identifying wetlands include hydric soils, hydrophytic vegetation, and hydrologic conditions reflecting temporary or permanent inundation or saturation.

WIND TURBINE (SMALL) - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended primarily to reduce consumption of utility power at that location.

YARD – An unoccupied space open to the sky on the same lot with a building or structure.

YARD, FRONT – An open space extending across the entire width of the lot between the front building line or front main wall of a building and the front property line (street or road right-of-way line).

YARD, REAR – An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE – An open, unobstructed space on the same lot with a principal building between the principal building and side line of the lot and extending through the front yard to the rear yard.

ZONING BOARD OF APPEALS – The Board of Appeals of the Village of Richmondville.

ZONING OFFICER – The administrative officer charged with the duty of enforcing the provisions of these regulations.

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ARTICLE III
Zoning Districts

§ 205-9. Districts established.

For the purpose of promoting the public health, safety, morals, and general welfare of the Village of Richmondville, the village is hereby divided into the following districts:

R1	Low Density Residential District
RR	Rural Residential District
VR	Village Residential District
RG	Richmondville Gateway District
BT	Business Technology District
MSM	Main Street Mixed District

Overlay Zones

WPZ	Wellhead Protection Zone
SFHA	Special Flood Hazard Area
SA	Sensitive Area
RHA	Riparian Habitat Area

Floating Zones

PDZ	Planned Development Zone

The R1 – Low Density Residential District is primarily a single family residential area with smaller lot sizes where municipal water and sewer are available. Unobtrusive home businesses upon issuance of a special use permit are allowed.

The RR – Rural Residential District is primarily a single family residential area with larger lot sizes than R1 or VR to accommodate private sewer/water systems. Unobtrusive home businesses upon issuance of a special use permit are allowed.

The VR – Village Residential District is a single family and multi-family residential zone with unobtrusive home occupations permitted upon issuance of a special use permit. This district has smaller, traditional sized lots following the historic pattern of the Village.

The RG – Richmondville Gateway District is an area at the NYS Route 7 and NYS Route 10 intersection that is considered the eastern entrance to the Village. Architecturally appealing, service oriented commercial uses that cater to vehicles and pedestrians are encouraged.

The BT – Business Technology District is an area for new business and high technology uses that have limited noise, electric light pollution, and emissions.

The MSM – Main Street Mixed District is located at the "core" of the Village and is a residential and commercial district that is designed to offer flexibility of uses. Many uses can be proposed and reviewed provided that architectural styles that are used respect the character of Richmondville, certain performance standards are met, and good site planning is involved.

Overlay Zones

The WPZ – Wellhead Protection Zone is an area that has been identified as being critical to the health of the Village of Richmondville water supply. Additional standards to the underlying zoning district are applied to protect the water resource.

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The SFHA – Special Flood Hazard Area is the area designated on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA). The area is likely to be inundated with water during a flood event and certain construction standards set out in the Village Flood Damage Prevention Law apply.

The SA – Sensitive Area consists of land where steep slopes and higher elevations, visible from long distances, merge. Limits on clear cutting are in place to reduce negative impacts on many property owners and to reduce damage to the environment. Educational tools for property owners in regard to landscaping requirements, height limitations, and lighting requirements will be used by the Village.

The RHA – Riparian Habitat Area is a fifty (50) foot protective stream side buffer measured out from the average high water mark on both sides of a stream where limits on construction, grading, dredging, filling, tree cutting, and mowing are used/encouraged to protect water quality and wildlife habitat and reduce flooding potential on larger creeks.

Floating Zones

The PDZ - Planned Development Zone is a special designation that can be proposed for uses that involve mixed residential/commercial and/or industrial projects. PDZ projects must include a mix of uses and innovative planning techniques. Stand alone commercial, industrial or single-density residential projects do not qualify for PDZ designation.

§ 205-10. Zoning map.

Said districts are bounded as shown on the map entitled "Village of Richmondville Zoning Map," adopted and certified by the village clerk, ~~which~~ that accompanies and which, with all explanatory matter thereon, is hereby made a part of these regulations.

§ 205-11. Interpretation of boundaries.

~~A. Designation of district boundaries. The district boundary lines are intended generally to follow the boundary lines of streets, the center lines of railroad rights-of-way, existing lot lines, the mean water level of streams and other waterways or village boundary lines, all as shown on the zoning map, but where a district boundary line does not follow such a line, its position is shown on said zoning map by a specific dimension expressing its distance in feet from a street center line or other boundary line as indicated.~~

~~B. Determination of locations of boundaries. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Board of Appeals to render its determination with respect thereto.~~

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following centerlines of watercourses and roads, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way line of such street, highway, public utility easement or watercourse is moved a maximum of fifty (50) feet.

B. Where district boundaries are indicated as approximately following the village boundary lines, property lines, lot lines or projections thereof, the center lines of streams, rivers, ponds or other bodies of water said boundaries shall be construed to be coincident with such lines or projections thereof.

C. Where district boundaries are so indicated that they are approximately parallel to the village boundary lines, property lines, lot lines, right-of-way lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.

D. Where a district boundary line divides a lot held in single or joint ownership of record at the time such line is established the regulations for the less restricted portion of such lot shall extend not more than thirty-five (35) feet into the more restricted portion.

E. In all other cases, where not dimensioned, the location or boundaries shown on the map shall be determined by the use of the scale appearing thereon.

F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by A through E above, the Zoning Board of Appeals shall interpret the district boundaries.

ARTICLE IV
District Regulations

§ 205-12. Schedules of regulations.

The restrictions and controls intended to regulate development in each district are set forth in the attached schedules, which are supplemented by other sections of these regulations.

§ 205-13. Application of regulations.

Except as hereinafter otherwise provided:

A. No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be designed, used, or intended to be used, for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.

B. No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building shall be erected and no existing building shall be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or open space provided around any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any other lot.

E. Recreational vehicles and recreational campsites. Recreational vehicle and recreational campsites shall be installed and maintained as permitted in this chapter and in accordance with standards provided for and controlled by separate and additional village law(s).

F. Mobile homes and mobile home parks. Mobile homes and mobile home parks shall be installed and maintained as permitted in these regulations and in accordance with standards provided for and controlled by separate and additional village law(s).

ARTICLE V
Supplementary Lot Regulations

§ 205-14. General provisions.

A. Existing lots of record. A single-family dwelling may be constructed on any lot in any R-1, RR or VR District if said lot is less than the minimum area required for building lots in the R-1, RR or VR District in which it is located, provided that the following conditions exist or are met:

1. Availability of adjacent vacant land. No structure shall be erected on any nonconforming lot if the owner of said lot owns any adjoining vacant land which could be combined with the lot deficient in area.
2. Side yards. No structure shall be constructed on a nonconforming lot unless it shall have a minimum of ten (10) feet where adjacent to any street.
3. Front and rear yards. No structure shall be constructed on a nonconforming lot unless it shall have front and rear yards conforming to the minimums required for the R-1, RR or VR District in which said lot is located.

B. Lot width. The minimum lot width of any lot shall be the distance between the side lot lines, measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch but not be in front of the building line required by these regulations. In the case of a corner lot, the minimum lot width shall be similarly measured, and for the purpose of this measurement only, the front line which has the least dimension shall be considered to be the front lot line, and the lot lines adjacent thereto shall be considered to be the side lot lines.

C. Corner lots. At all street intersections no obstruction to vision (other than an existing building, fence, post, column, or tree) exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines thirty (30) feet distant from their points of intersection.

D. Through lots. At each end of a through lot there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

E. Required area or space cannot be reduced. The area or dimension of any lot, yard, parking area, or other space shall not be reduced to less than the minimum required by these regulations except as provided in this regulation; and if already less than the minimum required by these regulations, said area or dimension may be continued but shall not be further reduced.

§ 205-15. Height regulations.

A. General application. No building or structure shall have a greater number of stories or 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 as noted elsewhere in these regulations.

B. Permitted exceptions to height regulations. Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, grain elevators, steeples, water towers, ornamental towers or spires, communications, radio or television towers, or necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted regulations of the Village of Richmondville, provided that no tower other than a church spire or tower of a public building shall exceed the height regulations by more than forty percent (40%). No tower shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display, or

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advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank, or other structure which extends above the height limitations.

§ 205-16. Yard regulations.

Every part of a required yard must be open to the sky and unobstructed except for accessory buildings in a rear or side yard and except for the ordinary projection of open porches, balconies, steps, sills, belt courses, cornices and ornamental features; provided, however, that such features shall not project more than three (3) feet into any required yard.

A. Side yards.
1. Side yard width may be varied. Where the side wall of a building is not parallel with the lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any one (1) point than one-half (½) the otherwise required minimum width.
2. Side yard of corner lot. The side yard of any corner lot of record at the time of the adoption of these regulations shall have a width equal to not less than one-half (½) of the required minimum front yard setback of any adjoining lot fronting on the side street. Any corner lot delineated by subdivision after the adoption of these regulations shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street.

B. Transition yard requirements. Where a residence district abuts a nonresidential district on a street line, there shall be provided in the nonresidential district, for a distance of fifty (50) feet from the district boundary line, a front yard at least equal in depth to that required in the residence district.

§ 205-17. Maximum coverage.

Land coverage by principal and accessory buildings or structures on each zone lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

§ 205-18. Accessory structures.

Minimum yard regulations shall be as follows:

A. Unattached accessory structures in all districts. Accessory structures which are not attached to a principal structure may be erected in accordance with the following requirements.
1. An accessory building may not exceed the height of the occupied building and may occupy not more than twenty percent (20%) of a required rear yard.
2. No accessory structure shall be located within ten (10) feet of side or rear lot lines.
3. No accessory structure shall be located closer to the street than the front yard setback required for a principal structure in the district in which such accessory structure may be located.
4. For corner lots the setback from the side street shall be the same for accessory buildings as for principal buildings.

B. Attached accessory structures in all districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of these regulations applicable to the principal building.

§ 205-19. Landscaping.

A. Enclosed uses. Any enclosed use as may be required by these regulations to be landscaped in accordance with this subsection shall provide a fence, screen, or landscaping sufficient to

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obscure such uses from view from abutting properties lying in residential districts or from public rights-of-way.

B. Review by the Planning Board. Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Board prior to issuance of a building permit for such uses as are required by these regulations to be provided with such fences or landscaping.

C. Maintenance. Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of these regulations.

D. Fencing. Fencing in residential districts shall comply with the following:
1. All fencing within twenty (20) feet from the edge of a street shall be limited to four (4) feet in height.
2. All other fencing shall be limited to a maximum of six (6) feet. (see § 205-14 (C))
3. All fencing shall be placed at least ~~two (2)~~ six (6) inches from any property line with the better (finished) side facing outward from the property line.
4. Any fence constructed shall require a permit, with the permit fee to be set by the Village Board.
5. All in-ground pools shall require fencing with a minimum height of four (4) feet.
6. All fencing shall receive regular maintenance and repairs by the property owner; any dilapidated or broken fencing shall be repaired, replaced, or removed at the property owner's expense.

§ 205-20. Stripping of topsoil.

No person, firm, or corporation shall strip, excavate, or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

§ 205-21. Nonconforming uses and buildings.

A. Continuing existing uses. Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of these regulations may be continued, although such uses do not conform to the standards specified in these regulations for the zone in which such land or building is located. However, no land shall be subdivided so as to create a nonconforming lot, use, building, or other structure or make a nonconforming lot, use, building, or other structure more nonconforming from the effective date of these regulations.

B. Nonconforming use of land. Where no building or structure is involved, the nonconforming use of land may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of adoption of these regulations, unless specifically allowed by other provisions in these regulations, nor shall any such nonconforming use be moved, in whole or in part, to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of these regulations; provided, further, that if such nonconforming use of land or any portion thereof ceases for any reason for any continuous period of more than one (1) year or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of these regulations. No nonconforming use of land shall be changed to another nonconforming use.

C. Nonconforming use of buildings. A building, or structure, including a sign, the use of which does not conform to the use regulations for the district in which it is situated, shall not be

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enlarged or extended. Such sign or nonconforming building shall not be structurally altered to an extent greater than fifty percent (50%) of its equalized assessed valuation, unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted; and provided further, that any such nonconforming use may be extended throughout any parts of any building which were arranged or designed for such use at the time of the adoption of these regulations. A nonconforming use may be changed only to a conforming use. If any nonconforming use of a building or sign ceases for any reason for a continuous period of more than one (1) year or is changed to a conforming use or if the buildings in or on which such use is conducted or maintained are moved for any distance whatsoever, for any reason, then any future use of such buildings shall be in conformity with the standards specified by these regulations for the district in which the building is located. If any building or sign in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any sign or building thereof shall be in conformity with the standards specified by these regulations for the district in which such land, building, or sign is located.

D. Nonconformity other than use. No permit shall be issued that will result in the increase of any nonconformity in height, yard space, or land coverage. Nothing in these regulations shall prevent the use of any lot or the erection of a building or other structure on any lot which does not conform to the minimum area, shape, or frontage requirements of these regulations, provided that all other requirements of these regulations have been met and the owner of such lot does not own sufficient contiguous land to make a conforming lot or a more nearly conforming lot.

E. Restoration. No building, structure, or sign damaged by fire or other causes to the extent of more than fifty percent (50%) of its equalized assessed value or of its depreciated value shall be repaired or rebuilt except in conformity with these regulations or with approval by the Board of Appeals.

~~F. Completion of buildings and signs under construction. Any building, extension, or alteration for which a permit has been duly granted, the construction of which has been started before the effective date of these regulations, or of a pertinent amendment thereto, and the ground story framework of which, including the second tier or beams, has been completed within one (1) year after the adoption of these regulations or amendments thereto, may be completed in accordance with plans on file with the Zoning Officer, provided that such construction is diligently prosecuted and the building is completed within two (2) years of the adoption of these regulations. If construction progress has been substantial on any sign, this subsection shall apply to it.~~

ARTICLE VI
Supplementary Use Regulations

§ 205-22. Regulations governing certain uses.

A. Private swimming pools. A private swimming pool installed or maintained as an accessory use where permitted as an accessory use shall meet the following requirements; it shall be used only as an accessory use to a dwelling for the private use of the owner, occupant, guests, or employees.

B. Private stables. Private stables, where permitted, shall meet the following requirements:
1. No building in which an animal(s) is housed shall be located less than one hundred (100) feet from any lot line.
2. No manure shall be stored within two hundred (200) feet of any residence.

C. Private cabins for hunting and fishing. Private cabins for hunting and fishing shall not be placed less than two hundred fifty (250) feet from any property line, access road or water body. No sewage disposal facility shall be closer than one hundred (100) feet to any stream, pond, river, or shoreline.

D. Drive-in restaurants and establishments. Such businesses where persons are served in automobiles shall be not closer than two hundred (200) feet to any district boundary and shall provide ingress and egress so as to minimize traffic congestion. The number and location of curb cuts shall be subject to the review and approval of the Planning ~~Zoning~~ Board ~~of Appeals~~. Screening shall be in accordance with § 205-19 of these regulations. Signs and parking area illumination shall be in accordance with other sections of these regulations.

E. Home occupations. ~~Permitted~~ Home occupations operated in any dwelling unit or on a farm may be operated only if they comply with all of the following conditions:
1. Where permitted. Within a single dwelling unit or in a building or other structure accessory to a dwelling unit and only by the person or persons maintaining a dwelling therein, and not more than ~~one (1)~~ two (2) additional persons shall be employed in the home occupation.
2. Evidence of use. Does not display or create outside the building any evidence of the home occupation, except that one (1) unanimated, nonilluminated flat or window sign having an area of not more than sixty (60) square inches shall be permitted on each street front of the lot on which the building is situated.
~~3. Permitted uses. Includes not more than one (1) of the following illustrative uses, provided that such uses are clearly incidental and secondary to the use of the dwelling unit for residential purposes:~~
~~a. Medical and dental offices in accordance with provisions for off-street parking as required herein, with not more than one (1) nonresident assistant.~~
~~b. Other professional offices, including lawyer, engineer, architect, etc.~~
~~c. Custom dressmaking, seamstress, or milliner.~~
~~d. Artist or musician.~~
~~e. Foster family care for not more than four (4) children simultaneously.~~
~~f. Tutoring.~~

F. Adult use and entertainment establishments.

1. ~~Legislative Intent.~~ Purpose. It is the purpose of this section ~~law~~ to regulate the creation, opening, commencement, and/or operation of Adult Use and Entertainment Establishments, as herein defined, in order to achieve the following:
   a. To preserve the character and the quality of life in the Village of Richmondville.
   b. To control harmful and adverse secondary effects of adult uses, documented in the Village of Richmondville Secondary Effects Study, on the surrounding areas, such as decreased property values; parking and traffic problems; increased crime; excess noise, litter, and loitering.
   c. To restrict minors' access to adult uses.
   d. To maintain the general welfare and safety for the Village of Richmondville residents.

2. Allowed Zoning Districts. All Adult Use and Entertainment Establishments as defined herein may only be created, opened, commenced, or operated within the Business Technology (BT) ~~Commercial Industrial (C-I)~~ zoning district within the Village of Richmondville by special use permit issued by the ~~Zoning~~ Planning Board ~~of Appeals~~. Adult Use and Entertainment Establishments may not be proposed in a Planned Development Zone unless part of a larger project and the guidelines listed below are incorporated.

3. Location within Allowed Zoning Districts. An Adult Use and Entertainment Establishment shall be allowed after issuance of a special permit only in the allowed zoning districts set forth in #2 hereof, and, within such district, shall have minimum area requirements as described in

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Schedule II of the Village of Richmondville Zoning Law, and the structure the adult use is located in and any accessory use/structure shall not be allowed:

a. within fifty (50) feet of the property line of a parcel used for residential purposes in the village;
b. within five hundred (500) feet of the property line of a parcel containing a church, synagogue, other place of worship, active cemetery, library, school, day-care facility, park, playground, government facilities commonly visited by the public (i.e. post office, town/village office), nursing home, adult home, or hospital, within the village; or
c. on the same parcel as another Adult Use and Entertainment Establishment; or
d. within one thousand (1,000) feet of the intersection of NYS Routes 10 and 7 at the eastern end of the village.

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.

4. Standards appropriate to Special Use Permits for Adult Use and Entertainment Establishments. The Village of Richmondville intends to protect the scenic beauty of the village and the value of residential properties in the village. Therefore, Adult Use and Entertainment Establishments shall meet all applicable requirements in the Village of Richmondville Zoning Law and shall be designed to be as least intrusive as possible by using the following additional standards:

a. Such use and parking area shall be adequately fenced and/or landscaped for screening from any adjacent property and lighting shall be directed away from adjacent property and public highways.
b. Parking shall be located in the side or rear yard and no parking space may be located less than thirty (30) feet from any property line.
c. 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 Village of Richmondville. Building design shall avoid areas of blank wall sections.

5. Display Prohibited. All Adult Use 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."

~~3. Severability. It is hereby declared to be the intent of the Richmondville Village Board that :~~

~~a. If a court of competent jurisdiction finds any provisions of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.~~

~~b. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure, or tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property, or situation involved in the controversy, and the application of any such provision to any other person, property, or situation shall not be affected.~~

~~4. Penalties for Offenses.~~

~~a. Any person, firm, corporation, or entity found to be violating any provisions of this local law shall be served with a written notice by the Code Enforcement Officer or his/her designee, stating the nature of the violation and providing for immediate correction thereof. Such notice shall be served by one (1) of the following methods:~~

~~(1) by personal service;~~

~~(2) by certified mail, return receipt requested, addressed to his, her, or their last known address as shown on the latest completed assessment roll of the Village of Richmondville; or~~

~~(3) by posting of such notice in a conspicuous place upon the premises affected, and a copy thereof mailed, addressed to his, her, or their last known address as shown on the latest completed assessment roll of the Village of Richmondville.~~

~~b. Any person, firm, corporation, or entity that shall violate any portion of this local law shall be guilty of a violation and, upon conviction thereof, shall be fined in an amount not to exceed five hundred dollars ($500) for each violation. The continuation of a violation of the provisions of this law shall constitute, for each day the violation is continued, a separate and distinct offense hereunder.~~

~~c. The owner and/or any occupant and/or any tenant and/or general agent of a building, premises, or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.~~

~~d. Any person, firm, corporation, or entity violating any of the provisions of this local law shall become liable to the village for any expense or loss or damage occasioned the village by reason of such violation.~~

~~e. The imposition of penalties herein prescribed shall not preclude the village or any person from instituting appropriate legal action or proceedings to prevent a violation of this local law, or to restrain or enjoin the use or occupancy of a building, premises, or part thereof in violation of this local law.~~

~~5. When effective. This local law shall take effect upon its adoption and filing with the New York State Secretary of State's Office. [Enacted May 20, 2003 as Local Law 1-2003 Adult Use and Entertainment Establishments Regulation Law by the Village Board of the Village of Richmondville]~~

G. ~~Regulating~~ Telecommunications Towers/Antennae ~~[Enacted August 23, 2000 as Local Law 2-2000 Regulating Telecommunications Towers/Antennae Law by the Village Board of the Village of Richmondville]~~

1. Purpose. The purpose of this ~~law~~ section is to control the proliferation of telecommunications facilities, to make sure telecommunications facilities are located in the optimum location to service customers, and to protect the health, safety, and general welfare of the residents of the Village of Richmondville.

~~Severability. Any Special Use Permit issued under this law shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total.~~

2. Setbacks. Towers and antennae shall comply with all setbacks applicable to the land use area in which they are proposed to be located. The minimum setback for all towers/antennae shall be at least one and one half (1.5) times the height of the structure on all four (4) sides of the base.

3. Bonding. Before construction of a tower and/or antenna, a bond must be obtained to ensure removal expenses in the event this occurs. The amount of the bond must be sufficient to cover the entire cost of removal of the tower and accessory structures. The projected removal costs shall be verified by an engineer. A copy of the engineer's report and a copy of the bond shall be filed in the building inspector's office prior to the issuance of a building permit. In the event of a necessary removal, it shall be completed within three (3) months of notification.

4. Application of Special Use Regulations.

a. No telecommunications tower and/or facilities shall hereafter be used, erected, moved, reconstructed, changed or altered in any district in the Village of Richmondville except after issuance of a Special Use Permit and in conformity with these regulations. No existing structure shall be modified to serve as a transmission and/or receiving tower

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unless in conformity with these regulations. Any changes must be approved by a licensed engineer.
b. These regulations shall apply to all property in all districts where application for special use permit is made for telecommunications facilities. Special Use Permits must receive proper ~~Zoning~~ Planning Board ~~of Appeals~~ review in accordance with the review guidelines outlined in this law.
c. Exceptions to these regulations are limited to new uses that are accessory to residential uses, and lawful or approved uses existing prior to the effective date of this law.
d. Where these regulations conflict with other laws and regulations of the village, the more restrictive shall apply, except for tower height restrictions, which are governed by these special use standards.
e. Telecommunications facilities proposed by an applicant that is not a public utility as defined by relevant statute (i.e. Public Service Law § 2 [17], [23]; Tax Law § 186-a [2] [a] [i]) shall not be permitted unless the applicant can utilize evidence from and show need to use the facilities by a licensed public utility. (i.e. Telecommunications facilities proposed to be built on speculation will not be permitted by the Village of Richmondville.)
f. The ~~Zoning~~ Planning Board ~~of Appeals~~ may not waive any requirement of this law without approval of the Village Board.

5. Additional Requirements for Sharing Existing Facilities.
a. At all times, shared use of existing tall structures, or existing or approved towers shall be preferred to the construction of new towers.
b. A completed application for a Special Use Permit, which includes detailed information on the construction and operation of the facility, and any additional information that might be required by the Planning Board ~~and/or the Zoning Board of Appeals~~.
c. The applicant must show need for using the facility by a licensed public utility.
d. Any interference with radio and/or television waves in the area must be corrected.
e. Documentation of intent from the owner of the existing facility to allow shared use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use.
f. Lights, if required by FAA guidelines and deemed necessary due to height of the tower, will be affixed in a manner that has the least impact on surrounding properties.
g. A Site Plan showing all existing and proposed structures and improvements including antennae, roads, buildings, guy wires and anchors, parking, landscaping, and shall also include grading plans for new facilities and roads. The Site Plan shall also include the location and distance from the nearest residence, and the antennae shall not be closer than five hundred (500) feet from the nearest residence. The highest part of the antennae shall not extend more than thirty (30) feet above the highest part of the structure.
h. Documentation of the proposed intent and capacity of use, which shall include the transmission and maximum effective radiated power, the direction of maximum lobes, and associated radiation from the antennae.
i. A licensed professional engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, and will not hamper existing emergency networks, and if needed, what modifications are necessary to certify the above.
j. A completed long Environmental Assessment Form approved by the New York Department of Environmental Conservation.
k. A copy of its Federal Communications Commission license.
l. A copy of the lease agreement.

6. Additional requirements for new towers.
An applicant proposing to construct a new tower shall submit a Special Use Permit application that shall include:
a. Detailed information on the construction and operation of the facility.

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b. A Site Plan which shall show all existing and proposed structures and improvements including towers and antennae, roads, buildings, guy wires and anchors, parking and landscaping, and shall also include the location and distances from the nearest residences. The tower/antennae will be no closer than five hundred (500) feet from the nearest residence.
c. Documentation on the proposed intent and capacity of use, which shall include the transmission and maximum effective radiated power, the direction of maximum lobes, and associated radiation from the antennae.
d. Justification for the height of any tower or antennae and justification for any land or vegetation clearing required.
e. A completed Full Environmental Assessment Form in accordance with the State Environmental Quality Review Act, and a landscaping plan with particular attention to visibility from key viewpoints.
f. Lights, if required by FAA guidelines and deemed necessary due to height of the tower, will be affixed in a manner that has the least impact on surrounding properties.
g. If the tower/antennae should cause any interference with radio or television waves in the area, it must be corrected.
h. Evidence of need by a licensed public utility that a new tower is necessary and that no alternative sites are available which would serve that need.
i. A "Zone of Visibility Map" shall be provided in order to determine locations where the tower may be seen.
j. Assessment of the visual impact of the tower base, guy wires, accessory buildings, and overhead utility lines from abutting properties and roads.
k. A copy of its Federal Communications Commission license.
l. A copy of any proposed lease agreement.
m. In reviewing special use permits, the ~~Zoning~~ Planning Board ~~of Appeals~~ may require alternative tower designs, such as silos, trees, neutral earth tone colors, etc. to mitigate the visual impact of a tower, if necessary.

H. Temporary Storage Units

1. Purpose and intent. The Village intends ~~the following regulation has been adopted~~ to ensure that placement of temporary storage units, commonly known as PODS (portable on-demand storage), complies with the health, safety, and aesthetics objectives of the village.

2. Permit application and fee. Prior to placing a temporary storage unit on a property, a person must submit an application and receive a permit from the Zoning Officer. An insurance certificate providing liability insurance in the amount of $100,000 provided by the company supplying the temporary storage unit must accompany the application. There is ~~a $10 permit fee~~ an application fee. Applications are available from the village office.

3. Duration. Permits will be granted for a period of 30 days. At the expiration of the 30-day period, an applicant may seek to extend the permit for an additional 30 days by seeking an extension for cause from the Zoning Officer ~~Village~~. In no event shall a permit be extended beyond 60 days.

4. Location.
a. The temporary storage unit shall be placed in the least conspicuous location available to minimize disturbance to any adjoining residential properties.
b. The temporary storage unit shall not be located in any public right-of-way.
c. The temporary storage unit shall not be located in any front yard, unless it is the only practical location.
d. The temporary storage unit shall not be located in or impede the use of any shared parking area, loading area, aisle, or driveway.

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5. Number of units. Only one temporary storage unit may be placed at any residential property at one time.

6. Other Conditions. The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks at all times.

No temporary storage unit shall be used to store waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, or any public property other than for the residential property where the temporary storage unit is located or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Village of Richmondville may inspect the contents of any temporary storage unit at any reasonable time to ensure it is not being used to store said materials. At no time shall a temporary storage unit be used for any of these purposes or used for advertising purposes.

~~8. Penalties for offenses. Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall, upon conviction, be subject to a fine of not more than $250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.~~

~~9. Civil proceedings. Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than $500, to be recovered by the Village in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation.~~

I. Outdoor wood-burning furnaces.

1. Authority. This section ~~Local Law~~ is enacted pursuant to the authority of Articles 2 and 3 of Municipal Home Rule Law of the State of New York.

2. Purpose. It is the intention ~~of the Village Board~~ of the Village ~~of Richmondville by the adoption of this law~~ to establish and impose restrictions upon the construction and operation of outdoor wood-burning furnaces within the limits of the Village for the purpose of securing and promoting the public health, comfort, convenience, safety, and welfare of its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property.

3. Prohibited acts. The construction and operation of outdoor wood-burning furnaces are hereby prohibited within the Village of Richmondville.

~~1. Penalties for offenses. Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall, upon conviction, be subject to a fine of not more than $250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.~~

~~2. Civil proceedings. Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than $500, to be recovered by the Village in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation.~~

4. Non conforming uses.

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a. Continuation of non conforming uses. The lawful use of any existing outdoor wood-burning furnace existing as of January 1, 2008 ~~at the time of the adoption of this law~~ may be continued, although such use does not conform to ~~with~~ the provisions of this section ~~law~~ except as hereinafter provided.
b. Extension or enlargement. No outdoor wood-burning furnace shall hereafter be extended or enlarged.
c. Abandonment and discontinuance. Any outdoor wood-burning furnace which is abandoned or discontinued for a period of one year shall not be permitted to be reestablished as a non conforming use and must be removed by the property owner. If the property owner fails to remove the outdoor wood-burning furnace, the Village of Richmondville Zoning Officer shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor wood-burning furnace is located. Such notice shall provide that such person shall remove the same within 15 days of the notice. Should the outdoor wood-burning furnace not be removed in the time specified, the Zoning Officer shall arrange for its removal. The cost of said removal shall be charged to the owner of said premises. Said cost if not paid shall be assessed and collected in the next annual village tax levy against the property.
d. Restoration. An existing outdoor wood-burning furnace which has been damaged by natural causes to the extent that it is no longer practicably operable shall, if the owner replaces it, be replaced, operated and maintained in conformity with the manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations. In case of a conflict between any provision of this section and any applicable federal, state, or local ordinances, laws, codes, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

J. Garage, porch or yard sale

Garage, porch or yard sales are meant to be temporary and are permitted in all zones provided such sales are limited to no more than 9 days on any one property in any one calendar year and no more than 3 contiguous days. Signage used for a garage sale must be removed within 2 days after the end of the sale. Continuous garage or yard sales (more than 9 days per calendar year or more than 3 contiguous days) are not permitted in the Village of Richmondville unless a special use permit has been obtained.

~~8. Authority of Village. The Village Board of the Village of Richmondville or its enforcement officer is hereby authorized in the name and on behalf of the Village to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this law.~~

~~9. Severability. The provisions of this law are severable and the invalidity of a particular provision shall not invalidate any other provision.~~

~~10. Effective Date. This law shall be effective upon filing with the Secretary of State of the State of New York.~~

§ 205-23. Entrances and exits to and from public streets.

A. Number and spacing. There shall be no more than one (1) entrance and exit per establishment on any individual public street, and the distance between the entrance and exit center line, if separate, shall not be less than one hundred (100) feet in any instance.

B. Width. No entrance or exit shall have a width greater than fifty (50) feet.

C. Location. The center line of any such entrance or exit shall not intersect any street line less than seventy (70) feet from the intersection of any two (2) street lines.

§ 205-24. Off-street parking and loading.

In all districts, in connection with every business, institutional, recreational, residential or any other use, there shall be provided, at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein.

A. Size and access. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for fewer than three (3) spaces.

B. Number of parking spaces required. The number of off-street parking spaces required shall be as set forth in the Off-Street Parking Schedule. In the case of any building, structure or premises, that use of which is not specifically mentioned and to which said use is similar, the opinion of the Planning Board shall prevail.

C. Surface of parking areas or spaces. All parking areas, passageways, and driveways, except when provided in connection with single-family residences, shall be surfaced with a dustless, durable, all-weather pavement clearly marked for car spaces and shall be adequately drained.

D. Off-street loading.

1. In any district, in connection with every building, building group, or part thereof thereafter erected and having a gross floor area of four thousand (4,000) square feet or more which is to be occupied by manufacturing or commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building off-street loading berths or unloading berths as follows: one (1) loading space for each eight thousand (8,000) square feet or fraction thereof of gross floor area or as may be required by the Planning Board.
2. The loading berth required in each instance shall be not less than twelve (12) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height and may occupy all or any part of any required yard.

E. The required parking space in residential districts shall be for resident parking only and shall not be located in any required front yard.

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Parking Schedule

Off-Street Parking and Loading Requirements
Village of Richmondville

Use	Number of Off-Street Parking Spaces Required
Churches, community buildings, social halls, or other places of public or that service public assembly	1 for each 4 seats
1-family detached and multiple-family dwellings and garden apartments	2 for each dwelling unit
Eating and dining establishments	2 for each 6 seats, plus 2 for each 3 employees
Retail stores (Small) ~~and shops~~	1 for each 100 square feet of ground floor space of building, plus 1 per each employee
~~Automobile service stations~~ Gasoline Station/Convenience Market Retail Stores (Large)	3 per each employee, plus space for all vehicles used directly in the conduct of such business
Public schools	2 per classroom in an elementary and junior high school and 4 per classroom in a senior high school, plus spaces needed for auditorium or gymnasium (whichever has the larger capacity)
Customary home occupations	4 for each dwelling unit
Nursing, assisted living facilities, and boarding homes	2 for each 3 beds, plus 1 for each employee
Wholesale establishments	1 for each 300 square feet of gross floor area
Motels and tourist accommodations	1 for each accommodation
Office and industrial buildings	1 per each employee, plus visitor parking
Clubhouse and permanent meeting places of veterans, business, civic, fraternal, labor, and other similar organizations	1 per each 50 square feet of gross floor area
Nursery schools	2 per classroom
Loading requirements for businesses, churches, community buildings, and public schools with over 5,000 square feet of gross floor space	1 loading space per each 15,000 square feet or fraction thereof of gross floor area

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§ 205-25. Signs and handbills.

~~Signs may be erected and maintained only when in compliance with the following provisions.~~

~~A. Signs in residential districts. The following types of nonilluminated, nonadvertising signs are permitted in all residential districts, as follows:~~
~~1. Nameplates and identification signs, not to exceed three (3) square feet in area.~~
~~2. Sale or rental signs, not to exceed eight (8) square feet in area.~~
~~3. Other signs, not to exceed sixteen (16) square feet in area.~~
~~4. Temporary development signs during construction, repairs, or alterations, not to exceed eight (8) square feet in area.~~

~~B. Signs commercial-industrial districts. Business and advertising signs are permitted in the commercial-industrial districts in accordance with the following regulations:~~
~~1. Projection of signs. No sign shall project more than three (3) feet from the main wall of a building nor shall any sign project into a public way.~~
~~2. Height of signs. No sign shall be higher than the height limit in the district where such sign is located, nor shall any sign be located upon the roof of any building.~~
~~3. Billboards. Billboards are not permitted in the village.~~
~~4. Freestanding advertising signs. No freestanding sign shall be located less than three (3) feet from the front and/or side property lines.~~
~~5. Size of signs. No sign shall exceed one hundred (100) square feet in size.~~
~~6. Mechanical and flashing lighted signs. Mechanical and flashing lighted signs and signs with moving parts shall not be permitted.~~

~~C. Signs in industrial districts.~~
~~1. For industrial signs, each sign shall be constructed of durable materials in a safe, workmanlike manner and maintained at all times in good repair.~~
~~2. Mechanical and flashing lighted signs. Mechanical and flashing lighted signs and signs with moving parts shall not be permitted.~~

A. General Procedures

1. Unless specifically exempted by this law, no sign shall be erected, altered, or relocated within the Village of Richmondville without first obtaining a sign permit from the Planning Board.

2. Unless specifically exempted by this law, before erecting a new sign or expanding or otherwise changing an existing sign, an applicant shall:

a. Obtain an application and a copy of the Zoning Law.

b. Design the sign in accordance with the sign regulations and the Sign Design Guidelines, Attachment A in the Comprehensive Plan, taking into account where the sign will be located and how it will be constructed and mounted.

c. Submit the completed application form, along with appropriate photographs, drawings, sketches and color chips to the Village Planning Board.

3. Once a permit is issued, the sign must be built and displayed according to the specifications in the approved application. Any changes require a new application.

B. General Regulations

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1. A sign shall not interfere or obstruct any official traffic sign, signal, or marking and shall not interfere with adequate line of vision for safety purposes at any intersection or access to a street.

2. A sign may be illuminated provided that the lighting used shall be shielded from neighboring properties and directed solely at the sign. Neon-type lighted signs (excluding 1 non-flashing, interior window mounted neon "OPEN" sign per business in the PDZ, RG, MSM and BT Zones) and portable signs mounted on wheels are not allowed. No exterior sign shall be illuminated between midnight and 5:00 a.m. Any business that serves the public between the hours of midnight to 5:00 a.m. may apply to the Zoning Officer for a waiver to this requirement. The Zoning Officer must receive a positive recommendation by a majority of the Planning Board before granting such waiver.

3. Temporary portable signs (less than 60 days) may be granted by the Zoning Officer for a new business until a permanent sign is installed. Signs advertising or announcing a building project or a business, service or product expected to be available on the same or another site may be erected or placed at the time of issuance of a building permit for construction of the building project or of the structures intended to house the business, service or product, for less than 60 days in accordance with all other provisions of this law and other local law. In any case where said building permit lapses, said sign shall be removed.

4. All permanent signs shall be constructed and erected in a safe and sturdy manner. All electrical installation shall be underground for freestanding signs.

5. Signs must be kept in good repair such that they do not detract from the neighborhood or constitute a safety hazard. If the Zoning Officer has reason to believe that a sign is an eyesore or is in an unsafe condition, the Zoning Officer may issue a violation notice detailing the reasons for doing so, and give the owner a specified number of days to correct the problem. If it is not corrected, the Village may order the sign removed at the expense of the owner.

6. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light(s). No pennants, ribbons, streamers, spinners, or other similar moving devices are allowed. No sign may rotate or move by means other than those that swing in the wind.

7. It shall be unlawful to attach any sign or signs to any pole owned by the Village of Richmondville or to maintain such signs so attached, and any such sign heretofore so attached shall be removed from such village-owned pole.

8. All off-premise signs advertising a product are prohibited. All billboards are prohibited. Up to 2 off-premise signs per business that advertise business name and nature of business only are allowed, provided that they do not exceed 6 square feet each.

C. Exempt Signs. Such signs include:

1. Seasonal decorations on private property.

2. Legal notices posted as required by law.

3. Street, safety, or directional signs installed and maintained by the Village, County, or State.

4. Up to three national and/or state flags per premises.

5. Signs on registered motor vehicles except those meant to circumvent this law by means of the size of the lettering and/or placement of the vehicle on property.

6. Up to two temporary signs located at least 200 feet apart to direct public to a special event or sale, provided such signs are posted for a period not to exceed 5 consecutive days and not more than 10 days per year. Such signs shall not exceed four (4) square feet.

7. Signs incident to a legal process or necessary to the public welfare. This includes election signs or public hearing signs provided that they are not placed more than 3 months before an election or public hearing and removed within 14 days after an election or public hearing.

8. Temporary development signs during construction repairs or alterations not to exceed two signs, each not to exceed four square feet in area.

D. Regulations for Residential Zones (R1, RR and VR) Signs

1. No signs except the following shall be permitted:

a. Residential name plates and address plates not larger than two (2) square feet.

b. real estate signs or rental signs when placed on properties for sale or rent, not larger than eight (8) square feet.

E. Regulations for PDZ, RG, MSM and BT Districts

1. All signs shall meet the following requirements:

a. No sign shall be placed on the roof of a building nor extend more than four (4) feet above the building or part of the building to which it is attached, except this shall not apply to a sign painted on the roof of a building, to be seen from the air.

b. No freestanding sign shall exceed ten (10) feet in height and any sign larger than eight (8) square feet shall not have less than three (3) feet of open space at the bottom, extending its entire length.

c. Business signs and professional signs shall be limited to one (1) exterior sign for each business unit or business premises for each exposure.

d. No sign shall project more than eighteen (18) inches beyond that surface of the building to which it is attached. Such signs shall not extend more than twenty (20) feet above the ground level or more than four (4) feet above the roof of the building at the point of location of the signs, whichever is less restrictive.

e. Signs projecting into a public right-of-way shall have a clearance of not less than ten (10) feet above the sidewalk or surrounding ground and not less than fifteen (15) feet above any public driveways, alley or thoroughfare, excepting therefrom barber signs or barber poles affixed to buildings at entrances to barbershops and projecting not more than twelve (12) inches into a public right-of-way, which shall have a clearance of not less than seven (7) feet above the sidewalk or surrounding ground.

f. The total area of such sign shall not exceed three (3) square feet for each lineal foot of building frontage of a given business premises for each exposure; provided, however, that no building may be considered to have more than two (2) exposures, or three (3) exposures in the case of a corner building, for purposes of this section. Permitted areas notwithstanding, the dimension of any sign shall not exceed three (3) feet.

g. Colored lights of such shape and hue that they may be confused with official traffic lights and signals are prohibited.

h. In all districts, with respect to setbacks from the street, required yards and other such matters freestanding signs larger than eight (8) square feet shall be regarded as buildings or structures within the meaning of this law. Advertising display painted or pasted upon a building or other surface shall be regarded as coming within the above regulations.

F. Removal of signs following termination of business.

1. Upon the termination of any business within the Village of Richmondville, all advertising signs used in connection therewith and erected or existing upon the property where said business was located shall be removed, and upon the failure of the operator of said business to remove all such signs, it shall be the responsibility of the property owner to do so within thirty (30) days after the termination of said business.

2. The provisions of this subsection shall not apply to permanent signs of any seasonal business that shall reopen within one (1) year, but shall apply to temporary signs, posters and business advertisements of temporarily closed businesses.

G. Handbills. No person shall post any bills, cards, or notices upon any tree, fence, building, or utility pole without first obtaining proper consent to do so, and no person shall tear down or remove any such bill, card, or notice that has been posted after the proper and lawful consent has been given. The item posted shall be removed within ten days from the conclusion of the event advertised.

§ 205-26. Special use permits.

~~A. Procedures shall be as follows:~~

~~1. Application to the Zoning Officer. Application for a zoning permit shall be made to the Zoning Officer prior to the commencement of the excavation for or the construction of any building or structure or the use of land. If, upon receipt of such application, the Zoning Officer determines that the excavation, construction, or use of land for which the application is made requires the issuance of a special permit, he shall, within five (5) days of its receipt, forward the application to the Zoning Board of Appeals, with copies to the Planning Board.~~

~~2. Action of the Board of Appeals; report of Planning Board. Upon receipt of an application from the Zoning Officer, the Zoning Board of Appeals shall refer such application to the Planning Board for a report. Only after the receipt of such requested report from the Planning Board or not less than thirty (30) days after such referral, in the event of the Planning Board's failure to act, and after public hearing and except as provided in Subsection D, may the Zoning Board of Appeals authorize the Zoning Officer to issue a special permit for buildings, structures, or uses of land as provided in these regulations.~~

~~B. Standards. Such special permits, however, may be authorized by the Zoning Board of Appeals only upon satisfaction of each instance of such condition as to the general character, height, and use of the structure or structures, as to the provision of surrounding open space and treatment of grounds, as to the general fitness of the structure or use to its proposed location, as to the provision for automobile parking or storage and as to the street capacity and use which, in the opinion of the Board, may be necessary to safeguard public health, comfort, and convenience and as may be required for the preservation of the general character of the neighborhood in which such building and/or structure is to be placed or such use is to be conducted. Specifically, the standards established by this Article VI shall be applied as they may be applicable to a specific request for a special permit. To assist the Zoning Board of Appeals in its determination, an application for a special permit shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intentions of the applicant, and such plans and other descriptive matter shall become a part of the record.~~

~~C. Disposition of Planning Board report. The entire report of the Planning Board required by Subsection A shall be read aloud at the meeting at which the request for the special permit is considered by the Zoning Board of Appeals and included in the minutes. Where the Zoning Board of Appeals acts contrary to the recommendations of the Planning Board, the minutes shall include a resolution by the Zoning Board of Appeals fully setting forth its reasons for such contrary action.~~

Each use for which application for a special use permit is made shall be considered individually by the Planning Board and, if approved, shall conform to the detailed standards as the Board may determine are appropriate to the particular use. To better facilitate the understanding of a special use permit, it is to be understood that special uses will be permitted only as allowed in the schedule (Schedule I). It shall also be understood that a special use differs from a variance in that a variance is an authority to use certain property in a manner not allowed by this law pertaining to the district, while a special use is a permit to use property in a manner in which this law expressly allows, as designated in the schedule.

A. Complete Application: An application for a special use permit shall include:

1. a proposed site plan at an appropriate scale showing the size and placement of the lot, the design and location of proposed facilities (driveways, parking spaces, landscaping, fences, buffer strips), water supply, sewage treatment.

2. a brief narrative describing the proposed use.

3. if the applicant is not the owner of the property, a signed statement from the owner of the property authorizing application for special use.

4. proper Environmental Assessment Form (EAF) with Part I completed. (a full EAF is required for all Type I actions, but the Planning Board may require a full EAF for unlisted actions)

5. a fee established annually by the Village Board of Trustees.

6. The Planning Board, upon a majority vote of the members, may require a survey of property if needed to ensure proper setback, to solve a property line dispute, or for any other valid reason. The Planning Board, upon a majority vote of the members, may require existing or proposed contour lines to be identified on a lot in order to review drainage plans or because ground disturbance will take place as a result of approval.

B. A public hearing shall be held within sixty-two (62) days from the day a complete application as described above, is received and dated by the Planning Board Chair. Public notice of the hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the hearing. The Planning Board shall decide upon the application within sixty-two (62) days after the hearing. Such decision may be extended by mutual consent of the applicant and the board. The decision shall be filed in the Village Clerk's office within five business days after such decision is rendered and a copy mailed to the applicant.

C. Before granting any special use permits, the Planning Board shall determine that the special use requested is in accordance with the community standards and will not disrupt the relationship of zoning districts within the Village, and further consider:

1. If such special use encourages the orderly beneficial development of the Village.

2. The suitability of the property for the proposed use considering its size, topography, vegetation, soils, hydrology and, if appropriate its ability to be screened (landscaping/fences) from neighboring properties and public roads.

3. Environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisances.

4. Any restrictions or conditions on design of structures or operation of the use (including hours of operation/architecture) necessary either to ensure compatibility with surrounding uses or to protect the natural and scenic resources of the Village.

5. Adequacy of parking for the proposed use, and its accessibility to fire, police, and emergency vehicles.

6. Conditions and safeguards, including financial provisions for the completion of conditions, maintenance of property held in common, or other acts.

7. Supplementary standards as listed in 205-22 and 205-27 of this law and, if located in the MSM district, performance standards as listed in this law.

D. If the provisions regarding any type of special use shall be declared invalid by any court, then such special use shall become a use not allowed in that district.

E. A special use permit granted under this section shall run with the land and be binding upon the heirs, successors or assigns of the original holder and shall be acknowledged in like form and manner as a deed. If deemed necessary by the planning board, a special use permit may be issued for a limited time period with an expiration date or for review to check compliance with any permit conditions for possible renewal. The Village Clerk shall maintain a record book and record therein in suitable order every such permit.

F. A special use permit shall be deemed to authorize only one (1) particular special use and shall expire if the special use shall cease for more than twelve (12) consecutive months for any reason.

G. No permit shall be issued for a special use for a property where there is an existing violation of this law.

H. Where a proposed special use permit contains one or more features which do not comply with area requirements, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Zoning Officer.

§ 205-27. Main Street Mixed (MSM) Performance Standards

A. All MSM special uses may be allowed after approval of a Special Use Permit in accordance with this law and no land use shall be established or maintained in the MSM unless it complies with the performance standards in this section. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy or certificate of compliance subject to the following performance standards:

1. Noise

a. Sound levels shall be determined at the property line of the lot from which the noise is emitted. Sound measurements shall be accomplished through the sound-level meter having an A-weighted filter and C-weighted filter constructed in accordance with specifications of the American National Standards Institute.

b. The following uses and activities shall be exempt from these noise regulations:

i. Temporary construction noises between the hours of 7:00 a.m. and 9:00 p.m.

ii. Unless otherwise noted in this law, transient noises of moving sources, such as motor vehicles and railroads.

iii. Noises from safety signals, fire alarms, security alarms, warning devices and emergency pressure relief valves.
iv. The sound of bells or chimes from a church.
v. Yard and lawn maintenance equipment engaged in normal yard and lawn maintenance operations between the hours of 7:00 a.m. and 9:00 p.m.
vi. Snow removal equipment.

c. No person, firm or corporation shall allow the emission of sound in air which, as measured at the property lines, exceeds the ambient decibel level, both A-weighted and C-weighted, plus 5 decibels measured anywhere along the property boundary.
d. No operation of recreational or other power equipment including but not limited to all-terrain vehicles, snowmobiles, lawn mowers (including modified racing lawn mowers), leaf blowers, chain saws, or revving of motor vehicle engines shall occur between the hours of 10:00 p.m. and 7:00 a.m. unless being used for snow removal.

2. Smoke. The density of smoke and other atmospheric pollutants shall be measured by the Ringelmann Smoke Chart, as published by the United States Bureau of Mines. No person, firm or corporation shall permit the emission of smoke or any other atmospheric pollutant, from any source whatever, for a period or periods aggregating more than four minutes in any one hour which exceeds the density or equivalent opacity of No. 1 on the Ringelmann Chart as measured at the point of emission. The emission of smoke or any other atmospheric pollutant shall not be permitted, regardless of quantity, if it is in any way detrimental to the public health or safety or is a source of damage to property.

3. Particulate matter. No person, firm or corporation shall permit the emission of any particulate matter, from any source whatever, to exceed one pound per hour per acre of lot area. The emission from all sources within any lot area of particulate matter containing more than 10% of particles having a diameter larger than 44 microns is prohibited.

4. Odor. No person, firm or corporation, excluding farm and agricultural operations, shall permit the emission of any offensive odor at the property line of the lot from which the odor is emitted.

5. Fire and explosion. The storage, use or manufacture of detonable material, flammable solids ranging from active burning to intense burning flammable gases or flammable liquids shall not be permitted.

6. Electromagnetic interference. No land use or operation shall be allowed which produces any perceptible electromagnetic interference with normal radio or television reception outside the boundaries of the lot on which such use or operation takes place.

7. Toxic or noxious matter. No land use or operation shall be permitted which permits or causes the escape of any toxic or noxious fumes, gases or other matter outside the building in which the use is conducted.

8. Flammable liquids and hazardous materials. Storage of such materials shall be according to provisions in 29 CFR 1910.106, Flammable and Combustible Liquids.

9. Radiation. No emission or discharge of radioactive gases, liquids or solids shall be permitted.

10. Vibration.
a. No activity shall cause or create a steady state or impact vibration discernible at any lot line.
i. Temporary construction activities between the hours of 7:00 a.m. and 9:00 p.m. shall be exempt from these vibration regulations.

11. Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the Schoharie County Department of Health, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.

12. Lights. All exterior lighting in connection with all buildings, signs or other uses shall be directed away from adjoining streets and properties. Hours of lighting may be limited by the Planning Board in acting on any site plan.

13. Outside storage. Materials, supplies and products shall not be stored in any front or side yard area nor in any required yard. All outside storage areas shall be neatly kept, fenced, lighted and screened from any existing or proposed road or any adjoining residential use.

14. Fences. The Planning Board may require the fencing or screening, or both, of any hazardous or potentially dangerous conditions that in the opinion of the Board might cause injury to persons or damage to property.

15. Motor Vehicle Repair. No person, persons, firm, partnership or corporation shall at any hour of the day or night make mechanical repairs of any nature or description whatsoever to any motor vehicle while said motor vehicle is parked or standing on any public street, avenue, road highway or public parking lot within the Village of Richmondville, except in the event of an emergency.

16. Parking. The standards of this law shall be used as a guideline. Motor vehicle parking shall be off-street when possible.

B. In the case of any application for the establishment of a use subject to the above performance standards, the Planning Board may require the applicant, at his or her own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to said standards.

C. If the Planning Board deems it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant, as a condition of further consideration of his or her application. The report of any expert consultants shall be promptly furnished to the applicant.

D. Concurrently during the course of special use permit review, the Planning Board will determine if the applicant's proposal will conform to the performance standards.

E. Enforcement of Performance Standards

If, in the judgment of the Zoning Officer or the Village Board, there is a violation of the performance standards:

1. The Zoning Officer shall give written notice, by registered or certified mail, to the owner and tenants of the property upon which the alleged violation occurs, describing the particulars of the alleged violation and the reasons why it is believed that there is a violation in fact and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a reasonable time limit set by said Officer. The notice shall state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made and that, if violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate and that, if it is determined that no violation exists, costs of determination will be borne by the Village.

2. If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Zoning Officer, he or she shall note "Violation Corrected" on his or her copy of the notice and shall retain it among the records of the Officer.

3. If there is no reply within the time limit set and the alleged violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he or she shall proceed to take action in accordance with this law.

F. Notice of Public Hearings

Notification of public hearings for a use variance, site plan, or special use permit occurring within 500' of an adjacent municipality shall be made to the clerk of such municipality by mail or electronic transmission at least ten (10) days prior to the hearing.

~~D. Site plan approval.~~

~~1. Procedure.~~

~~a. Application to Zoning Officer. Application for a special use permit for special uses as listed in Schedule I of these regulations shall be made to the Zoning Officer prior to the commencement of the excavation for or the construction of any building or structure or the use of land. If, upon receipt of such application, the Zoning Officer determines that the permit for the excavation, construction, or use of land cannot be issued without the approval of a site plan by the Planning Board, he shall, within five (5) days of its receipt, forward the application for permit to the Zoning Board of Appeals.~~

~~b. Initial action by the Board of Appeals. Upon receipt of the application from the Zoning Officer for a permit requiring site plan approval by the Planning Board, the Zoning Board of Appeals shall forward such application to the Planning Board for its consideration and report, which report, insofar as site plan approval is concerned, shall be binding upon the Zoning Board of Appeals.~~

~~c. Action of the Planning Board.~~

~~(1) Meeting with applicant. Upon receipt of the application, the Planning Board shall notify the applicant, in writing, of the place, date, and time of the meeting of the Planning Board at which the application is to be considered and request the applicant's presence to discuss the application.~~

~~(2) Disposition of application by Planning Board. Within sixty (60) days of the receipt of the application and after the applicant has had the opportunity of meeting with the Planning Board, the Planning Board shall approve, approve with modifications, or disapprove the site plan. The decision of the Planning Board shall be expressed in the report of the Zoning Board of Appeals, a copy of which shall be mailed to the applicant at the address indicated on the application.~~

~~d. Final action by the Zoning Board of Appeals. Upon receipt of the report of the Planning Board relative to the application for a permit for the excavation, construction, or use of land which does not require the issuance of a special permit as provided in this Article VI, the Zoning Board of Appeals shall direct the Zoning Officer to issue a permit in accordance with the Planning Board's recommendations. If, according to Article VI, the excavation, construction, or use of land for which the application for a permit has been made does require the issuance of a special permit, the Zoning Board of Appeals shall hold a public hearing as required by law on the application for a permit as approved by the Planning Board and after such hearing may authorize the Zoning Officer to issue a special permit for the excavation, the construction, or the use of the land in accordance with a site plan approved by the Planning Board.~~

~~2. Material to be submitted by applicant for special use.~~

~~a. Vicinity map. This map shall be drawn at the scale of two thousand (2,000) feet to the inch or larger and show the relationship of the proposed development to existing community facilities that may affect or serve it, such as roads, shopping areas, schools, etc. It shall also show all properties, subdivisions, streets, and easements within five hundred (500) feet of the property~~

~~under consideration. Such a sketch may be superimposed on a United States Geological Survey (USGS) map of the area.~~

~~b. Topographic map. This map of the property shall be drawn at a scale of one hundred (100) feet to the inch or larger and shall show existing topography or a contour interval of not more than five (5) feet. This map shall also show the location of pertinent natural features that may influence the design of the proposed use, such as watercourses, swamps, rock outcrops, and single trees eight (8) or more inches in diameter.~~

~~c. Site plan. This map of the property shall be drawn at the scale of one (1) inch equals one hundred (100) foot and shall show the location of all automobile parking and all parking for commercial vehicles while loading and unloading; the location and width of all driveways, exits, and entrances; the location of any outdoor storage areas; and the location of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences; shall provide a description and the location of sewage disposal facilities; and shall show the location and size of all signs, the location of proposed buffer areas, and the designs of lighting facilities.~~

~~d. Elevations and/or sections. The site plan required by this section shall be accompanied by elevations and/or sections at the same or larger scale as required for the site plan and drawn in sufficient detail to delineate clearly the bulk and height of all buildings and other structures included in the proposal.~~

§ 205-28. Supplementary special use regulations.

A. A. Special use requirements. Special uses, as enumerated in Schedule I, shall be permitted only upon authorization by the ~~Zoning Board of Appeals~~ Planning Board, ~~subsequent to review by the Planning Board,~~ provided that such uses shall be found by the ~~Zoning Board of Appeals~~ Planning Board to comply with the following requirements and other applicable requirements as set forth in these regulations.

1. That the use is a permitted special use as set forth in Schedule I hereof.
2. That the use is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
4. That adequate landscaping and screening are provided as required herein.
5. That adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with traffic on abutting streets.
6. That the use conforms to all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.

B. Additional standards for certain special uses. A special use shall conform in all respects to all the regulations of these regulations and particularly to those regulations on Schedules I and II for the zone district in which the special use is located, except that the following additional regulations shall apply to the following special uses:

1. Quarry, sand, and gravel pits and major excavating, grading, or filling.

a. Extractive operations shall not be conducted closer than two hundred (200) feet to the adjacent property. A location map which shows the land to be quarried or mined and the location of adjacent properties, roads, and natural features shall be filed with the Planning Board. A plan for the restoration of the land, including anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, steps which will be take to conserve the topsoil, and the location of the future roads, drainage courses, or other improvements contemplated shall be submitted to the Planning Board for approval.

b. Upon approval of the plan, the Planning Board ~~of Appeals~~ shall issue a use permit for a period of two (2) years. Application for renewal of the permit shall be made to the Board. The Board shall extend the permit from year to year if it finds that restoration of the landscape is proceeding at a pace commensurate with the earth-removal operations.

c. In the operation of any quarry, sand, or gravel pit, the following shall be observed:

i. No excavation, blasting, or stockpiling of materials shall be located within three hundred (300) feet of any public road or other property line.
ii. No power-activated sorting machinery shall be located within six hundred (600) feet of any public road or other property line, and all such machinery shall be equipped with satisfactory dust-elimination devices.
iii. All excavation sloped in excess of fifty percent (50%) shall be adequately fenced as determined by the Zoning Officer.
iv. Extension of a nonconforming quarrying operation shall not be permitted.
v. Major excavating, grading, or filling as herein defined shall not be permitted, except with the approval of the Planning Board.

2. Automobile service stations. Automobile service stations, where permitted in these regulations, shall conform to the following regulations:

a. Location of exits and entrances. No automobile service station or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet as measured along the public street in which there exits a school, public playground, church, chapel, convent, hospital, or public library, and such access shall not be closer to any intersection than thirty (30) feet.
b. Location of oil drainage pits and hydraulic lifts. All oil drainage pits and hydraulic lifts shall be located no closer than fifty (50) feet to any property line.
c. Gasoline pumps. Automobile service stations shall have their gasoline pumps, including other service facilities, set back at least thirty (30) feet from any street line.

3. Multiple dwellings~~ and garden apartments~~ ~~site plan specifications~~. Application for multiple dwellings in accordance with Schedule I of these regulations shall require ~~submission of a site development plan to~~ approval of a special use permit from the Planning ~~Zoning~~ Board ~~of Appeals~~. Said plan or plans are required to show all structures, roadways, path walks, parking areas, recreation areas, utility and exterior lighting installations, and landscaping on the site; all existing structures and usages within two hundred (200) feet of the site boundaries; and any other elements as may be deemed essential by the Planning ~~Zoning~~ Board ~~of Appeals~~. Before approving the ~~site plan~~ special use permit, the Planning Board ~~of Appeals~~ shall make findings with respect to the following:

a. Traffic access. That all proposed site traffic access ways are adequate but not excessive in number, adequate in grade, width, alignment, and visibility, and not located too near a public assembly and other similar considerations.
b. Circulation and parking. That the interior circulation system is adequate and that all required parking spaces are provided and are easily accessible.
c. Disposition of usable open space. That in accordance with the spirit and intent of these regulations, wherever possible, usable open space is disposed of in such a way as to ensure the safety and welfare of residents.
d. Maximum building height: thirty-five (35) feet or two and one-half (2½) stories.
e. Maximum building coverage. That the maximum building coverage of the lot shall not exceed twenty percent (20%), including accessory buildings. The remainder of the lot, excluding the necessary parking areas and vehicle access facilities, shall be reserved as open space.

3a. Other regulations.

a. The maximum density permitted shall not exceed twelve (12) dwelling units per acre for one or two-bedroom apartments and six (6) dwelling units per acre when apartments exceed two (2) bedrooms.
b. The minimum floor area for one-bedroom apartments shall not be less than seven hundred fifty (750) square feet with three thousand (3,000) square feet of lot area; the minimum floor area for two-bedroom apartments shall not be less than one thousand (1,000) square feet with six thousand (6,000) square feet of lot area; and the minimum floor area for three-bedroom and larger apartments shall be not less than one thousand two hundred (1,200) square feet with sixteen thousand (16,000) square feet of lot area.
c. Two (2) paved off-street parking spaces shall be provided for each apartment.
d. Adequate recreational area shall be provided.

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e. That no less than one-fourth (¼) of the total lot area shall be professionally landscaped. vi. Landscaping accomplished in connection with protection of parking areas of front yard area may be included as a portion of the required twenty-five percent (25%).

f. That the site shall be designed as a self-contained unit with separate ingress and egress, if possible, to existing village streets. Access requirements shall be subject to the review and approval of the Planning Board~~ by referral from the Board of Appeals~~.

g. That the erection or anticipated erection of multi-family dwellings ~~garden apartments~~ under the subsection shall result in the installation of operable public water, sewerage, and drainage facilities. The developer shall pay for these required improvements necessary to such a development.

4. Motels and tourist accommodations. When permitted in these regulations, motels or tourist accommodations shall conform to the following requirements:

a. The minimum floor area for such unit of a motel or tourist accommodation use shall be not less than three hundred (300) square feet, including all bath and dressing areas.

b. The minimum land area per each unit shall not be less than three thousand (3,000) square feet, unless serviced by public water and sewer, in which event one thousand five hundred (1,500) square feet shall be required for each unit.

c. Off-street parking shall be provided in accordance with Schedule III of these regulations.

5. Public utility facilities. Public utility distribution facilities necessary to directly serve more than one property in the Village shall be uses permitted by right. Such facilities shall include but not be limited to electric distribution lines, including related equipment, poles, wires, transformers and related appurtenances thereto, telegraph and telephone lines, sewer distribution, water distribution mains and gas distribution mains. Such facilities shall not include wind turbines.

a. Telecommunications facilities and electric substations, shall be permitted only upon obtaining a special use permit in accordance with this law from the Planning Board.

b. Public utility facilities or facilities that resemble public utilities that do not directly serve more than one property owner in the Village shall be prohibited unless superseded by State and/or Federal Law.

6. Small Wind Turbines. Small Wind Turbines are allowed in the Village in accordance with this section and subject to special use review as outlined in this law. The Planning Board is hereby authorized to approve, approve with conditions, or disapprove small wind turbines designed for residential, farm, institutional and business use on the same parcel. All small wind turbines shall comply with the following standards and, to the maximum extent practicable, with all other requirements of this law not in conflict herewith:

a. A system shall be located on a lot a minimum of one acre in size; however, this requirement can be met by multiple owners submitting a joint application.

b. Only one small wind turbine per legal lot shall be allowed, unless there are multiple applicants, in which their joint lots shall be treated as one site for purposes of this law.

c. Small wind turbines shall be used primarily to reduce the on-site consumption of electricity.

d. Total heights shall be a maximum of 100 feet on parcels between one and five acres and 150 feet or less on parcels of five or more acres.

e. A small wind turbine shall be set back from non-applicant property lines and any structure one and one-half (1.5) times the height of the tower.

f. The maximum turbine power output is limited to 100 kW.

g. Tower-climbing apparatus shall be located no closer than 12 feet from the ground, a locked anti-climb device shall be installed on the tower or a locked, protective fence of at least six feet in height that encloses the tower shall be installed to restrict tower access.

h. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

i. Noise shall not exceed the performance levels set in the MSM Main Street Mixed zone.

§ 205-29. Special Flood Hazard Area.

A. Special Flood Hazard Areas may be delineated on the Village Zoning Map and denoted "SFHA Overlay." However, the most up to date Flood Insurance Rate Maps (FIRMs) shall take precedence in determining the boundary of the SFHA.

B. All proposed building construction, installation of equipment or utilities, or alteration of any shoreline or major land form in the Village will be reviewed to determine that such undertaking is consistent with the objectives of the Village of Richmondville Flood Damage Prevention Law ~~regulations~~, the proper management of the special flood hazard area and any floodplain management programs affecting the Village. 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 effect on the proper management of any special flood hazard area in the Village 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 village in such manner as to jeopardize the safety, health, or welfare of the occupants or users thereof.

§ 205-30. Riparian Habitat Area.

A. The overall goal of this section is to protect and encourage the restoration of the riparian resources of the Village of Richmondville in order to protect the public health, safety, and welfare. Helping slow down flood waters before reaching larger waterbodies is a priority.

B. Riparian Areas Regulated by This Law. Riparian areas subject to this law include the mapped areas on the Village of Richmondville Zoning Map (approximately fifty (50) feet from the centerline of the regulated stream or creek). In no circumstances shall an area developed prior to January 1, 2009 be subject to this section.

C. Activities Allowed as of Right. The following uses are allowed in riparian areas without a permit providing they do not involve hydrologic modifications or fills:

1. Conservation of soil, vegetation, water, fish, and wildlife,
2. Private wildlife sanctuaries, woodland preserves,
3. Outdoor recreation including nature study, hiking, horseback riding, swimming, camping, trapping, hunting, fishing, shell fishing, cross-country skiing where otherwise legally permitted,
4. The control of noxious weeds if the control does not involve drainage or fill,

5. Open space uses incidental to the enjoyment and maintenance of adjacent residential, commercial and industrial property such as open space for subdivisions and building setback areas, mowing for a trail.
6. Maintenance and repair of existing ditches, watercourses, farm pounds, utilities, roadways providing the activity does not involve the expansion of roadways or related improvements into previously unimpacted areas, and
7. The enhancement or restoration of riparian areas less than one acre and not associated with any development proposal.

D. Activities Requiring a Permit. All activities in regulated riparian areas involving mowing for reasons other than a trail, filling, excavation, dredging, large tree cutting/removal, grading or excavation, construction, removal or peat, sand or gravel, alteration of the water level or water table, disturbance of surface drainage characteristics, sediment patterns, or flood retention characteristics or any other alteration or use of a riparian areas not permitted by this law shall require a permit from the Planning Board.

Any person proposing to carry out an activity which may disturb the natural and indigenous character of a regulated riparian area may, prior to the commencement of the operation, notify the Planning Board with sufficient information to enable it to determine whether the proposed activity is an activity permitted as of right or an activity requiring a permit. Such a ruling by the Planning Board shall be made in writing within 30 days of submission and a determination by the Board that the application is complete.

E. Information to be Provided by Permit Applicants. The Planning Board shall develop and make available riparian area permit application forms. Individuals or public or private corporations seeking a permit for a regulated activity within a riparian shall fill out and submit this form to the Planning Board. All applications shall include, at the minimum, the following information in writing or on maps or drawings in the form prescribed by the Planning Board:

1. Name, address, telephone number, and e-mail address of owner and permit applicant (if different);
2. A sketch map and description of the riparian area on the project site or which may be impacted by the proposed activity;
3. A description of the proposed activity including the type of proposed activity, its dimensions, distance from any road or water body;
4. A description of all grading, filling, and vegetation removal proposed by the project applicant including an estimate of the dimensions of the area which will be affected;
5. An explanation why this activity cannot be located at an upland location;
6. A description of all measures proposed to reduce or compensate for project impacts;
7. Name and location of the nearest road intersection;
8. Photographs of the proposed project site showing the existing condition of the site;
9. The lot size and size of any adjacent parcels owned by the project applicant;
10. Any surface water bodies located on or within 100 feet of the project site;
11. The 100 year flood elevation and floodplain and floodway boundaries at the project site if FEMA or other flood maps are available;
12. A description of proposed restoration or riparian vegetation for all surfaces;
13. A map of any wetlands which may be impacted by the proposed activity; and
14. A description of the construction sequencing and timetable for any proposed activities including description of future phases of projects.

The Planning Board may also require a permit applicant to submit additional information if the Planning Board deems such information necessary to determine the compliance of a proposed activity with the standards and criteria set forth in the law. Such information may include:

1. Description of ecological communities and functions;

2. Description how the application will change, diminish, or enhance the ecological communities and functions;
3. Name, address, professional status, license number, and phone number of the person who is to prepare the riparian management or mitigation plan;
4. More detailed site plans;
5. Engineering reports and analyses where the proposed activity may be subject to flood or erosion hazards or increase such hazards of other types;
6. Mapping or description of soil types where onsite waste disposal is proposed; and
7. Analysis of chemical or physical characteristics of any fill material.

In addition, the Board may require the permit applicant to submit a riparian management and/or a compensatory mitigation plan.

F. Standards and Criteria for Issuance of Permits. The Planning Board shall consider all relevant facts in making its decision on any application for a permit including but not limited to the following:

1. The goals and purposes of this law;
2. The functions and values of the riparian zone;
3. The environmental impact of the proposed action;
4. Alternatives to the proposed action;
5. The relationship between short-term uses and long term productivity;
6. Threats to other properties from increases in flooding, erosion, or other hazards;
7. The suitability of the activity to the area for which it is proposed including threats from natural hazards; and
8. Measures which would mitigate the impact of any aspect of the proposed regulated activity.

The Planning Board shall not issue or conditionally issue a permit unless it finds that the proposed activity will not, taking into account individual and cumulative effects, threaten health or safety, result in fraud, cause nuisances, impair public rights in public waters, violate pollution control standards, or violate other regulations. In addition, the Planning Board shall not issue a permit unless it finds that

1. The permit applicant has, to the extent practical, avoided riparian areas;
2. The permit applicant has, to the extent practical, reduced impacts to riparian areas;
3. The proposed activity will not increase flood, erosion, subsidence or other hazard on other lands and the proposed activity will not, in itself, be subject to flood and erosion hazards;
4. The proposed activity will not result in adverse modification of habitat for or jeopardize plant, animal, or other wildlife species listed as threatened or endangered by the U.S. Fish and Wildlife Service or the state of New York Department of Fish and Wildlife or the State of New York Heritage program; and
5. The proposed activity will not violate other applicable federal, state, and local water quality, flood loss reduction, fill and grading, stream protection, water supply protection, comprehensive zoning, sanitary code, and other statutes, regulations and ordinances.

The Planning Board shall make written findings on any permit applicant stating the reason why the proposed permit is approved, denied, or approved with modifications. The Board may consider all relevant information including but not limited to the following in making its decision on the application:

1. The application and supporting documentation;
2. Public comments, evidence, and testimony;
3. Reports or comments from other local, state, or federal agencies and commissions; and

4. Comments on the application from planning agencies, emergency management agencies, soil and water conservation districts, or other regional organizations.

G. Conditions Which May Be Attached to Permits. The Planning Board may approve permits with modifications. The following conditions may be attached to permit approvals:

1. Design measures to further reduce project impacts;
2. Relocation of the proposed activity to reduce project impacts;
3. Flood and erosion loss reduction measures to prevent hazard losses to activities on other lands;
4. Even if not located in a Special Flood Hazard Area, a requirement that structures be elevated on piles, floodproofed or otherwise protected from hazards including flood heights, velocities, and erosion potential;
5. Modification of waste disposal and water supply facilities to reflect flooding, high ground water, and erosion hazards;
6. Inclusion in the deed for the property a warning that the property contains a riparian area and that any activities in the riparian areas are subject to the riparian, wetland, floodplain and other regulatory requirements;
7. Set backs from the river, stream, or other water body of a size appropriate for the proposed activity and the particular riparian area;
8. Deed restrictions, covenants, or execution of conservation easements regarding the future use of lands including but not limited to preservation of undeveloped areas and restrictions on vegetation removal;
9. Erosion control and storm water management measures;
10. Erection of riparian area markers and signs including survey stakes delineating the boundary between riparian areas and adjacent lands;
11. Long term monitoring and management requirements including control of exotic plant and animal species;
12. Other conditions necessary to protect riparian area functions, offset losses, and prevent increased natural hazard losses in the community.

H. Waivers. The Planning Board may issue waivers to the requirements of this law where the regulations will otherwise deny landowners all economic use of entire properties taking into account existing uses, reasonably anticipated future uses, market values and sales for comparable properties, taxes, special assessments, and other factors. The Planning Board may issue a waiver only for the minimum deviations from permit standards, conditions, or mitigation measures, consistent with not denying landowners all economic use of their entire properties. The Board shall not authorize waivers for activities which will increase flood and erosion losses on other properties, pose threats to public health and welfare such as flash flooding, pollute potable water supplies, or otherwise cause nuisances. The Planning Board shall also not issue waiver for activities which will violate other laws.

I. Prior Nonconforming Uses. Nonconforming uses including but not limited to buildings shall not be enlarged or expanded to further encroach onto the riparian area or watercourse. No nonconforming activity which has been discontinued for more than one year shall be resumed. No nonconforming structure which has been destroyed or damaged for more than 50% of its assessed value by flooding, wind, fire, or other natural or man-made force may be rebuilt only with issuance of a permit in conformity with the provisions of this law.

§ 205-31. Sensitive Area

A. Permitted Uses. Sensitive areas are mapped on the Village of Richmondville Zoning Map. The uses permitted in the underlying zoning district, as set forth on the Official Village Zoning Map, shall be permitted in the Sensitive Area. Such uses shall be subject to all applicable conditions and restrictions set forth in the underlying District Regulations. There shall be no clear cut forest practices exceeding 50% of the acreage in the Sensitive Area on any one parcel.

B. Purpose. The main purpose of the Sensitive Area in the Village is to educate property owners about potential impacts versus imposing regulatory requirements. Therefore, the Zoning Officer and all other boards shall inform applicants for all permit types in the Sensitive Area that the area has been identified as an area that may contain steep slopes and/or have high visibility from lower elevations and important road corridors.

C. Education Activities. It is the desire of the Village to encourage property owners in the zone to minimize new construction impact to the environment and neighbors by:

1. Limiting the height of structures as much as possible.
2. Positioning buildings in such a manner to conserve existing features such as stone walls, hedgerows, forested areas, views from existing structures.
3. Limiting paved area near steep slopes and using erosion control measures.
4. Using earth tone colors and natural materials for construction.
5. Limiting the use of outside lighting and using down cast lighting.
6. Consulting with local officials (Village/County/State) in regard to best practices for building in the zone.

Educational materials such as those mentioned in Action 1-1N of the Comprehensive Plan should be distributed. If the Zoning Officer, Planning Board or Village Board believes the purpose of the Sensitive Area is not being thoroughly considered and met voluntarily by property owners, regulatory requirements may be recommended to the Village of Richmondville Board of Trustees.

§ 205-32. Wellhead Protection Zone

A. Permitted Uses. The uses permitted in the underlying zoning district, as set forth on the Official Village Zoning Map of the Village, shall be permitted in the Wellhead Projection Zone. Such uses shall be subject to all applicable conditions and restrictions set forth in the underlying District Regulations, except as they may be modified as set forth below.

B. ~~Conditionally Permitted~~ Special Uses. Notwithstanding the list of permitted uses of the underlying Zoning District, the following uses are only permitted within the Wellhead Protection Zone after the issuance of a Special Permit by the Village Planning Board upon a finding that the proposed development or use would not adversely affect the community groundwater supply:

1. Any proposed land use involving the development of five (5) acres or more;
2. Any paved area to be used for parking of motor vehicles or storage of materials;
3. Surface application of fertilizers for agricultural or horticultural purposes.

C. General Prohibitions. Notwithstanding the list of permitted uses of the underlying Zoning District Regulations, the following uses and activities are prohibited in the Wellhead Protection Zone:

1. Storage or disposal of construction and/or demolition debris;
2. Construction of septic systems or other on-site methods of wastewater disposal;
3. Outdoor uncovered stockpiling of unlicensed vehicles, salvage metals, manure, sludge, or road salt;
4. Construction or operation of facilities involving above or underground storage, disposal, or land application of petroleum products, or hazardous or toxic material or waste as defined by either the New York State Environmental Conservation Law (6 NYCRR Part 371, as administered through the New York State Department of Environmental Conservation), the Federal Resource Conservation and Recovery Act of 1976, or the National Environmental Protection Act (40 CRF Part 261, Subparts C and D, as administered through the U.S. Environmental Protection Agency. The adoption of these lists and criteria by reference shall include current and future amendments thereof;
5. Excavations which are not subject to the New York State Mineral Resources Law and which intersect the water table at its seasonal high level; and
6. Any use not specifically allowed as a permitted use pursuant to Subsection A of this section.

D. Building permits subject to SEQR. All applications for building permits, whether for new construction, extension, or rehabilitation shall be accompanied by at least a "short form" environmental assessment as provided under the State Environmental Quality Review Act. This requirement shall not be considered as relieving any additional requirement under SEQR or any other provision of law or regulation for environmental reviews, "long form" assessments, or environmental impact statements.

§ 205-33. Planned Development Zone ~~districts~~.

A. Purpose. The purpose of this section is as follows:

1. The purpose of this provision is to provide a means of developing those land areas within the village considered appropriate for new residential, commercial, or industrial use or a satisfactory combination of these uses in an economical 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. It is not the purpose of this section to use this technique for the conventional development of a single parcel in an isolated manner unrelated to the Village Comprehensive Plan or in contravention to 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 the consideration of such special types of uses such as mobile home courts.

B. Procedure for the establishment of a planned development district shall be as follows:

1. Application for designation of a PDZ ~~districts~~ shall be referred to the Planning Board within ten (10) days of the date of its receipt by the Village Board. The applicant shall furnish that data called for under the preliminary plat/plan in Appendix A of this Chapter, which is hereby made a part of these regulations. ~~[Note: Appendix A is on file in the village office.]~~
2. The Planning Board and ~~the board's professional planning advisory~~ any professionals retained by the board shall review such application. The 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 village. In evaluating the proposal and in reaching its decision regarding the preliminary plans, the Planning Board shall consider and make findings regarding those considerations set forth under Subsection C of this section.
3. The Planning Board shall report its findings and make its recommendation to the Village Board within forty-five (45) days. It may recommend approval, disapproval, or conditional approval subject to modification regarding the proposed development.
4. The Village 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 zone, 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.

C. For the approval of development within an established planned development zone:

1. Amendment of the Zoning Map shall not constitute authorization to develop in the zone.
2. Such authorization, after a planned development zone 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 A of this Code~~. [Note: Appendix A is on file in the village office.]~~

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3. The Planning Board 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:
    a. The need for the proposed project.
    b. In what respects the plan is or is not consistent with the stated purpose of a planned development zone.
    c. 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 village land use plan.
    d. The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood.
    e. 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.
    f. The provision for pedestrian circulation and open space in the planned development, the reliability of the proposal for maintenance and the conservation of common open space and pedestrian circulation as related to the proposed density and type of development.
    g. The recognition and satisfactory accommodation of important natural and physical limitations and opportunities of the site.
    h. The traffic circulation features within the site, including the amount of, location of, and access to automobile parking and service areas.
    i. 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.
    j. The provision for storm, sanitary, and solid waste disposal and other utilities on and adjacent to the site.
    k. The proposed location, type, and size of signs and landscape features.
    l. 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, sewage, and fire protection.
4. No permit shall be issued until the Planning Board has made its recommendation based on the foregoing considerations and the Village Board has considered this recommendation and authorized issuance of a permit by resolution. The Village 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 Village Board.
5. All conditions imposed by the Village Board in its amendment and all subsequent conditions imposed by the Planning Board or Village Board in its review of the final plans, including the posting of any performance bond as provided for in ~~Appendix B of~~ these regulations or any other conditions stipulated precedent to the issuance of any permit shall continue in force and effect as they apply 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 zone.
6. 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 become null and void, and the approval shall be deemed revoked and vacated.

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§ 205-34. Special applicability to mobile home courts and recreational campsites.

A. All proposed mobile home courts and recreational campsites shall be subject to and considered according to the planned development zone process as set forth above. As well, they shall conform to appropriate village laws. [Note: See Ch. 135, Mobile Homes and Mobile Home Parks.]

B. In addition to the provisions and appropriate considerations detailed under the planned zone process, the following standards shall apply for:

1. Mobile home courts.
   a. 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.
   b. Individual mobile home sites or units within the court shall be a minimum of six thousand (6,000) square feet.
   c. All internal roadways within a mobile home court shall comply with village street specifications
   d. No mobile home shall be located within twenty (20) feet of any internal roadway or within fifty (50) feet of the boundaries of any public roadway.
   e. A minimum of two (2) off-street parking spaces shall be provided for each mobile home lot in the mobile home court outside the required road and shoulder area.
   f. All water supply and sewage disposal systems will comply with those standards set forth and shall be approved by the County or State Health Department before any permit is authorized.
   g. Adequate provision will be ensured for accommodation of surface drainage and refuse disposal.
   h. 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.
   i. Fuel tanks, where used, shall be in accordance with ~~Subchapter D of~~ the NYS Fire and Building Code.
2. Recreational campsites.
   a. A recreational campsite shall include a minimum parcel size of five (5) acres and provision for the accommodation of a minimum of ten (10) recreational living units.
   b. Within the campsite a minimum area of three thousand (3,000) square feet shall be designated for each unit's location.
   c. 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 Village Boards in their review of any such proposal.

ARTICLE VII
Administration and Enforcement

§ 205-35. Application, issuance and types of building permits.

A. General sequence of steps. All persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Zoning Officer for a building permit by filling out the appropriate form and by submitting the required fee. Building and zoning permit applications must be signed by all the owners of a property making such application or by their designated agent; the designation of an agent to sign an application must be in writing, signed by the owners designating the agent, and be attached to the application~~[Resolution 6-02].~~ The Zoning Officer will then either issue or refuse the building permit or refer the applicant to the Planning ~~Zoning~~ Board ~~of Appeals~~. After the building permit has been received by the applicant, he may proceed to undertake the action permitted in the building permit, and upon completion of such action, shall apply to the Zoning Officer for a certificate of occupancy. If the Zoning Officer

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finds that the action of the applicant has been taken in accordance with the building permit, he will then issue a certificate of occupancy allowing the premises to be occupied.

B. Zoning permit types. Under the terms of these regulations, the following classes of zoning permits may be issued:
   1. Permitted use. A zoning permit for a permitted use may be issued by the designated village official of his own authority.
   2. Special uses. A zoning permit for a special use may be issued by the designated village official ~~after review by the Planning Board and~~ upon the order of the Planning ~~Zoning~~ Board ~~of Appeals~~.
   3. Zoning permit after an appeal for a request for a variance. A zoning permit may be issued by the designated village official upon the order of the Zoning Board of Appeals for the purpose of deciding upon the appeal or a request for a variance, after hearing the request for a variance and approval thereof.

C. The permit applicant shall bear all costs including, but not limited to, State Environmental Quality Review (SEQR) requirements, wetland delineations, flood boundary determinations and construction requirements, and storm water pollution prevention plans.

§ 205-36. Planning Board.

~~The Planning Board shall review applications and appeals and criteria, as follows:~~

~~A. The Planning Board shall review all applications for special uses and any other applications or appeals in accordance with applicable criteria of these regulations.~~
~~B. Report to the Board of Appeals. The Planning Board may approve, disapprove, or approve subject to conditions or modifications and shall report its findings to the Zoning Board of Appeals, within thirty (30) days of receipt, conditions and modifications and the reasons for such approval or disapproval.~~

A. Every member of the Planning Board shall annually attend four hours or more of training or continuing education course(s) related to work of the Planning Board. On January 1 of each year, the Chair of the Planning Board shall submit in writing to the Village Clerk the training/course name, date attended, and location held for each training/course attended by Planning Board members during the year. Failure of a member to attend required training may result in removal from the Planning Board.

B. The responsibilities of the Planning Board include reviewing applications for special use permits, reviewing sign permit applications, riparian permits, preparation of changes to the Village Comprehensive Plan (unless the Village Board creates a special board for this purpose), review of proposed amendments to this law, and any other matter that the Board of Trustees shall by amendment to this law vest as responsibilities of the Planning Board. The Planning Board shall have the powers described in Village Law to carry out these functions.

C. All meetings of the Planning Board shall be held at the call of the Chair and at such other times as such Board may determine. All meetings of such board shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Village Clerk within five (5) business days and shall be a public record.

D. The Planning Board may adopt forms and by-laws for the conduct of its meeting so long as such by-laws are consistent with this law. Such forms and by-laws shall be filed with the Village Clerk and made available to the public.

E. County Planning Board review. Applications for special uses shall be subject to referral to the County Planning Board pursuant to Section 239-m and n of the General Municipal Law, if located within five-hundred (500) feet of:

1. the Village boundaries; or
2. the boundaries of any existing or proposed County or State park or other recreation area; or
3. the right-of-way of any County or State highway, or
4. the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
5. the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
6. the boundary of a farm operation in an Agricultural District.

The recommendation of the County Planning Commission must be received before a final decision is made on the application.

§ 205-37. Penalties for offenses; abatement.

A. Complaints of violations. Whenever a violation of these regulations occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, but can be anonymous if the alleged violation is visible from a public road or public property, and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and report thereon to the governing body.

B. A violation of this law ~~a zoning ordinance adopted May 20, 1986~~ is hereby declared to be an offense punishable in accordance with Schedule III of this document. However, for the purpose of conferring jurisdiction upon parks and judicial officers generally, violations of such zoning law ~~ordinance~~ shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

C. Procedure for abatement of violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of these regulations or of any law, ordinance or regulation made under authority conferred hereby, the governing body or, with its approval, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business, or use in or about such premises.

§ 205-38. Appeals and application for variances.

A. Procedure for application.

An appeal or application for variance to the Zoning Board of Appeals from any ruling of any administrative officer administering any portion of these regulations may be taken by any person aggrieved or by an officer, board, or bureau of the village affected thereby. Such appeal shall be taken with the Zoning Board of Appeals by filing with the secretary thereof a notice of appeal, specifying the grounds thereof.

All applications and appeals made to the Zoning Board of Appeals shall be in writing on forms prescribed by the Zoning Officer. Every application of appeal shall refer to the specific provision

of these regulations and shall exactly set forth the interpretation that is claimed, the plans for a special use, or the details of the variance that is applied for, in addition to the following information:

The name and address of the applicant/appellant.

The name and address of the owner of the district lot to be affected by such proposed change or appeal.

A brief description and location of the district lot to be affected by such proposed change or appeal.

A statement of the present zoning classification of the district lot in question, the improvements thereon and the present use thereof.

A reasonably accurate description shall be made of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, the material and the general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and the size of improvements thereon and proposed to be erected thereon.

~~Action of Board of Appeals. Upon receipt of an application from the Zoning Officer, the Zoning Board of Appeals shall refer such application to the Planning Board for a report. Only after the receipt of such requested report from the Planning Board, or not less than thirty (30) days after such referral in the event of the Planning Board's failure to act, and after public hearing and except as provided in Subsection D, may the Zoning Board of Appeals authorize the Zoning Officer to issue a special permit for buildings, structures, or uses of land as provided in these regulations.~~

B. Procedure for Zoning Officer.

1. The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be filed within such time as shall be prescribed by the Zoning Board of Appeals under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken or, in lieu thereof, certified copies of said papers.
2. It shall be permissible for the Zoning Officer to make a recommendation to the Zoning Board of Appeals in regard to ~~a modification or reversal of~~ his/her action ~~in cases where he believes substantial justice requires the same but where he has not himself sufficient authority to grant the relief sought~~.

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ARTICLE VIII
Zoning Board of Appeals

§ 205-39. Organization and procedure.

A. Establishment. Pursuant to the provisions of the Consolidated Laws of New York State, a Zoning Board of Appeals is hereby established in the Village of Richmondville.

B. Appointment. The Board shall consist of five (5) members. The terms of the initial appointees shall be for one (1), two (2), three (3), four (4), and five (5) years from and after the date of appointment. Their successors, including such additional members as may be appointed, shall be appointed for terms of five (5) years after the expiration of the terms of their predecessors in office.

C. Alternate Zoning Board of Appeals Members. The Board of Trustees of the Village of Richmondville may create the positions of alternate Zoning Board of Appeals members for the purpose of providing substitutes for members of the Zoning Board of Appeals in the event such members are unable to participate in the deliberations of the Zoning Board of Appeals because of a conflict of interest. Alternate members of the Zoning Board of Appeals shall be appointed by the Mayor, subject to the approval of the Board of Trustees for terms of office established by the Board of Trustees.

D. Appointment to fill vacancies. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms becomes vacant. Such appointments to fill such vacancies shall be made in the same manner as the original appointment.

E. General grant of power. The Board shall perform all the duties and have all the powers prescribed by the laws of the State of New York.

F. Votes necessary for a decision. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer or to decide in favor of the appellant any matter upon which it is required to pass under the terms of these regulations or to effect any variation of these regulations.

G. Every member of the Zoning Board of Appeals shall annually attend four hours or more training or continuing education course(s) related to work of the Zoning Board of Appeals. On January 1 of each year, the Chair of the Zoning Board of Appeals shall submit in writing to the Village Clerk the training/course name, date attended, and location held for each training/course attended by Zoning Board of Appeals members during the year. Failure of a member to attend required training may result in removal from the Zoning Board of Appeals.

§ 205-40. Powers and duties.

The Zoning Board of Appeals shall hear and decide appeals pursuant to the provisions of the laws of the State of New York and shall have the ~~following powers:~~power to hear and decide appeals and make interpretations. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, and determination made by the Zoning Officer administering these regulations. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of these regulations.

A. Variances.

~~A. The Zoning Board of Appeals may vary or adapt the strict application of any of the requirements of these regulations in the case of exceptionally irregular, narrow, shallow, or steep lots or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building~~

~~involved, but in no other case. No variance in the strict application of any provision of these regulations shall be granted by the Board unless it finds that:~~

~~1. There are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings in the neighborhood and that said circumstances or conditions are such that strict application of the provisions of these regulations would deprive the applicant of the reasonable use of such land or buildings.~~

~~2. For reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.~~

~~3. The granting of the variance will be in harmony with the general purpose and intent of these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting any variance, the Board shall prescribe any conditions that it deems to be necessary or desirable.~~

1. Standards for Use Variances. No use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. To prove unnecessary hardship the applicant shall demonstrate that for each and every permitted and special use under the zoning regulations for the particular district where the property is located:

The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence

The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the land use area or neighborhood;

The requested use variance, if granted, will not alter the essential character of the neighborhood; and

The alleged hardship has not been self-created.

All four of the above must be proven in order to grant a use variance. Failure to meet any one of the four requires denial of the use variance by the Zoning Board of Appeals.

The Zoning Board of Appeals, in granting use variances, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant.

2. Standards for Area Variances. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. In making this determination the Board shall also consider:

a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
c. Whether the requested area variance is substantial;
d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
e. Whether the alleged difficulty was self-created, which shall be relevant, but which shall not necessarily preclude the granting of an area variance.

The Zoning Board of Appeals, in granting area variances, shall grant the minimum variance that it deems necessary and adequate.

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

B. Interpretation. The Zoning Board of Appeals shall, upon appeal from a decision by an administrative official, decide any question involving the interpretation of any provision of these regulations, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

~~B. Special uses. The Zoning Board of Appeals may issue a special use permit for any of the uses for which these regulations require the obtaining of such permit from the Board. Such special use permit will only be issued after notice, hearings, and findings by the Board.~~

C. Referral to Planning Board. At least thirty (30) days before the date of the hearing required by law on an application or appeal, a copy of said application or appeal shall be forwarded to the Planning Board for a recommendation. The Zoning Board of Appeals shall refer to the Planning Board such matters as required by these regulations and any other pertinent matters for review and recommendations and defer any decision thereof for a period of not more than thirty (30) days pending a report from the Planning Board. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application for appeal.

D. Referrals to Schoharie County Planning Commission. In accordance with the policy and procedures provided for by Chapter 24, Article 12B, Sections 239-l and 239-m of the General Municipal Law, any proposed ~~special use permit or~~ variance affecting real property within five hundred (500) feet of the boundary of the Village of Richmondville or the boundary of any existing or proposed county or state park or other recreational area or of the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway or of the existing or proposed right-of-way of any stream or drainage channel owned by the county for which the county has established channel lines or of the existing or proposed boundary of any state owned land on which a public building or institution is situated shall be referred to the Schoharie County Planning Board. The term "proposed" shall be deemed to include only those recreational areas, parkways, thruways, expressways, roads, or highways which are shown on a County Plan of Schoharie County adopted pursuant to Section 239-d, Subdivision 2, of the General Municipal Law or adopted as an Official Map of Schoharie County pursuant to Section 239-g of the General Municipal Law. . ~~If the Schoharie County Planning Board fails to report within thirty (30) days after receipt of a full statement of such referred material, the Zoning Board of Appeals shall not act contrary to such disapproval or recommendation.~~ If the Schoharie County Planning Commission fails to report within thirty (30) days, the Zoning Board of Appeals may take final action on the variance without such report, unless received after the thirty (30) days but at least two (2) days prior to final action by the Zoning Board of Appeals. The Zoning Board of Appeals shall not act contrary to the recommendation of the County Planning Commission except by a vote of a majority plus one (1) of all the members thereof and after the adoption of a ~~resolution~~ report setting forth the reason for the contrary action. In all cases a report shall be filed with the county planning commission within thirty (30) days of the final action taken by the Zoning Board of Appeals on the referred variance.

§ 205-41. Procedures.

The Board shall act in strict accordance with the procedure specified by law and by these regulations. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board~~ and in accordance with § 205-34.~~. Every appeal or application shall refer to the specific provision of the ~~ordinance~~ law involved and shall exactly set forth the interpretation that is claimed, ~~the use for which the special permit is sought,~~ or the details of the variance should it be granted, as the case may be. Every decision of the Board shall contain a full record of the findings of the Board in the particular case. All meetings of the Board of Appeals shall be held at the call of the Chair and at such other times as such Board may determine. Such Chair or, in his/her absence, the Acting Chair may administer oaths, and compel the attendance of witnesses. All meetings of such board shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement,

decision or determination of the Board shall immediately be filed in the office of the Village Clerk within five (5) business days and shall be a public record.

A. Procedure for the Zoning Board of Appeals. The Zoning Board of Appeals shall decide each appeal within forty-five (45) days. Upon the hearing any party may appear in person or be represented by an agent or attorney. The Zoning Board of Appeals' decision shall be ~~immediately~~ filed within 5 business days with the Village Clerk ~~in its office~~ and be a public record. In the exercise of its functions upon such appeals or upon exceptions, the Zoning Board of Appeals may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from or may make such order, requirement, decision, or determination in accordance with the provisions hereof.

B. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

C. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies for the Zoning Board of Appeals after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Supreme Court on application, on notice to the Zoning Officer, and on due cause shown.

D. Appeal from decision of Zoning Board of Appeals. All decisions of the Zoning Board of Appeals are subject to court review in accordance with applicable laws of the State of New York.

E. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and file public notice thereof by the publication in the official paper of a notice of such hearing at least (10) days prior to the date thereof and shall at least ten (10) days before such hearing mail notices thereof to the following officials, persons, and owners of properties involved and in accordance with the requirements of appropriate laws of the State of New York.

1. When appealing action of the Zoning Officer. In case of an appeal alleging error or misinterpretation in any order or other action by the Zoning Office, the ~~following~~ persons, if any, who benefit from the order, requirement, regulations, or determination shall be notified.

2. When ~~appealing~~ applying for variance ~~or special use~~. In case of an ~~appeal~~ application for a variance ~~or in case of an application for a special use~~ as provided for in these regulations, the following persons shall be notified: all owners of property within five hundred (500) feet of the nearest line of the property for which the variance ~~or special use~~ is sought and such other property owners as the Chairman of the Zoning Board of Appeals may direct.

3. Adjournment of hearing. Upon the day for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing for a reasonable period for the purposes of causing such further notice, as it deems proper, to be served upon such other property owners as it decided may be interested in said application or appeal.

4. Required interval for hearings on applications and appeals after denial. Whenever the Zoning Board of Appeals, after hearing all the evidence presented upon an application or appeal under the provisions of these regulations, denies the same, the Zoning Board of Appeals shall refuse to hold further hearings on said or substantially

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similar application or appeal by the same applicant, his successor, or assign for a period of one (1) year, except and unless the Zoning Board of Appeals shall determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare, and that a reconsideration is justified. Such hearing would be allowable only upon a motion initiated by a member of the Zoning Board of Appeals and adopted by the unanimous vote of the members present, but not less than a majority of all members.

F. Fees shall be paid at the office of the Village Clerk upon the filing of an application as per fee schedule in effect.

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ARTICLE IX
Amendments

§ 205-42. Power of Village Trustees.

The Village Trustees may from time to time, on their own motion or on petition or on recommendation of the Planning Board, amend, supplement, or repeal the regulations and provisions of these regulations after public notice and hearings as provided by the laws of the State of New York.

§ 205-43. Review by Planning Board.

Every such proposed amendment or change, whether initiated by the Village Trustees or by petition, shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for.

§ 205-44. County referrals.

~~Referrals to Schoharie County Planning Board. In accordance with the policy and procedures provided for by Chapter 24, Article 12B, §§ 239-l and 239-m of the General Municipal Law, any proposed special permit or variance affecting real property within five hundred (500) feet of the boundary of the Village of Richmondville, of the boundary of any existing or proposed county or state park or other recreational area, or of the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway or of the existing or proposed right-of-way of any stream or drainage channel owned by the county for which the county has established channel lines or of the existing or proposed boundary of any state-owned land on which a public building or institution is situated shall be referred to the Schoharie County Planning Board. The term "proposed" shall be deemed to include only those recreational areas, parkways, thruways, expressways, roads, or highways which are shown on a County Plan of Schoharie County adopted pursuant to § 239-d, Subdivision 2, of the General Municipal law or adopted as an Official Map of Schoharie County pursuant to § 239-g of the General Municipal Law. If the Schoharie County Planning Board fails to report within thirty (30) days after receipt of a full statement of such referred materials, the Zoning Board of Appeals may act without such report. If the Schoharie County Planning Board disapproves the proposal or recommends modifications thereof, the Zoning Board of Appeals shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all the members thereof and after the adoption of a resolution setting forth the reason for the contrary action.~~

If applicable, any proposed amendments to this law shall be referred to the Schoharie County Planning Commission pursuant to Sections 239-l and 239-m of the General Municipal Law.

§ 205-45. Public notice and hearing.

A. The Village Trustees, by ~~resolution~~ motion adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment(s) and shall cause notice to be given as follows:
   1. Public notice. By publishing a notice at least fifteen (15) days in advance of such hearing in the official village newspaper of the Village of Richmondville. Such notice shall state the general nature of the proposed amendment(s) in such reasonable detail as will give adequate notice of its contents and shall name the place or places where copies of the proposed amendment(s) may be examined.
   2. Personal notice.
      a. By mailing a copy of such notice to every association or resident of the village which has registered its name for this purpose with the Village Clerk.
      b. A written notice of any proposed change or amendment(s) affecting property within five hundred (500) feet of the boundary of any municipality or county shall be given to the clerk of such municipality and to the Clerk of the Schoharie County Board of Supervisors at least ten (10) days prior to the date of such hearing. Town, village and county clerks to be notified.

B. Opportunity to be heard. At the public hearing, an opportunity to be heard shall be given to any citizen and all parties in interest.

C. Adoption after protest. In case, however, of a protest against such change signed by the owners of twenty percent (20%) or more of the area of land included in such proposed change or of that immediately adjacent extending one hundred (100) feet there from or of that directly opposite the land, such amendment shall not become effective except by the favorable vote of at least two-thirds of the members of the board of trustees in villages having three members on such board, and three-fourths of the members of the board of trustees all other villages.

D. Changes, amendments, or supplements. All changes, amendments or supplements to these regulations and to the Zoning Map, which forms a part hereof, shall be adopted ~~and published~~ in accordance with the provisions of the laws of the State of New York.

ARTICLE X
Interpretation

§ 205-46. Conflict with other provisions.

~~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, morals, safety, or the general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that 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 highest standards shall govern.~~

It is hereby declared to be the intent of the Richmondville Village Board that:

A. If a court of competent jurisdiction finds any provisions of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure, or tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property, or situation involved in the controversy, and the application of any such provision to any other person, property, or situation shall not be affected.

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Schedule I - Village of Richmondville - Use Schedule

No more than one principal structure is allowed on a lot in the residential zones (i.e. R1, RR, VR)

District	Permitted Uses	Special Uses	Prohibited Uses	Permitted Accessory
Low Density Residential (R1) Rural Residential (RR)	1. One-family dwelling 2. Two-family dwelling 3. Farm and agricultural operations 4. Public parks and playgrounds 5. All manufactured dwellings 6. Essential public services 7. Places of worship, churches 8. Cemetery 9. Garden	1. Rod and gun clubs 2. Nursing homes/assisted living facilities 3. Campgrounds and mobile home parks 4. Multiple dwellings and apartments 5. Roadside stands 6. Kennels 7. Telecommunications facilities 8. Customary home occupations (including farm and agricultural home occupations) 9. Quarry, sand and gravel pits 10. Wind turbine (small)	1. Outdoor wood burning furnace 2. All other uses not listed in permitted or special uses	1. Accessory apartment 2. Private garages and off-street parking 3. Temporary structures 4. Private swimming pools 5. Private stables
Village Residential (VR)	1. One-family dwelling 2. Two-family dwelling 3. Manufactured dwelling-sectional only 4. Garden	1. Customary home occupations 2. Nursing homes/Assisted living facilities 3. Multiple dwellings and apartments 4. Telecommunication facilities 5. Wind turbine (small)	1. Outdoor wood burning furnace 2. All other uses not listed in permitted or special uses	1. Accessory apartment 2. Private garages and off-street parking 3. Temporary structures 4. Private swimming pools
Main Street Mixed (MSM)	1. One-family dwelling 2. Two-family dwelling 3. Retail stores (small) 4. Professional office 5. Customary home occupation 6. Club house 7. Restaurant/diner 8. Garden	1. All other non-permitted/non-prohibited uses subject to performance standards. See Section 205-26.	1. Junkyard 2. Heavy manufacturing 3. Adult entertainment establishment 4. Drive-in establishment 5. Kennel 6. Outdoor wood burning furnace 7. All other uses not listed in permitted or special uses	1. Garages and storage buildings 2. Off-street parking and loading areas 3. Temporary structures
Business Technology (BT)	1. Retail stores (small) 2. Professional office 3. Public building and institution 4. Essential public services 5. Restaurant/diner 6. Garden	1. Gasoline station/convenience market 2. Retail stores (large) 3. Light manufacturing 4. Clubhouse 5. Adult entertainment establishment 6. Motels and tourist accommodations 7. Multiple dwellings and apartments 8. Telecommunications facilities 9. Nursing homes/assisted living facilities 10. Farm and agricultural operations 11. Wind turbine (small) 12. New farm and agricultural operations	1. Outdoor wood burning furnace 2. All other uses not listed in permitted or special uses	1. Garages and storage buildings 2. Off-street parking and loading areas 3. Temporary structures
Richmondville Gateway (RG) Planned Development Zone (PDZ)	Determined by submission of plans to Planning board and approval by Village board. Copyrighted architecture and flat roofs are discouraged.			

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Schedule II: Village of Richmondville Zoning Schedule of Area, Bulk, Height, Coverage Controls

Zoning Map Symbol	District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Yard Dimensions			Maximum Height of Buildings (feet/stories)	Maximum Lot Coverage (percent)
					Front Yard (feet)	Side Yard One/Both (feet)	Rear Yard (feet)		
R1	Low Density Residential	40,000*	200	200	40	30/60	50	35/2½	20
RR	Rural Residential	20,000	100	200	25	15/30	50	35/2½	20
VR	Village Residential	12,000	50	200	Equal to adjacent parcels or 25 feet from road centerline, whichever is less	6 feet each side or 9 feet one side/3 feet other side if rear parking is needed	20	45/3	No minimum
RG	Richmondville Gateway	43,560	200	200	40	30/60	50	35/2½	No minimum
BT	Business Technology	12,000	50	200	Equal to adjacent parcels or 25 feet from road centerline, whichever is less	6 feet each side or 9 feet one side/3 feet other side if rear parking is needed	20	35/2½	No minimum
MSM	Main Street Mixed	12,000	50	200	Equal to adjacent parcels or 25 feet from road centerline, whichever is less	6 feet each side or 9 feet one side/3 feet other side if rear parking is needed	20	35/2½	No minimum
PDZ	Planned Development Zone	Determined by submission of plans to Planning Board and approval by Village Board							
SFHA, WPZ, SA, RHA	Special Flood Hazard Area, Wellhead Protection Zone, Sensitive Area, Riparian Habitat Area (Overlay)	Additional standards may apply.							

NOTES:

*Where public water and sewerage systems are available, the lot size may be reduced to twenty thousand (20,000) square feet with all lot, yard, height , and lot coverage requirements as in the R-R – Rural Residential District.

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Schedule III: Village of Richmondville Penalties for Offenses to Zoning Law ~~Ordinance~~

Conviction	Fine		Prison Sentence
First offense	up to $350	and/or	not to exceed six (6) months
Second offense (committed within five (5) years of first offense)	$350-700	and/or	not to exceed six (6) months
Third or subsequent offense (all within five (5) years)	$700-1,000	and/or	not to exceed six (6) months

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Village of Richmondville Preliminary Plat/Plan – Appendix A

Preliminary/Final Site Plan for Planned Development Zones*

Pursuant to §§ 7209 and 7307 of the New York State Education Law, the final site plan shall be prepared by a landscape architect, architect, professional engineer or land surveyor licensed in the State of New York **unless**:

The proposed structure is a farm building to be used directly and solely for agricultural purposes, not including retail sales of agricultural products;

The proposed structure is a residential building of gross floor area of 1,500 square feet or less; or

The proposed project is an alteration to an existing structure costing $10,000 or less which does not involve changes affecting structural safety or public safety thereof.

The site plan shall include such information from the following checklist**:

1. The title of the drawing, including the name and address of the applicant and person responsible for preparation of such drawing.

2. North arrow, date and written and graphic scale.

3. Boundaries of the property plotted to scale.

4. Existing watercourses, flood-prone areas as described by the Federal Emergency Management Administration mapping, Federal wetlands, and New York State regulated wetlands.

5. A description of existing vegetative cover and location of all existing trees over 12 inches in diameter.

6. The location of other significant natural or man-made features of historical or cultural interest that exist on the site.

7. The location of existing uses and footprints of structures drawn to scale on the site and within 100 feet of the lot line.

8. The location and description of other existing development on the site, including fences, landscaping and screening.

9. A grading and drainage plan showing existing and proposed contours at an appropriate interval and referenced to United States Geological Survey datum elevations.

10. The location, proposed use and height of all structures.

11. The location, design and construction materials of all parking and truck-loading areas, with access and egress drives thereto.

12. Provisions for pedestrian access and sidewalks.

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13. The location of outdoor storage, if any.

14. The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

15. A description of the method of sewage disposal and location.

16. A description of the method of securing water and location.

17. The location of fire and other emergency zones, including the location of fire hydrants.

18. The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.

19. The location, size, design and construction materials of all proposed signage, to be in compliance with the village sign regulations, Code 205-25.

20. A landscape planting plan showing planting areas and specifying plant types and sizes.

21. The location, design and specification of outdoor lighting, if any.

22. Illustrations or sketches of proposed street furniture, if any.

23. An estimated project construction schedule.

24. Part I of the Full Environmental Assessment Form.

25. Record of application for and approval status of all necessary County Health Department and State Department of Transportation permits (other permits may be needed from County/State Officials depending on project type/location.)

26. Any other information as deemed necessary by the Planning Board to review project.

*For a preliminary site plan, the Planning Board may select only a few of the above listed items after consultation with the applicant.

**If the applicant wants any of the required site plan information waived, a written request detailing why a waiver of the item is necessary must be made to the Planning Board Chair and a written denial or approval of the waiver shall be made by a majority of the Planning Board before the site plan is deemed complete.

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