

PART IV – APPENDICES

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APPENDICES

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## APPENDIX 'A' – BOARD OF APPEALS

A Board of Appeals consisting of three (3) members shall be appointed by the Village Board to carry out the duties prescribed for such Board under this Code in accord with the provisions of law.

### I – Powers and Duties

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

1. Interpretation – Upon application or appeal from a decision by the Enforcement Officer, to decide any question involving the interpretation of any provision of the Regulations embodied in this Code including determination of the exact location of any zoning district boundary if there is uncertainty with respect thereto.
2. Conditional Uses – To authorize issuance of Permit for Conditional Uses for any of the uses for which the Zoning Regulations require such authorization from the Board of Appeals subject to the requirements prescribed by those Regulations. No Permit shall be authorized by the Board of Appeals unless it finds that the use for which such Permit is sought will not, in the circumstances of the particular case, with any supplemental requirements that the Board of Appeals considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. Variances – To vary or adapt the strict application of any of the requirements of the Regulations embodied in this Code where strict application would result in practical difficulty or unnecessary hardship as further differentiated between below:
  - a. Area Variance – Applicable only where a proposed use is a permitted standard, conditional or accessory use under the Zoning Regulations, but does not strictly comply with all district regulations or other supplemental provisions of those or other applicable Regulations and the application for appeal establishes the following:
    - the request is of reasonable size or dimension;
    - the request is consistent with the character of the neighborhood;
    - the request is not caused by simple inconvenience which can be obviated by another method; and
    - the interests of justice will be served by allowing the variance.
  - b. Use Variance – Applicable only where the appeal for relief firmly establishes the following:
    - the land in question cannot yield a reasonable return if used only for a purpose allowed in that zoning district;
    - the plight of the owner is due to unique circumstances and not to the general conditions of the neighborhood; and
    - the use to be authorized will not alter the essential character of the neighborhood.

No Variance in the strict application of this Code shall be granted, except where the Board determines that the granting of the Variance will be in harmony with the general purpose and intent of the Regulations so varied, and will not be injurious to the

neighborhood or otherwise detrimental to the public welfare and that the Variance granted is minimum adjustment that will accomplish the intended purpose.

## II – Procedure

- A. The Board of Appeals shall act in strict accordance with the procedures specified by law and by this Code in accord with the following:
1. Application – All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Regulations involved and shall set forth exactly the interpretation that is claimed, the purpose for which the Conditional Use is sought, or the details of the Variance that is applied for and the grounds on which it is claimed that the Variance should be granted, as the case may be.
  2. Notification and Public Hearing – The Board of Appeals shall fix a reasonable time for the public hearing required for every appeal or application and shall give public notice thereof by publication in the official paper of a notice of such public hearing at least ten (10) days prior to the date thereof; and shall, at least ten (10) days before such public hearing, mail notices thereof to the applicant or appellee involved.
  3. Referrals – At least fifteen (15) days before the date of the public hearing required by law on an application or appeal for an interpretation, Conditional Use or Variance, the Board of Appeals shall transmit to the Planning Board a copy of said application or appeal, together with notice of the aforesaid public hearing and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said application or appeal; and the Planning Board shall submit a report of such advisory opinion on or before the date of said public hearing. In addition, an interpretation, Conditional Use, or Variance involving lands within five hundred (500) feet of an adjoining municipality, State or County property or right of way shall be referred to the Schoharie County Planning Board and acted upon in accord with the requirements of Section 239-M of the General Municipal Law.
  4. Decision and Notification – Within sixty-two (62) days from the date of the public hearing, the Board shall render a determination with respect to the subject consideration, and the applicant or his authorized agent so notified in writing. Every decision of the Board of Appeals shall be by resolution of a majority of the full membership of such Board, each of which shall contain a full record of the findings of the Board on file in the office of the Village Clerk together with all documents pertaining thereto. The Board of Appeals shall notify the Village Board and Planning Board of each interpretation rendered and each Conditional Use or Variance authorized under the provisions of this Code.

## APPENDIX 'B' – REQUIRED SUBMISSIONS

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

### I – Sketch Plan

- A. Site Plan – To scale
  - 1. Location map showing location of proposed development or project in the Village, boundaries of the tract, contiguous properties and any zoning districts and easements.
  - 2. Existing features including existing land use, land and water areas, and other important elements of the site.
  - 3. General layout, including lot and street arrangement, where appropriate.
- B. Development Data
  - 1. Total acreage of tract or parcel.
  - 2. Proposed timetable or stages for sale or development.
  - 3. Type of project, i.e., sale of lots, buildings, etc.
  - 4. Existing and proposed utilities and service facilities.
  - 5. Proposed number of lots and typical lot size.
- C. Legal Data
  - 1. Names and addresses of owner, developer or subdivider and professional advisors.

### II – Preliminary Plat/Plan

- A. Site Plan – Minimum scale of 1" = 100'; preferred scale of 1" = 40' to include:
  - 1. Title, scale, north arrow and date.
  - 2. Tract boundaries and owners of record of adjoining properties.
  - 3. Topographic data based on U.S.G.S. or equivalent and other site characteristics including soils, drainage and tree cover.
  - 4. Existing land use on and immediately adjacent to the parcel.
  - 5. Lot layout, including adequate means to identify each lot and each block, minimum setback or building line.
  - 6. Street layout, including right of way and improved surface widths, street names and typical cross sections of proposed roadways.

7. Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.
  8. Location, dimension and purpose of any easement.
  9. Existing drainageways and provision for collecting and discharging surface drainage and run-off.
  10. Location, dimension and description of land or facilities to be dedicated or reserved for public use.
- B. Development Data
1. As required for Sketch Plan, as it may have been amended.
  2. Feasibility data on sewer, water and storm water drainage, including documentation from on-site investigation.
  3. Lineal feet of streets, acres in park or recreation areas.
- C. Legal Data
1. Application.
  2. As required for Sketch Plan.
  3. Required fee, if any.

### III – Final Plat/Plan

- A. Site Plan – Scale to be same as for Preliminary Plat/Plan
1. As required for Preliminary Plat/Plan.
  2. Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions, bearings, radii, arcs, and central angles of all curves and location and description of all monuments.
  3. Reference to adjoining platted land or names of owners of record of unplatted lands.
  4. Topographic data showing contours at a minimum of two (2) foot intervals related to U.S.G.S. or other permanent bench mark where natural contours are to be changed; otherwise at five (5) foot intervals.
  5. All trees to be removed or within fifty (50) feet of any area where the natural contour is to be altered which are of eight (8) inch caliper or more as measured three (3) feet above ground level.
  6. Typical cross-section of streets, including pavement, shoulders, ditches, and walks and cross sections of drainage easements, as necessary.
  7. Profiles of street center lines showing vertical curve data, slope of tangents and elevations of street intersections and other critical points.

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

#### IV – As-Built Drawings

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

## APPENDIX 'C' – DEFINITIONS

### I – For the purpose of this Code certain words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular includes the plural.

The word “person” includes a corporation as well as an individual.

The word “lot” includes the word “plot” or “parcel”.

The word “shall” is always mandatory.

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

### II – Definitions shall include the following:

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

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

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

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

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

**BUILDING AREA:** The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

**BUILDING COVERAGE:** That portion of the plot or lot area covered by building area.

**BUILDING DETACHED:** A building surrounded by open space on all sides on the same lot.

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

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

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

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

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

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

**CONDITIONAL USE:** A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood may be permitted if specific provision for such conditional use is made in the Zoning Regulations, after application to and authorization by the Board of Appeals for a Permit therefor.

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

- Fee simple ownership of the individual structure or dwelling unit; or
- Undivided ownership together with other purchases of the common elements of the structure, land and appurtenances, the management of which is controlled by a property owners' or like association.

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

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

**DWELLING, ONE-FAMILY:** A detached dwelling unit, providing complete housekeeping facilities designed for year-round occupancy by one family only, other than a mobile home, recreational living unit, or any temporary structure.

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

**DWELLING, SECTIONAL:** 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 living. The term 'sectional' shall include the term 'modular' and such dwelling units shall be deemed to be one-, two- or multiple-family dwellings, as is appropriate in the context of this Code.

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

**DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one family, including living, sleeping, cooking and sanitary facilities, constructed in accord with the New York State Building Construction Code applicable to the type of dwelling and located on a permanent continuous masonry foundation.

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

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

**EXEMPT BUILDING/USE:** A minor ancillary structure or use such as a children's play or tree house, play equipment, outdoor barbecue, a dog house and like facilities common to and generally not affecting the principal use of the premises in any significant manner. Such building or use shall not require a Permit under this Code and shall not be counted against the allowable number of, or area to be occupied by, accessory buildings or uses.

**FAMILY:** One or more persons occupying the premises related by blood, marriage or adoption, living as a single housekeeping unit, as distinguished from a group occupying a rooming house, fraternity, hotel, commune or other such group quarters.

**FARM STRUCTURE/USE:** The management and use of land for the raising for compensation of agricultural products, including field crops, produce, horticulture, livestock and dairy products. The term includes the sale of products grown or raised directly on such land, and the necessary buildings and appurtenant construction such as barns, silos and fences which are a normal part of such operation.

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

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

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

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

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

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

**FLOOD PROTECTION ELEVATION:** The 100-year flood elevation.

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

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

**GARAGE, SERVICE:** A building or part thereof operated for gain and used for the storage, hiring, selling, greasing, washing, servicing, or repair of motor or recreational vehicles.

**GASOLINE STATION:** Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating,

washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term 'gasoline station' shall be deemed to include 'filling stations' and 'service station'.

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

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

**HOME OCCUPATION:** An occupation or a profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; is carried on by a member of the family residing in the dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which produces no offensive noise, vibration, smoke, dust, odors, heat, glare or traffic congestion, either directly or indirectly.

**JUNK 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 salvaging of machinery or vehicles. It shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unlicensed, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale or used parts or materials therefrom or not. Such term shall include any place of storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together equal in bulk two (2) or more such vehicles.

**LANDFILL, SANITARY:** The depositing of refuse in a natural or man-made depression or trench, or dumping it at ground level, compacting to the smallest practical volume, and covering with earth or other material in a systematic and sanitary manner.

**LOT:** A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open space and principal frontage on a public street or roadway as are required by this Code.

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

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

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

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

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

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

**MOBILE HOME:** A factory-finished movable living unit, having a minimum floor area of 500 square feet, designed and built on frame and wheels to be towed on its own chassis and designed for and providing housekeeping facilities for year-round or seasonal occupancy after being transported to the building site. It does not include a recreational living unit, but may include such expandable or joined mobile units referred to as 'telescoping' and 'double wides'. A mobile home shall have been designed and installed in

compliance with the State Code for the Construction and Installation of Mobile Homes and Standards, Rules and Regulations for Mobile Homes, effective January 15, 1974, and as it may be amended; (as set forth in Volume 9 Executive (B) of the “Official Compilation of Codes, Rules and Regulations of the State of New York”) and further, any such unit shall bear the required seal noting such compliance.

**MOBILE HOME COURT:** A parcel of land which has been planned and improved for the placement of ten (10) or more mobile homes for dwelling purposes. The term shall include mobile home park or other area planned and improved for ten (10) or more mobile homes.

**MOTOR/RECREATIONAL VEHICLE:** Any passenger, recreation or service vehicle propelled by a fuel-using device, including but not limited to automobiles, trucks, motorcycles and motorbikes, dune buggies, snowmobiles, tractors and motor boats.

**NONCONFORMING SITUATION:** Use of a building or of land that does not comply with the regulations for the district in which it is situated and where such use existed legally on the effective date of the respective Regulations embodied in this Code or their amendment.

**NURSING/EXTENDED CARE/ADULT HOME:** A facility for the accommodation of convalescents, the elderly or other persons who require assistance, skilled nursing care and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with such laws of the State of New York as are applicable.

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

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

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

**PRELIMINARY PLAT/PLAN:** The preliminary drawing or drawings and supplemental information as required in Appendix ‘B’ of this Code including that plan of subdivision indicating the proposed manner and layout of the subdivision to be submitted to the Board for its conditional approval.

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

**ROOMING HOUSE:** A dwelling unit in which individuals or families are housed or lodged for hire, with or without accompanying meal service.

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

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

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

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

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

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

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

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

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

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

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

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

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

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STREET:** Means a public or private way for vehicular traffic, including the following:

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

**STRUCTURE:** Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

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

**SUBDIVISION:** The division of any parcel of land into three (3) or more lots, blocks, or sites with or without new or additional streets, for the purpose, whether immediate or future, of transfer of ownership or building development, of one or more lots and shall include resubdivision in whole or in part of any plat, filed or unfiled, which is entirely or partially undeveloped.

**SWIMMING POOL:** A private, outdoor pool designed and built for swimming purposes as an accessory use on the same parcel as the principal use, for use primarily by the occupants or tenants of said property. Such pool shall include any permanent under- or above-ground pool and any portable pool more than three (3) feet in height and fifteen (15) feet in length or diameter.

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

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

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

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

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

**U.S.G.S.:** United States Geological Survey.

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

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

**YARD, FRONT:** An open unoccupied space on the same lot with the building between the front line of the building and the front lot line or road center line, as is appropriate, and extending the full width of the lot.

**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 unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard.

## APPENDIX 'D' – ENVIRONMENTAL ASSESSMENT

This Environmental Assessment is prepared in accord with the requirements as set forth in HUD Handbook 1, Chapter 4, Section 2. It is based on and designed to accompany the Final Report entitled Land Use Code for the Village of Sharon Springs, New York prepared for the Village of Sharon Springs, Schoharie County, New York under the Comprehensive Planning and Management Assistance Program, CPA-NY-02-00-1039.

### I – Summary Description

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

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

Part I – “Building and Sanitary Regulations” – is a streamlined building, housing and sanitary code aimed at the elimination and future prevention of housing, building and associated environmental problems in the Village.

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

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

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

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

### II – Environmental Impact of Plans and Policies

The environmental impact of these land use regulations should be a positive one. They are intended to assure proper recognition to the natural, physical and social environmental conditions in the course of maintaining existing structures and installations and in the consideration of new developmental activities.

### III – Adverse Environmental Effects

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

### IV – Alternatives

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

#### V – Short-Term, Long-Term Relationship

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

#### VI – Irreversible Commitments

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

#### VII – Other Applicable Controls

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

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