

Village of Sharon Springs

Zoning Law

Adopted January 2007

(Draft) Amended July 2007

Village of Sharon Springs Zoning Law

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Article I Title, Scope, and Purposes

Section 1.1 Title

This law shall be known and may be cited as the “VILLAGE OF SHARON SPRINGS ZONING REGULATIONS”.

Section 1.2 Scope and Applicability

No land use activity as listed below shall be commenced, carried out or continued except in full compliance with this law and a building permit has been issued by the Code Enforcement Officer, or other applicable permit or approval has been issued by the appropriate Board stating that the proposed building, structure, use of land or structure, or development activity complies with the provisions of this law:

- A. Erection, re-erection, demolition, or movement of a building or structure;
- B. Change in the exterior structural dimensions of a building or structure;
- C. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion, enlargement or relocation of an existing use;
- D. The resumption of any use which has been discontinued for a period of one year or longer;
- E. Establishment of or change in the dimensions of a parking area for nonresidential or multi-family residential uses;
- F. Placement of a sign;
- G. Conversion of a seasonal use to a year-round use, including residential use.

Section 1.3 Purposes

The purpose of this law is to promote the health, safety, morals or the general welfare of the community and thus to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to promote aesthetic values as outlined in the Comprehensive Plan of the Village of Sharon Springs; to encourage the most appropriate use of land throughout the Village and for the following additional specific purposes:

- A. To ensure that new development is consistent with the Village’s historic architecture and setting;
- B. To encourage the adaptive reuse of existing buildings;
- C. To ensure for pedestrian and vehicular safety, and
- D. To protect the natural environment of the Village.

Section 1.4 Enactment

This local law is enacted pursuant to the Village Law of the State of New York, Chapter 64 of the Consolidated Laws, Article 7, in conformance with the Comprehensive Plan for the Village of Sharon Springs, to protect and promote public health, safety, comfort, convenience, economy, natural and cultural resources, aesthetics, and the general welfare, and for the purposes outlined in Section 1.3.

Section 1.5 Effective Date

This local law shall be effective immediately upon filing in the office of the New York Secretary of State.

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Section 1.6 Effect on Prior Existing Local Laws, Ordinances, and Regulations

This local law supercedes the following local laws, ordinances and regulations:

- A. The Village of Sharon Springs Land Use Code, Part III, Zoning Regulations, and its amendments.

B. Section 1.7

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Article II Administration and Enforcement

Section 2.1 Zoning Officer

This local law shall be administered and enforced by the Code Enforcement Officer and by the various boards as indicated below:

- A. The Code Enforcement Officer is responsible for the day to day administration of this local law, including the processing of all applications for building permits or other approvals required by this local law and for the enforcement of this local law under the supervision of the Village Board.
- B. The Building Inspector is responsible for granting building permits and certificates of occupancy and administration and enforcement of the New York State Uniform Fire Prevention and Building Code. The Code Enforcement Officer and Building Inspector may, at the discretion of the Village Board of Trustees, be roles conducted by one staff person.
- C. The Village Board is responsible of bringing legal action to enforce this local law.
- D. The Zoning Board of Appeals is responsible for reviewing decisions of the Zoning Officer by hearing appeals for Interpretation and for Variance pursuant to Article VIII of this local law.
- E. The Planning Board is responsible for granting site plan approval pursuant to Article VII, granting special permits as provided in Article VI; advising the Village Board on proposed zoning amendments; and granting subdivision approvals pursuant to the Village of Sharon Springs Subdivision Regulations.

Section 2.2 Building Permit Application Procedure

- A. Meeting with Code Enforcement Officer – Any person intending to initiate an activity that may be subject to this local law should meet with the Code Enforcement Officer as early as possible to determine which, if any, additional permits may be required.
- B. Application – All applications for a building permit shall be made on a form provided by the Village Clerk, and submitted initially to the Code Enforcement Officer. The application shall be accompanied by the required fee, as established by the Village Board, and two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of any existing and proposed principal and accessory buildings and such other information as may be necessary to determine and provide for the enforcement of this law.
- C. No building permit application shall be processed unless the Code Enforcement Officer finds that
 - 1. The proposal set forth in the application complies with the use, area, and dimensional regulations, the requirements of applicable Overlay Districts, and all supplementary regulations of this law and the Subdivision Law, as well as the terms and conditions of any approvals required under this law.
 - 2. All required reviews and actions have been performed, and all necessary approvals have been secured.

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D. Notification of Determination – The Code Enforcement Officer shall issue, or refuse to issue the applied for Building Permit, or advise the applicant of any required additional information or referral required within ten (10) days of receipt of the application. If no such notice is timely given, then the application shall be deemed complete as filed. Not later than 10 working days after receiving a completed application, the Code Enforcement Officer shall mail or deliver to the applicant the determination that either:

1. The proposed project complies with the requirements of the local law and all other applicable laws and regulations, and requires no special approvals, and accordingly a project building permit is issued; or

The proposed project is inconsistent with one or more specified requirements of this local law or other applicable local laws or regulations, and a project building permit is denied. Notice of refusal to issue a Permit shall be given to the applicant in writing and shall state the reasons for said refusal. If the Permit is denied because the proposed project requires one or more specified approvals such as a special permit, site plan or subdivision approval, the Code Enforcement Officer shall provide information and guidance to the applicant of the requirements for the special approvals needed, and shall provide information and advice in preparation of the required application. When the required special approvals have been obtained, all other legal and regulatory requirements have been met, and all pre-construction conditions imposed have been satisfied, the Code Enforcement Officer shall issue a project Building permit.

E. Duration of Validity – A Building Permit issued under this law shall be valid for a period of one (1) year from the date of issuance and shall thereafter be deemed null and void. The building permit may be extended by the Code Enforcement Officer for good cause.

F. Revocation – If the Code Enforcement Officer determines that an application or accompanying plans are in any material respect false or misleading, or that work is being done in violation of the provisions of the applicable building codes, ordinances, rules, or regulations, or in violation of this law, or in an unsafe or dangerous manner, or if the permit was issued in error and should not have been issued, or that work is being done upon the premises in a way differing materially from that called for in the filed application, he shall forthwith notify the permittee and require that the violation be rectified within 60 days and/or he may revoke the building permit and issue a stop work order which shall be conspicuously displayed on the affected premises. The permittee shall immediately cease the use, activity, or construction, and surrender the Building permit to the Officer. Where a project permit has been revoked, before issuing a new Building permit, the Code Enforcement Officer may require the applicant to file a bond in favor of the Village to secure compliance with this local law and all other applicable laws and regulations, in a sum sufficient to cover the cost of removing the use if it does not so comply. Any one aggrieved by this decision can first seek a review from the Planning Board. If that request is denied, then the applicant may seek an appeal with the Zoning Board of Appeals.

Section 2.3 Certificate of Occupancy

A. Once a project has been completed, the Code Enforcement Officer must issue a certificate of occupancy before the project can be occupied or used. The Code Enforcement Officer, within 10 working days after receipt of properly completed request for inspection of a project, shall inspect and issue a certificate of occupancy if the project has been completed in compliance with all terms of the project building permit and plot plan, and with all applicable provisions of this local law and other laws and regulations. Such certificate shall constitute a

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permit to occupy and conduct the use. Issuance of the Certificate or written notification of refusal to issue the same and the reasons therefore are to be accomplished within fifteen (15) days from the date of notification of project completion.

Section 2.4 Violation and Appeal

- A. Enforcement – This law shall be enforced by the Code Enforcement Officer pursuant to Section 2.1
- B. Citizen Complaint – Any resident, property owner or other person of legitimate interest may file with the Code Enforcement Officer a complaint against any alleged violation of this law. It shall be the duty of the Code Enforcement Officer to record such complaint and investigate such alleged violation and to report thereon to the Village Board in a timely manner, which report shall be filed and be part of the public record of the Village.
- C. Notification and Correction – Any building or use found to be in violation of this law shall be so recorded by the Code Enforcement Officer and official notice to this effect shall be given to the owner and/or tenant, user or occupant thereof. The owner, tenant, user or occupant shall correct such noted violation within sixty (60) days from the date of notification. If any such violation is not corrected within this sixty (60) day period, the Village may institute proceedings to compel compliance. The Code Enforcement Officer can extend this period of time under consideration of special circumstances.
- D. Violations and Penalties:
 1. A violation has occurred when any person or entity, whether as owner, or lessee, agent or employee, has violated provisions of this law, or who fails to comply with any order or regulation made there under; or who erects, alters, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this law. The Code Enforcement Officer shall serve an order to cease or move such violation. If there is a failure to comply with such order, the violator shall be guilty of an offense and subject to a fine not exceeding two hundred fifty (\$250) dollars or imprisonment not exceeding thirty (30) days, or both.
 2. Each week's (seven days) continued violation shall constitute a separate additional offense.
 3. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this law, the proper local authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land.
 4. Fees – A schedule of fees for permits and procedures under this law shall be as established by the Village Board.
- E. Appeal – All appeals for relief from the application of these Regulations in matters of interpretation or request for variance shall be directed to the Board of Appeals as per Section 8.12 of this local law. Where the Board finds that practical difficulty or unnecessary hardship may result from strict compliance with these Regulations, it may vary the

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regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of these Regulations or the Village Plan. In granting such variances, the Board of Appeals shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.

- F. Court Review – Any person or persons, jointly or severally aggrieved by and decision of the Planning Board, Board of Appeals or Village Board or any officer or department of the Village concerning these Regulations may bring a proceeding, according to Village Law Section 7-740, to review in the manner provided by article seventy-eight of the civil practice law and rules in a court of record on the ground that such decision is illegal, in whole or in part. Such proceeding must be commenced within 30 days after the filing of the decision in the office of the board. Commencement of the proceeding shall stay proceedings upon the decision appealed from. Costs shall not be allowed against the Planning Board unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

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Article III Zoning Districts, Uses, Bulk Requirements and Zoning Map

Section 3.1 Establishment of Districts, Uses and Bulk Dimensions

A. Purpose: The Village of Sharon Springs is hereby divided into different districts of residential, commercial and open space which are shown on the Zoning Map. These districts are delineated in such manner as to recognize the existing character and quality of land uses and natural features throughout the Village and to be in accord with the Village Comprehensive Plan.

B. Districts

1. The Village of Sharon Springs is divided into the following districts:

R	Residential District
R-T	Residential Transition District
M-S	Main Street District
C-B	Commercial-Business District
C-I	Commercial-Industrial District
O-S	Open Space District
F-H	Flood Hazard (Overlay) District

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

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

C. Any use not listed as permitted or allowable by a special use permit in Sections 3.2 through 3.10 are prohibited.

Section 3.2 Residential District

A. Purpose: The purpose of this district is to promote residential development at higher densities consistent with the traditional and historical residential core of the Village.

B. Permitted Uses

Farm Structure
Farm Uses
One family dwelling
Customary accessory uses

C. Uses Allowable by Special Use Permit

Public Structure
Semi-public Structure
Public Utility Structure
Home Occupation
Bed and Breakfast

Accessory Apartment
 Outdoor Wood-Burning Furnaces

D. Dimensional Requirements for the R District

Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Single family dwelling	1/2 acre with public water/sewer 1 acre without public water/sewer	100 ft	25	2 ½	30	35/60 or prevailing setback	20 feet	35 feet
Farm structures and uses	1/2 acre with public water/sewer 1 acre without public water/sewer	NA*	NA	NA	NA	35/60 or prevailing setback	25 feet	50 feet
Public Structure	2 acres	150 ft	25	2 ½	30	50/75 or prevailing setback	25	50
Semi-public Structure	2 acres	150 ft	25	2 ½	30	50/75 or prevailing setback	25	50

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Home Occupation	20,000 sf	100 ft	25	2 ½	30	35/60 or prevailing setback	20 feet	35 feet
Bed and Breakfast	½ acre	100	25	2 ½	30	35/60 or prevailing setback	20	35
Public Utility Structure	Standards to be set during the Special Use Permitting Process							

* To be measured from the centerline of the street.

NA: Not Applicable

Section 3.3 Residential Transition District

A. Purpose: The purpose of this district is to provide for a mix of residential uses and multi-family and tourist oriented residences consistent with existing development patterns.

B. Permitted Uses

One Family Dwelling
 Two-Family Dwelling
 Customary Accessory Uses

C. Uses Allowable by Special Use Permit

Multiple-family dwelling by conversion
 Adult Nursing Home or other residential care facility
 Public Structure and use
 Semi-public structure and use
 Accessory Apartments
 Multi-family dwelling
 Townhouse

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Group dwelling
 Rooming House
 Tourist Home
 Bed and Breakfast
 Hotel and Motel
 Home Occupation
 Commercial Recreation
 Public structure and use
 Semi-public structure and use
 Public Utility Structure and use
 Accessory Apartments
 Outdoor Wood-Burning Furnaces

D. Dimensional Requirements for the R-T District

Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Single family dwelling	1/2 acre	100 ft	25	2 ½	30	35/60 or prevailing setback	20 feet	35 feet
Two family dwelling	½ acre	100 ft	25	2 ½	30	35/60 or prevailing setback	25 feet	50 feet
Home Occupation	½ acre	100	25	2 ½	30	35/60 or prevailing setback	20 feet	50 feet
Multiple-family	1/2 acre plus 2,000 sf per	125	25	2 ½	30	35/60 or prevailing setback	20 feet	50 feet

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Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
	dwelling unit							
Townhouse	1/2 acre plus 2,000 sf per dwelling unit	125	25	2 ½	30	35/60 or prevailing setback	20 feet	50 feet
Rooming house	1/2 acre plus 2,000 sf per dwelling unit	125	25	2 ½	30	35/60 or prevailing setback	20 feet	50 feet
Tourist house	1/2 acre plus 2,000 sf per dwelling unit	125	25	2 ½	30	35/60 or prevailing setback	20 feet	50 feet
Bed and Breakfast	1/2 acre	100	25	2 ½	30	35/60 or prevailing setback	20	35
Adult Nursing Home	1/2 acre plus 2,000 sf per dwelling unit	125	25	2 ½	30	35/60 or prevailing setback	20 feet	50 feet
Public or Semi-	1/2 acre	150	25	2 ½	30	50/75 or prevailing	25 feet	50 feet

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Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
public structure or use						setback		
Public Utility Structure	Standards to be set during the Special Use Permitting Process							

* This shall be measured from the centerline of the street

Section 3.4 Main Street District

A. Purpose: The purpose of this district is to provide a focal point for commercial activities in the Village and to develop and promote a traditional Main Street corridor that is protective of the historic character and architectural heritage of the area.

B. Permitted Uses

Single Family Dwelling

In existing building and provided there are no substantial exterior alterations and all other standards for the M-S district are met:

Multi-family residences

Bed and breakfasts

Offices

Retail businesses

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Resort/Spa

Day Spa

Hotels

Mixed Use Buildings (with commercial use on the ground floor mixed with residential use on the second floor or other portion of the structure).

Customary Accessory Uses

C. Uses Allowable by Special Use Permit

Two-family dwellings

Multi-family residences

Bed and Breakfasts

Banks

Hotels

Tourist Attractions

Restaurant

Service Businesses

Home Occupations (See Section 6-8.1(J))

Accessory Apartments

Mixed Use Buildings

Convenience Store in Existing Building

Outdoor Wood-Burning Furnaces

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D. Dimensional Requirements for the M-S District

Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback Minimum /Maximum *	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
All permitted uses and uses allowable by special use permit	8000 sf	60	35	2 Minimum and 3 Maximum	36	To be equal to the existing setback of adjacent properties	15	15

*Measured from Centerline of street. Where adjacent buildings exist or where structures exist across a street, the minimum setback shall be the average setback distance of those structures.

Section 3.6 Commercial-Business District

A. Purpose – The purpose of this district is to allow for more highway oriented commercial uses in other concentrated locations in the Village.

B. Permitted Uses

- Existing Single Family Dwelling
- Existing Two Family Dwelling
- Retail Business
- Personal Service
- Office
- Bank

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Restaurant
 Drinking Establishment
 Customary Accessory Uses

C. Uses Allowable by Special Use Permit

Multiple family dwelling
 Rooming House
 Tourist Home
 Bed and Breakfast
 Hotel, Motel, Tourist Accommodations
 Gasoline Station
 Automobile Service Garage
 Convenience Store
 Home Occupation
 Public and Semi-public structure and use
 Public Utility structure and use
 Accessory Apartments
 Mixed Use Buildings (with commercial and residential mixed in same structure)
 Car Wash
 Outdoor Wood-Burning Furnaces

D. Dimensional Requirements for C-B District

Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Existing Single family dwelling	15,000sf	100 ft	35	3	36	20/40 or prevailing setback	20 feet	35 feet

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Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Existing Two family dwelling	15,000sf	100 ft	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Retail Business	15,000sf	100 ft	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Personal Service	15,000sf	100 ft	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Office	15,000sf	100 ft	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Bank	15,000sf	100 ft	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Restaurant	15,000sf	100 ft	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Drinking Establishments	15,000sf	100 ft	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Bed and Breakfast	1/2 acre	100	25	2 ½	30	35/60 or prevailing setback	20	35
Home Occupation			35	3	36	20/40 or prevailing setback	20 feet	35 feet

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Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Multiple-family dwelling	1/2 acre plus 2,000 sf per dwelling unit	125	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Rooming house	1/2 acre plus 2,000 sf per dwelling unit	125	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Tourist house	1/2 acre plus 2,000 sf per dwelling unit	125	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Hotel, Motel, Tourist Accommodation	1 acre	150	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Public or Semi-public structure or use	2 acres	150	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Filing Station	20,000	125	35	3	36	20/40 or prevailing setback	20 feet	35 feet
Automobile Service Garage	20,000	125	35	3	36	20/40 or prevailing setback	20 feet	35 feet

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Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Public Utility Structure	Standards to be set during the Special Use Permitting Process							

* This shall be measured from the centerline of the street

Section 3.7 Commercial-Industrial District

A. Purpose: The purpose of this district is to allow additional commercial uses that are more automobile dependent or that need larger lot sizes than may be available in the MS District at several concentrated nodes within the village.

B. Permitted Uses

- Warehousing and Storage Facility
- Farm and Lawn Equipment
- Garden Supply
- Feed Supply
- Lumber and Building Supply
- Gasoline Filling Station
- Office
- Automobile Service Garage
- Customary Accessory Uses
- Car Wash

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C. Uses Allowable by Special Use Permit

- Other commercial industrial structures
- Public Utility
- Adult Use and Entertainment Establishments
- Outdoor Wood-Burning Furnaces

D. Dimensional Requirements for C-I District

Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Warehousing and Storage Facility	2 acres	150	35	2 ½	30	50/75	40	50
Lumber and Building Supply	2 acres	150	35	2 ½	30	50/75	40	50
Feed Supply	2 acres	150	35	2 ½	30	50/75	40	50
Garden Supply	2 acres	150	35	2 ½	30	50/75	40	50
Farm and Lawn Equipment	2 acres	150	35	2 ½	30	50/75	40	50
Other commercial industrial structures	2 acres	150	35	2 ½	30	50/75	40	50
Uses of a similar	2 acres	150	35	2 ½	30	50/75	40	50

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Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Maximum Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback* Minimum /Maximum	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
nature								
Filing Station	30,000	150	35	2 ½	30	50/75	40	50
Automobile Service Garage	30,000	150	35	2 ½	30	50/75	40	50
Adult Uses	2 acres	See Section 6-8(A)	35	2 ½	30	See Section 6-8(A)	See Section 6-8(A)	See Section 6-8(A)
Public Utility Structure	Standards to be set during the Special Use Permitting Process							

Section 3.8 Open Space District

A. Purpose: The purpose of this district is to protect sensitive environmental lands and open space, promote low density residential and compatible open space uses by discouraging large-scale residential or commercial development.

B. Permitted Uses

- Single Family Dwelling
- Open Space Recreation
- Customary Accessory Uses

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Clustered Subdivision

C. Uses Allowable by Special Use Permit

- Public Structure
- Golf Course
- Club House
- Semi-public Structure
- Public Utility
- Outdoor Wood-Burning Furnaces

D. Dimensional Requirements for the O-S District

Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback Minimum /Maximum *	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Single family Dwelling	10 acres	200	10	2 ½	30	50/75	50	50
Golf Course and Club House	50 acres	200	5	2 ½	30	50/75	50	50
Open Space Recreation				2 ½	30	50/75	50	50
Public and Semi Public	10 acres	200	10	2 ½	30	50/75	50	50
Public	Standards							

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Use	Area of Lot (Min) Square Footage or Acreage	Width of Lot (Min.)	Maximum Percent of Lot Coverage (Building Area)	Building Height in Stories	Maximum Building Height in Feet	Front Yard Setback Minimum /Maximum *	Side Yard Dimension (Min.)	Rear Yard Dimension (Min.)
Utility	to be set during the Special Use Permitting Process							

Section 3.9 Flood Hazard Overlay District

- A. Purpose: To preserve the natural function of a flood plain, to protect general health and welfare, prevent flood damage, preserve open space and minimize public and private losses due to flood conditions in specific areas.
- B. Permitted Uses: Uses are permitted in the underlying district in accord with the process and standards established for the Flood Hazard Overlay District.
- C. Standards and Procedures: All standards and procedures as outlined under the Village of Sharon Springs Building and Sanitary Regulations, Article II, Section 9 shall apply.

Section 3.10 Planned Development Districts

- A. Purpose: A planned development district permits large lots to be developed as a unit and in a more flexible manner than allowed with other zoning. This can accommodate such large scale uses as will be of benefit to the community but which could not have been anticipated at the time of the drafting of this chapter. The planned development district is to provide a method of developing those land areas within the Village considered appropriate for new residential, recreational, commercial or industrial use – or a satisfactory combination of these uses – in an economic and compatible manner, while encouraging the use of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of this law. 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 Plan or in contravention to this law. In particular, this provision is designed to

accommodate proposed planned unit development or clustering techniques and for the consideration of such special uses as mobile home courts, business or industrial parks, or large mixed use developments.

- B. Minimum Requirements for Establishment of a PDD. The minimum requirements for establishment of a PDD shall be as follows: The area proposed for the PDD shall be under single ownership both at the time of the application for the PDD and when the PDD is adopted. The area constituting the PDD shall be 7 or more acres in size.
- C. Creation of a PDD is subject to the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law). Approval of a PDD does not constitute site plan review or Special Use Permit approval, which are obtained from the Planning Board for specific uses authorized in the PDD.
- D. Permitted Uses. Uses with a demonstrated need and which are deemed appropriate by the Planning Board and the Village Board, and approved as outlined below. One or more of the following types of planned development districts can be considered:

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

E. Procedures

1. Application Requirements: The application for a PDD and six copies shall be submitted to the Village Clerk at least twenty business days before the next meeting of the Village Board of Trustees. The application shall consist of the following:
 - The standard form application obtainable from the office of the Village Clerk;
 - The required application fee, which shall be determined annually by resolution of the Village Board of Trustees;
 - A completed full environmental assessment form, Part 1;
 - A sketch map (drawn to scale and prepared by a professional) showing the entire parcel of land proposed for the PDD, the location of proposed uses and major buildings, the proposed development density, proposed uses and housing types (if applicable), lay-out of roads, location of all entrances to the PDD parcel of land, and all proposed open spaces;
 - A perspective drawing or computer simulation showing the development from State, County, Town or Village roads (to simulate the look of the development to pedestrians and motorists from State, County, Town or Village roads); and
 - A narrative describing the design and architectural policies for the PDD, the developers proposed treatment of environmentally sensitive lands (if any), and a time frame for phased development (if applicable).

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2. **Application Procedures:** The Village Board of Trustees shall determine whether the application is complete at its first meeting following timely submission of an application for a PDD. If the Village Board of Trustees determines that the application is not complete, the Board shall so notify the applicant with a statement as to why the application is incomplete. If the application is determined to be complete, the Board shall send a copy of the complete application to the Planning Board for its advisory opinion within 10 days of receipt of the complete application. The Village Board of Trustees shall not act on any application for a PDD until it has received the Planning Board's recommendations on the application.
3. **Review of Application:** The Village Board of Trustees may engage experts, including but not limited to professional planners, architects and engineers in reviewing the PDD proposal. The customary expense of engaging such experts may be charged to the applicant.
4. **Public Hearing:** The Village Board of Trustees shall not vote to approve a PDD until it has held at least one public hearing on the application following the submission of a complete application and receipt of the Planning Board's recommendations on the application. At least 5 days prior to the Public Hearing, the Village Board shall provide special notice to adjacent landowners.
5. **Adoption of PDD:** The Village Board of Trustees shall act on an application to establish a PDD within ninety days following receipt of the Planning Board's recommendations. The date of receipt of the Planning Board's recommendations shall be deemed to be the first regular meeting of the Village Board of Trustees following the Village Clerk's receipt of the Planning Board's recommendations. The Village Board of Trustees' failure to act on a PDD application within this period shall not be deemed to constitute a default approval of the application. The Village Board of Trustees may adopt a PDD only after following the procedures described above and making written findings regarding each of the standards set forth above for adoption of a PDD. The Village Board of Trustees shall cause the official land use map for the Village of Sharon Springs to be amended to show the PDD. The amendment shall also include a list of permitted, Special Use Permitted uses and uses requiring site plan review and any other minimum land use standards that the Village Board of Trustees deems appropriate. The allowable density in a PDD shall not be higher than the allowable density in the existing land use area. The minimum standards for all other aspects of the PDD shall be those applicable to the existing land use area unless otherwise prescribed by the Village Board of Trustees. Amendment of the Zoning Map shall not constitute authorization to develop in the district.
6. **Planning Board Procedures:** The Planning Board shall provide to the Village Board of Trustees an advisory opinion on the proposed PDD within 45 days after receiving a complete application for a PDD. Alternatively, the Planning Board may request additional information reasonably related to the PDD application. If the Planning Board requests additional information, its time to render an advisory opinion is extended to the next meeting of the Village Board of Trustees following receipt of such additional information. The time of receipt of such information shall be deemed to be the date of the regular meeting following submission of the information to the Clerk of the Planning Board. It may recommend approval, disapproval, or conditional approval subject to modifications regarding the proposed development.

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7. Submittal to Planning Board: After a Planned Development District has been established, the applicant shall submit to the Planning Board further plans, specifications, supporting documents and data as are required by this local law.
 8. Imposed Conditions: All conditions imposed by the Village Board in its amendment and all subsequent conditions imposed by the Planning Board or Village Board in their review of the final plans, including the posting of any performance bond as provided for in Section 7-6.4 or any other conditions stipulated precedent to the issuance of any Permit, shall continue in force and effect as it applies to the approved project and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.
 9. Expiration of Approval: If substantial 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.
 10. Role of the Planning Board after Adoption of a PDD: The Planning Board's role after adoption of a PDD is to review site plans and Special Use Permits for uses in the PDD pursuant to the Planning Board's site plan approval powers, Special Use Permit authority and the State Environmental Quality Review Act.
- E. Standards for Adoption of a PDD: The Village Board shall consider and make findings regarding each of the following factors when legislating any PDD:
- Compatibility with the surrounding area;
 - Harmony with the character of the neighborhood;
 - Need for the proposed development;
 - The effect of the proposed PDD upon the immediate area;
 - The effect of the proposed PDD on the future development of the area;
 - Whether the PDD is warranted by virtue of the design and amenities incorporated into a proposed development plan;
 - Whether the land surrounding the PDD can be planned in coordination with the PDD;
 - Whether the proposed PDD is in conformance with the Comprehensive Plan;
 - That the existing and proposed streets are adequate to carry anticipated traffic in and around the proposed district including the amount of, location of, and access to automobile parking and service areas;
 - That the existing and proposed utility services are adequate for the proposed development;
 - That the PDD makes it possible for the creation of a creative, innovative, and efficient use of the property than would occur over the existing land use regulations;
 - The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood;
 - The provision for pedestrian circulation and open space in the planned development, the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation as related to the proposed density and type of development;
 - The recognition and satisfactory accommodation of important natural and physical limitations and opportunities of the site;
 - The provision for storm, sanitary and solid waste disposal and other utilities on and adjacent to the site;

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- The proposed location, type and size of signs and landscape features;
- The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands including water, sewerage and fire protection.

G. Additional Standards for PDD:

1. Building footprints shall not cover more than thirty percent of the total area of development or the maximum impervious surface allowed, whichever is less.
2. PDD developments shall be protected by such reasonable and appropriate safety measures, devices, screening or yards in order to avoid or minimize any adverse effects on the development itself or in the surrounding area.
3. Yard requirements for buildings may be modified except along the boundaries of the development area.
4. All planned development district proposals shall be consistent with the need to minimize flood damage, all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to eliminate or minimize flood damage, and adequate drainage shall be provided so as to reduce exposure to flood hazards.
5. All utilities must be buried underground in PDD areas.

H. Special Procedures and Standards for Establishment of Mobile Home Courts:

1. All proposed mobile home courts shall be subject, and considered according to, the Planned District process and standards as set forth above.
2. In addition to the provisions and appropriate considerations detailed under the Planned District process, the following standards shall apply to any proposed mobile home court:
 - a. A mobile home court shall have a minimum parcel size of five (5) acres and provide for a minimum of three (3) mobile home sites.
 - b. Individual mobile home sites or units within the mobile home court shall be a minimum of eight hundred (800) square feet.
 - c. All internal roadways within a mobile home court shall have a paved or stone course the minimum width of which shall be eighteen (18) feet for two-way traffic and twelve (12) feet for one-way traffic. In addition to the surface width, a five (5) foot shoulder shall be maintained on each side of every internal roadway.
 - d. No mobile home shall be located within twenty (20) feet of any internal roadway or within fifty (50) feet from the right-of-way of any public roadway.
 - e. Two off street parking spaces per unit must be provided with additional off-street parking areas set up for guest or accessory parking at the rate of 1 space per unit. Additional parking spaces may be put in lots elsewhere in the community and may be

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constructed with pervious surfaces. No on street parking will be allowed due to safety considerations.

- f. All water supply and sewage disposal systems will comply with those standards set forth, and be approved, by the County or State Health Department before any Permit is authorized.
- g. Adequate provision will be insured 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. Electrical transmission and other utility lines shall be placed below ground.
- i. Fuel tanks, where used, shall be placed at the rear of the mobile home and at a distance at least five (5) feet from any exit and must be equipped with a safety shut-off valve at the tank. Underground tanks or a centralized fuel supply system are to be encouraged wherever possible.
- j. All mobile homes shall be mounted on a permanent concrete reinforced slab base or footing at least six inches thick on a 12 inch gravel sub-base compacted to 90% standard proctor density. Each home site must be suitably graded to provide adequate drainage. The perimeter of the home shall be enclosed with solid skirting with adequate ventilation.
- k. Mobile homes must be finished with a natural wood exterior or other natural or artificial materials, that because of their color and texture, have the appearance of clapboards, wood shingles or other traditional house siding and blend in with the landscape to enhance or maintain the attractive visual character of the neighborhood.
- l. Mobile homes shall have shingled, peaked roofs with a minimum pitch of 4:12.
- m. Mobile homes shall comply with federal requirements and the New York Uniform Fire and Safety and Building Law (NYSUFSBL). Mobile homes shall be constructed in accordance with regulations set forth in the Code of Federal Regulations (CFR), Title 24, Housing and Urban Development, Chapter XX, Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Manufactured Mobile Home Construction and Safety Standards. Every mobile home shall have a manufacturer's label which certifies that the home is in compliance with all Federal construction and safety standards. Every factory-manufactured home or component shall bear an Insignia of Approval issued by the New York State Division of Housing and Community Renewal. Every mobile home shall also bear a data plate, affixed in the manufacturing facility, bearing not less than the following information:
 - (i). "This mobile home is designed to comply with the Federal mobile home construction and safety standards in force at the time of manufacture."
 - (ii). Reference to the structural zone and wind zone for which the home is designed.

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- n. No evidence of a mobile home's trailer hitch or wheels shall be visible once it has been installed.
- o. Recreation areas of at least 30% of the buildable land in the mobile home community should be set aside for green space. This green space can also be suitable for leach field lines or storm retention areas, if required.

Section 3.11 – Zoning Map

- A. The above established districts are delineated on a Zoning Map entitled “Zoning Map Village of Sharon Springs, NY” included herein. This map, with all subsequent amendments thereto, is hereby made a part of this law.

Section 3.12 – Interpretation of Zoning Map

- A. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
 - 1. Whenever district boundaries follow streets or highways, the centerlines of such streets and highways shall be considered the district boundaries. Whenever district boundaries on the Zoning Map follow natural features such as streams or waterways, the center of such natural features shall be considered to be the district boundaries.
 - 2. Whenever district boundaries are so indicated that they apparently follow individual lot lines or fence, tree and field lines, as interpreted from aerial photography, such lines of demarcation shall be considered the district boundaries.
 - 3. Where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a dimension expressing its distance in feet from a street center line or other boundary line as indicated; or by use of the scale appearing on the Zoning Map.
 - 4. Where a district boundary line divides a lot in single ownership on the effective date of this law; the standards for the less restricted portion of such lot shall extend not more than fifty (50) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
 - 5. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals, upon application, shall render a determination with respect thereto.

Section 3.13 – Application of District Regulations

- A. Regulations governing minimum lot area and lot width; required front, side and rear yards; and maximum building coverage and building height as specified in Section 3 subject to such additional standards as may be set forth in this law.
- B. Except as otherwise provided in this law:
 - 1. No building shall be erected, constructed, reconstructed or altered, and no land or building or part thereof shall be used for any purpose or in any manner except as

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permitted for the district in which such building or land is located as set forth under this law.

2. No existing lot of record on the effective date of this law shall be reduced, subdivided or otherwise reduced in size or changed in configuration so as to make it nonconforming under the Regulations.
3. No building shall be erected, reconstructed or altered, nor shall any open space surrounding any building be encroached upon or reduced in any way, except in accordance with the yard, lot area and building location requirements of this law for the district in which such building is, or is proposed to be, located; or where such open space or land is located.
4. No yard or other open space surrounding any building located in conformance with this law shall be considered as providing the requisite yard or open space area for another building. Likewise no yard or open space on one lot shall be considered as providing a yard or required open space for a separate principal or accessory building on any other lot.
5. The regulations listed for each district are hereby adopted and prescribed for such district, subject to the provisions of other applicable sections of this law, and unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

Section 3.14 – Additional Lot and Building Location Regulations

- A. No more than one principal structure on any lot, other than as may be approved under the Planned Development District provisions, shall be permitted unless lot area and yard requirements are met for each, including required lot width on a public street. Side yards for semidetached and attached dwellings shall be required at the ends of the total structure only. No detached principal building shall be closer to any other principal building on the same lot than the average height of said buildings. This provision shall not be deemed to prevent accessory apartments that are otherwise in accordance with the provisions of this law.
- B. On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a Permit.
- C. Where a single lot under individual ownership extends from one street to parallel or nearly parallel street, the principal structure shall be erected to face the street on which those adjoining structures face.
- D. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained which obstructs visibility from the roadway or otherwise interferes with the movement of vehicular traffic.
- E. When a vacant lot in any district is situated between two improved lots, the front yard of the vacant lot shall have a minimum depth equal to the average depth of the front yards of the

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two adjoining improved lots, but not less than twenty-five (25) feet from the street right of way or fifty (50) feet from road center line, whichever is greater.

- F. Where a residential district abuts a nonresidential district, 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 residential district. Where the side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, there shall be provided along such abutting line or lines in the nonresidential district, a side or rear yard at least equal in depth to that required in the residential district.
- G. Projections into required yards shall be permitted only as follows:
1. The space in any required yard shall be open and free from any building except for accessory buildings in a side or rear yard and except for the ordinary projections of window sills, eaves, porches, steps, and other architectural features, provided, however, that such features shall not project more than ten (10) feet into any required yard.
 2. An open fire escape may extend into any required yard not more than five (5) feet provided that such fire escape shall not be closer than five (5) feet at any point to any lot line.
 3. Unenclosed entrance steps or stairways providing access to the first story, cellar or basement of a building may extend into any required yard a distance not to exceed five (5) feet.
- H. The yard requirements of this law shall not prohibit any retaining wall nor any fence, wall or hedge otherwise permitted, providing that such fence, wall or hedge shall be no closer to any front lot line than two (2) feet. In addition, they shall comply with visibility at street corners as provided in this Section. No property line fence, wall or other divider shall be constructed of a material or to a height that would interfere with the view or useful enjoyment of an adjoining property.
- I. No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except that the height limitations of this law shall not apply to church spires, chimneys, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended.

Section 3.15 – Change of Use or Structure

- A. A change of use is the initiation of a use that is in a different use category, as listed on the Use Tables, above, from the existing use of the site or structure. A change of ownership, tenancy or occupancy, or a change from one use to another within the same category, shall not be considered a change of use, unless the change would result in enlargement or addition of a sign or an increase of more than 10% in vehicle trip generation as indicated in current trip generation rates published by the Institute of Transportation Engineers.

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- B. Change of Use and Site Plan Review. Any change of use of an existing structure to a use permitted by right that is subject to Site Plan review shall require Site Plan review only if it involves the construction or enlargement of a structure, the clearing, excavation, or grading of more than 1,000 square feet of land, the addition of four or more parking spaces, or the enlargement or addition of
- C. A Special Permit shall be required for any change of use from a use that does not require a special permit to a use that does require a special permit.

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Article IV Supplementary Regulations

Section 4.1 Parking

- A. Off-street parking space shall be required for all residential, non-residential and commercial buildings. The table below shall be used to calculate required parking spaces:

Use	Required Parking Spaces*
Single, two-family, townhouse, or multi-family residential	2 spaces per unit
Senior citizen residential facility (non-nursing home/assisted living)	1 space per unit
Nursing home or other senior assisted living residential facility	1 space per staff person working largest shift, plus 1 space per 4 residents
Home occupation	1 space for each 250 square feet devoted to such home occupation
Office, business and commercial uses	1 space per 200 square feet of floor area devoted to that use.
Hotel, motel, boarding house, Resort/Spa, bed and breakfast inns	1 space for each bedroom or guest room, plus one space for each two employees
Day Spa	1 space per 250 square feet of floor area (if, in addition, there are other uses or accessory uses located within or operated in conjunction with the day spa, such as dining areas, retail, etc, additional parking spaces shall be provided calculated based upon the parking requirements for that specific use.
Public and semipublic uses	1 space for each four seats of seating capacity
Schools	Two spaces for each classroom
Museum or other similar institutions	1 space for each 800 square feet of gross floor area
Nursing home, hospital or similar use	1 space for each two beds
Accessory dwelling unit	1 per accessory dwelling unit
Retail use, unless otherwise specified	1 space per 200 square feet of floor area used for sales on ground floor; plus 1 space per 300 square feet of floor area used for sales on all other floors, plus 1 space per each 2 employees
Personal service establishment, unless otherwise specified	1 space per 200 square feet of gross floor area on ground floor; plus 1 space per 300 square feet of floor area on all other floors, plus 1 space per each 2 employees

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Restaurant	1 space per 4 seats
Tourist Attraction	1 parking space for each 250 square feet of gross floor area.
Golf Course	4 per hole, plus 1 space per 800 square feet in clubhouse
Gasoline Filling Station/Convenience Store	1 per 2 gas pumps, plus 1 space per employee of largest shift.
For uses not specified or not of the nature or type generally described here, the Planning Board shall recommend to the Village Board parking requirements in specific cases consistent with the guidelines provided herein.	

*The decision-making body may require less than the maximum requirement based on factors including, but not limited to, the size of the project, the range of services offered, and the location.

- B. Supplemental Parking Requirements for Main Street District and Commercial-Business District. Spaces in municipal parking lots and on-street parking may be credited toward the parking requirements for nonresidential uses in these districts provided that:
- 1) These uses are within 400 feet of the uses to be served.
 - 2) The parking needs of existing facilities within 400 feet are satisfied first, and only excess capacity is used for this purpose.
 - 3) This is approved of by the Planning Board during site plan review.
- C. Each off-street space shall consist of at least one hundred and eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. It may also be necessary to provide space to prevent entering traffic from backing up onto the public roadway. Aisles within parking lots should allow adequate room for vehicles to move smoothly into and out of parking spaces. The necessary aisle width shall be determined based on the degree to which parking spaces are angled, and shall range from 12' at 45 degree angles to 25 feet at ninety degree angles.
- D. The required provisions for parking may be provided by the Village or in combination with adjacent uses in a manner deemed appropriate by the Planning.
- E. The required parking space in residential districts shall be for resident parking only and shall not be located in any required front yard. This shall not prohibit arranging for, by lease or other arrangement, required parking space for one automobile of a non-resident of the premises.
- F. Design Standards for Parking lots
- 1) Parking lots are prohibited from any portion of the front yard or front setback area. Parking lots shall be setback 15' from side and rear lot boundaries and 10' from streets.
 - 2) The surface of the parking lot shall be finished with a minimum of crush stone or gravel over an approved sub-surface. Accessibility for handicapped people must be provided to meet with the ADA standards.

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- 3) Parking lots should be designed to minimize visibility from existing streets or adjacent properties. Parking lots shall be screened as follows:
 - a) Screening along streets shall be vegetated. In order to provide for safety and visual access for vehicles, there shall be no screening between three and six feet in height. However, trees are encouraged to be included in the screening but shall have no branches obscuring the line-of-site between three and six feet from the ground. Screening along adjacent residential property boundaries shall be completely screened with a fence, hedge or vegetated earthen berm not less than 6 feet in height.
 - 4) Interior landscaped areas for lots sized to accommodate over 20 cars are required. One deciduous shade tree shall be planted for every five parking spaces with adequate room for root growth. Interior landscaping may not be required if the Planning Board determines that there is adequate perimeter landscaping. Existing mature trees on the lot shall count toward this requirement. If existing trees sized over 12" dbh are removed, a minimum sized tree of 4" caliper shall replace it. No existing mature tree shall be removed without a permit from the Code Enforcement Officer.
- G. No unlicensed, unregistered or inoperative motor vehicle shall be parked or stored out-of-doors or other than in a fully-enclosed structure in any residential district for a period to exceed six (6) months.
 - H. No commercial recreational vehicle, or other utility or service vehicle or equipment shall be stored in any required front yard or within ten (10) feet of any roadway.
 - I. Off-street parking for gasoline stations and service garages shall be limited to employee and customer cars which are licensed and in running condition and shall not be used for repair or sale of new or used cars or parts there from.
 - J. For any building having more than one use, parking space shall be required for each use. For the purpose of computing parking requirements, floor areas shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas.
 - K. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 1,500 square feet and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.
 - L. An off-street loading space may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any lot in any residential district unless wholly within a completely enclosed area or within a building.
 - M. Set-aside for future parking. The Planning Board may require that an applicant set aside additional land to meet potential future parking needs. Such land may remain in its natural state or be attractively landscaped, but may not be used in a manner that would prevent it from being used for parking in the future. In cases where two or more developments are adjacent, the Planning Board shall require cross-access easements between adjacent parking

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lots to provide for interconnected parking lots and to facilitate traffic and control access on the main road. Shared parking facilities are encouraged.

- N. Parking areas in which lights are necessary all night shall be lighted in a manner that does not result in glare to surrounding residential properties or cause a traffic hazard due to glare or color. The Planning Board may require that parking lot lights (excluding security lighting) be extinguished within one hour of closing.

Section 4.2 Signs

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

1. No new or additional sign shall be created by erecting, installing, painting, upon; or be otherwise established, without a Sign Permit. For all signs that will be erected in connection with a project requiring site plan approval, sign approvals shall be conducted by the Planning Board pursuant to the site plan review process. If no site plan approval is required, signs shall be approved in connection with sign permits issued by the Code Enforcement Officer. An application for sign approval must include a) a scale drawing of the sign showing type of sign, b) dimensions, advertising content, materials, method and style of illumination, c) method of structural support, d) location on the land or building in relation to existing buildings, roadways, driveways, or sidewalks, e) the name of the sign owner and person responsible for maintenance of the sign.
2. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
3. Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street or highway, not project beyond the authorized property lines, except where no other provision is possible in which case the Board of Appeals, in accordance with the variance procedures elsewhere provided for in this law, shall make a determination relative thereto.
4. All temporary signs erected for a special event or property sale, rental or repair shall be removed by the property owner or his agent within 10 days of when the event, sale, repair or other circumstances leading to their erection no longer apply.
5. No sign shall physically or visually impair vehicular or pedestrian traffic by design, illumination, color or placement. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the highway and, if illuminated, the light shall not be directed toward any public highway or adjacent residential use. In addition, no flashing or intermittently lighted sign shall be permitted.
6. All business or advertising sign hereafter erected shall not project into a public street right-of-way and shall not be closer than ten (10) feet to any lot line.
7. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the principal building on the lot, as well as with other signs used on the principal building and its vicinity.

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8. Non-illuminated signs including nameplates and identification signs, sale or rental signs, commercial and institutional signs, and temporary construction signs are permitted according to the standards pursuant to Section 4.2 (C).
 9. Illuminated signs shall be permitted on non-residential properties only provided that they are spotlighted rather than internally illuminated. Any illuminated sign shall not be placed or directed so that its light is directed on a public street, highway, sidewalk, or adjacent premises in a manner that causes glare or reflection sufficient to constitute a nuisance or a traffic hazard.
 10. Any sign using a non-English language for advertisement shall also be in English where the letters in English shall be in a font size equal to that of the non-English language letters.
- B. Number of signs. No more than 2 signs shall be permitted on any lot housing one individual businesses. For lots having structures housing two or more businesses, each business shall be permitted to have one sign (projecting, wall mounted or moveable types). In addition, structures housing two or more businesses are also permitted to have one sign advertising multiple businesses within. Businesses located on corners are permitted one sign for each street frontage. Two wall-mounted or freestanding directional signs are permitted facing or located in parking lots but shall be a maximum size of three square feet.
- C. Size of Signs.
1. Projecting signs where allowed in any district (mounted perpendicular to the building surface) shall have a 12 square feet maximum sign size per face. There shall be a minimum clearance of 9 feet above grade when located over a sidewalk, or at least 14 feet if projecting over a driveway.
 2. Wall-mounted sign (mounted parallel to the building surface) shall not exceed five percent of the ground floor building façade area. The sign shall not project more than 15 inches from the building surface and shall not be mounted to obscure architectural features such as sills, moldings, cornices, or transoms.
 3. Free-standing signs, mounted on one or more poles shall have a maximum sign size of 12 square feet in the MS District and 24 square feet in the CB District. Pole mounted signs shall not exceed 10 feet in height. The sign shall not interfere with pedestrian or vehicular circulation and shall be set back from the roadway by a minimum of 10 feet.
 4. Moveable signs shall have a maximum size of 6 square feet, each face. They shall be made of wood or composite materials and stand on legs not to exceed 5 feet in total height. No other types of moveable signs are permitted. They shall not be placed so as to impair pedestrian movement on a sidewalk or obstruct the line of site of vehicular traffic.
 5. One institutional or religious identification sign not to exceed twelve (12) square feet in area.

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- C. In addition to 4.2B, the following signs are permitted as of right in all districts:
1. One nameplate, identification or professional sign not to exceed two (2) square feet of sign area, showing the name and address of the resident or the permitted activity associated with the premises.
 2. One non-illuminated sale or rental sign not to exceed six (6) square feet of sign area during and pertaining to the sale, lease or rental of the land or building. Such sign shall be of a temporary nature.
 3. One temporary construction or artisan's sign not to exceed six (6) square feet of sign area during and pertaining to construction, repairs or alterations on the property. Such signs shall be removed within 30 days of completion of construction.
 4. A sign advertising the sale or development of a tract or parcel of land may be erected upon such parcel by the developer, builder, contractor or owner. The size of sign shall not exceed twelve (12) square feet and not more than two (2) signs shall be placed upon the tract along any highway frontage. Such sign must be at least fifty (50) feet from the right-of-way line of the street. The sign shall be removed within 30 days of full completion of sale, rent or lease.
 5. Home based businesses are permitted to have one non-illuminated sign not to exceed 6 sf in size.
- D. In C-I districts the applicable signs pursuant to Section D, above are permitted, and in addition, the following:
1. One (1) principal and one (1) accessory business sign for any existing or permitted commercial use provided that the gross surface area of the principal business sign shall not exceed two (2) square feet per lineal foot of building frontage, but shall not exceed forty-eight (48) square feet, and the accessory business sign shall not exceed fifty (50) percent of the area of the principal sign.
 2. No sign attached or unattached shall be higher than the principal building to which it is accessory.
 3. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the highway.
- E. In any Planned District, the Planning Board shall review and approve any proposed business sign as a part of its review of a project in such Planned District.
- F. All off-premise signs, including billboards are prohibited.
- G. Directional, off-premise signs no larger than 4 square feet are allowed.

Section 4.3 Design Guidelines for the MS District

The development standards and guidelines of this local law define a framework for new development in the Village of Sharon Springs. These design standards are required in the MS

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District and encouraged in all other districts. When applying such standards and guidelines, the Planning Board shall carefully weigh the specific circumstances surrounding each application, and strive for development solutions that promote commercial and residential development that protects and enhances the character and architectural heritage of the village and that is consistent with the adopted Village of Sharon Springs Comprehensive Plan.

- A. Site Improvements and Screening. Fencing and screen-planting may be required according to the following:
1. Any use required by this law to be screened shall provide a fence, screen, or landscaping sufficient to obscure such uses from view from abutting properties and the public right of way as is considered appropriate.
 2. Plans and site design for the installation of such fencing or screening as are required by this law shall be reviewed and approved by the Planning Board.
 3. Any fencing or screening installed in accordance with this Section shall be maintained in good order to achieve the objectives of the same. Failure to maintain required fencing and screening shall be considered a violation of this law.
- B. Building Design.
1. Buildings shall be generally related in scale and design features to the vernacular style of buildings and shall be consistent with the local context of the district.
 2. Buildings shall reflect a continuity of treatment obtained by maintaining the building scale; by maintaining front yard setbacks at the build-to-line; by continuous use of front porches on residential buildings; by maintaining cornice lines in buildings of the same height; and by echoing architectural styles and details, design themes, and building materials used in the district. Buildings constructed prior to 1950 shall define the local vernacular style.
 3. There shall be no blank, windowless walls allowed on any front façade.
 4. New construction shall maintain the common setback distance of its surrounding and nearby buildings.
 5. Front entrances of all buildings shall face the public street.
 6. Trademark buildings, which identify the owner or occupant by a trademarked architectural style, are prohibited. Franchise operations shall be designed to harmonize with the nature of the district.
 7. A building on a corner lot shall be considered to have two facades. The façade treatment must continue around both façade sections. There shall be no large areas of blank wall sections.
 8. The shape, size and details shall be appropriate to the building design and consistent with the local style of the district. Smoked or reflective glass is not permitted.

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9. Mansard, flat and gambrel roofs are prohibited on principal structures. Accessory structures may have gambrel roofs. Roofs shall be a minimum 6:12 pitch.
10. Preferred building materials for facades are brick, wood, or wood-like materials, and stucco. Limited use of concrete and concrete block is acceptable if finished to be compatible with the surrounding buildings. Use of corrugated concrete, cinder block, textured 111-like materials and metal is prohibited.
11. Electrical wires and utilities shall be buried underground.

C. Sidewalks

1. For lots having no existing sidewalk, but that are adjacent to lots with sidewalk sections, four-foot wide minimum concrete sidewalks shall be constructed along the road frontage of the lot. New sidewalks on the lot shall connect with existing sidewalks on adjacent lots, and shall match the existing dimensions and setback from the street.
2. For lots where no existing sidewalks exist on the lot or on adjacent lots, new concrete sidewalks shall be constructed with a minimum of four-foot planting strip between the road and sidewalk.
3. For lots with existing sidewalks, the sidewalk must be maintained in good condition with no heaves, cracks or missing sections.

D. Street Trees

1. Existing large trees in village right-of-ways shall be preserved. Dead trees within 20 feet of the street pavement shall be replaced with new trees. Where none exist, or where replacements are needed, a variety of shade trees shall be planted at regular intervals of no more than 35 feet. Shade trees should be a 4-inch caliper, broad-leafed indigenous species. No trees over 12" dbh (diameter at breast height) shall be removed without a permit from the Code Enforcement Officer.

E. Landscaping

1. All areas of a site not occupied by buildings, parking lots, or other improvements shall be planted with trees, shrubs, hedges, ground covers and grass.

F. Lighting

1. All light fixtures shall be designed, installed and maintained to prevent light trespass onto adjacent properties to the maximum extent reasonably practicable. Fully shielded fixtures are required. The maximum height of a luminaire shall not exceed 18 feet. Externally illuminated signs shall use fully shielded light fixtures mounted on the top of the sign structure. Poles and fixtures shall compliment the architectural character of the development and surrounding district. Other lighting standards of the International Dark Sky Association shall be used for guidance.

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G. Curb Cuts

1. Curb cuts and interruptions of the sidewalk should be minimized. Cuts should be not more than 14 feet for commercial uses. Where interrupted by curb cuts, the continuity of the sidewalk surface should be maintained while the material of the driveway is interrupted. A maximum of two curb cuts per lot is allowed. Use of shared driveways, rear driveway connections and alley access to off-street parking shall be allowed and encouraged.

Section 4.4 Accessory Uses and Structures

- A. On any lot accessory building(s) or use(s) in connection with the principal structure and use may be constructed and located subject to the following:
 1. All accessory buildings or uses shall require a Permit to be issued prior to their initiation as elsewhere required in this law.
 2. No more than two (2) accessory buildings or uses in addition to a private garage in conjunction with a residence, including such things as a home workshop, tool shed, wood shed and like buildings and uses shall be permitted on any residential lot. The total area encompassed by such accessory building(s) and use(s) shall not exceed that maximum percent of total lot coverage as identified according to the respective zoning district in Section 3.
 3. No more than two (2) accessory buildings or uses shall be permitted in conjunction with any public/quasi-public or commercial use except that permitted accessory buildings and uses shall be determined by the Board of Appeals in accord with their review of any proposed Conditional Use and by the Planning Board in their review of any proposed Planned Development District.
 4. Accessory buildings to a residential use which are not attached to a principal building may be erected in accordance with the following requirements:
 - a. Rear or side yard – at least ten (10) feet from side or rear property line.
 - b. Side yard, street side of corner lot – same as for principal building.
 - c. No closer to a principal or other accessory building than ten (10) feet.
 5. An accessory building attached to a principal residential building or an accessory building to other than a residential use, whether attached to the principal structure or not, shall comply in all respects with the requirements of this law applicable to the principal building.
 6. No accessory buildings or enclosure shall be constructed or located to house livestock, other than a domestic household pet, within the incorporated Village, except in compliance with and according to the provisions of Village Ordinance No. 9-11-72A.
 7. Maximum height of any accessory building shall be one and one-half (1½) stories or eighteen (18) feet, whichever is less; except that it shall not exceed the height of the principal building.

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

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

9. A building, mobile home, trailer or other structure, accessory to a construction project for office, storage or related construction use may be permitted upon issuance of a Permit by the Enforcement Officer, such installation to be temporary and continued only for the duration of the construction project to which it is accessory.

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

Section 4.5 Demolition

- A. If an applicant is proposing a new use that requires demolition of an existing building or portions of existing buildings, demolition of that building or building portion shall be reviewed as part of a complete application for site plan review. There shall be coordinated and concurrent review of this action with demolition and rebuilding if any. The Code

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Enforcement Officer shall issue a demolition permit upon approval by the Planning Board.

- B. When demolition is proposed without a proposal for redevelopment, the Planning Board shall conduct a review of the demolition and landscape plans. The Planning Board shall, without limitation, require the following elements as a condition of its approval:
 - 1. The parcel shall be seeded with grass and landscaped with trees. Deciduous trees are preferred and shall have at least a two-inch caliper at the time of planting.
 - 2. Trees shall be provided within the lot at a minimum density of one tree per 1,000 square feet of lot and along the side of the street with a maximum spacing of 30 feet on center.
 - 3. If a sidewalk is present prior to demolition, such sidewalk shall be maintained or restored after demolition so that the sidewalk is safe for pedestrians and free of rubble and cracks.
- C. The Planning Board may require additional landscaping or street furniture to maintain a pedestrian atmosphere at the site.
- D. When demolition occurs, water, sewer and all other utility lines shall be located, marked, capped and inspected and approved by the appropriate department prior to final site treatment.
- E. If a demolition permit is granted, the demolition and site restoration shall be completed within 90 days. If demolition occurs during the months of November through March, seeding and landscaping shall be completed by May 31.
- F. All debris resulting from the demolition shall be removed from the site and disposed of properly within three (3) days of demolition.

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Article V Nonconformity and Noncompliance

- A. Any lawful building, structure or use of premises existing at the time of enactment of this chapter or any subsequent amendment thereof applying to such building, use or structure may be continued although such building, structure or use of premises does not conform to the provisions thereof.
- B. Any building or land used for or occupied by a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used for or occupied by a nonconforming use.

Section 5.1 Nonconformity with Dimensional or Density Requirements

- A. Alteration, Enlargement, Conversion. A nonconforming structure may be altered or enlarged, provided that no such activity shall create new noncompliance or increase the degree of existing noncompliance. A nonconforming use or structure may be converted to another use provided that the new use is an allowable use within said district.
- B. Damage or Destruction. If any noncomplying structure is damaged or destroyed by any cause to an extent exceeding 75% of either its floor area or its market value, it may be reestablished only in accordance with all applicable provisions of this local law. However, a single-family home may be rebuilt as a noncomplying structure, provided that construction is begun within twelve months of the casualty. Value shall be determined by dividing the state equalization ratio into the assessed value. A nonconforming structure or use which has been damaged by fire or other causes may be restored, reconstructed or used as before, provided the bulk, height and area requirements shall not exceed that which existed before said damage. Said restoration must be completed within one (1) year of such occurrence or the use of the building or land as legal nonconforming use thereafter shall be terminated.

Section 5.2 Nonconformity with Use Requirements

- A. Continuation. A nonconforming use may be continued and maintained in reasonable repair, but may be enlarged up to 25% of its original floor or land area as of the effective date of this local law, pursuant to a Special Permit granted in accordance with Article VI. This section shall not be construed to permit any unsafe use, or to affect any lawful regulation or prohibition of an unsafe use. Any size increase must conform to current zoning requirements including, but not limited to side, rear and front setbacks.
- B. Alteration, Enlargement. A nonconforming building or use shall not be added to or enlarged in any way that will extend the nonconforming features unless such nonconforming building or use is made to conform to the regulations of the district in which it is located.
- C. Damage or Destruction. If a nonconforming use is damaged or destroyed to an extent exceeding 75% of either its floor area or of its market value, the future use on the site shall conform to this local law. Value shall be determined by dividing the state equalization ratio into the assessed value. A nonconforming structure or use which has been damaged by fire or other natural causes may be restored, reconstructed or used as before, provided the bulk, height and area requirements shall not exceed that which existed before said damage. Said restoration must be completed within one (1) year of such occurrence or the use of the building or land as legal nonconforming use thereafter shall be terminated.

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Section 5.3 Change in Use.

A nonconforming use may be changed to another nonconforming use only upon a determination, by the Board of Appeals as elsewhere provided for and according to the variance procedures under this law, that such change represents an improvement to the existing use and its relationship to adjoining uses.

Section 5.4 Abandonment.

A nonconforming structure or use, once removed or abandoned for a period of one year, shall not be reintroduced or replaced other than by a conforming structure or use.

Section 5.5 Discontinuance.

Whenever a nonconforming use has been discontinued for a period of one (1) year, any future use shall be in conformity to the provisions of this law.

Section 5.6 Construction in Progress.

Any building or use which has been conclusively initiated or for which a Permit has been lawfully granted, and on which construction has been started and diligently prosecuted before the effective date of this law or their amendment may be completed. (See also SECTION 9.7)

Section 5.7 Replacement of Mobile Home.

Nothing in the foregoing shall be interpreted to preclude the substitution of a replacement mobile home for an existing mobile home of record nonconforming as to use on the effective date of this law, provided that all other applicable provisions of this law are complied with and further provided that such replacement is accomplished within one (1) year from the date of removal of the existing mobile home of record.

Section 5.8 Necessary Maintenance and Repairs.

A building or structure housing a nonconforming use may be repaired or restored to a safe condition.

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Article VI Special Permits

Section 6-1. Purpose and Applicability.

It is the policy of the Village of Sharon Springs to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment or the character of the village. The Planning Board therefore permits many uses listed in the Use Tables only upon issuance of a Special Use Permit, in order to ensure that these uses are appropriate to their surroundings and satisfy performance criteria in each particular case.

Section 6-2. General

- A. Application for area variance. Notwithstanding any provision of law to the contrary, where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to Article VIII, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.
- B. Conditions attached to the issuance of special use permits. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon its granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the village.
- C. Waiver of requirements. The village board of trustees further empowers the Planning Board to, when reasonable, waive requirements for the approval, approval with modifications or disapproval of special use permits submitted for approval. Any such waiver may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.

Section 6-3. Procedures

- A. Application for a Special Permit shall be made to the Code Enforcement officer on forms prescribed by the Village and with the appropriate fee as determined by the Village Board. All proposed uses on a single parcel or on contiguous parcels shall be considered together. Before filing an application, an informal meeting with the Planning Board is highly recommended to discuss the nature of the proposed use and to determine the information that will need to be submitted.

Required Submissions – The nature and content of an application for a Special Use shall be as follows:

- 1. Where the proposed use involves only the interior conversion or renovation of an existing structure or the addition or alteration of an accessory building, the Board shall require as a minimum, the following items of information:
 - a. Application with name and address of property owner and applicant, existing zoning district and description of type and extent of proposed use. This shall include a brief narrative describing the proposed use.
 - b. Sketch Plan as set forth in Appendix ‘B’, drawn to scale in ink on minimum sheet size of 8 ½”x11” showing lot size, placement of principal and accessory buildings

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and relationship to adjoining parcels and buildings thereon, location of required parking and any alterations to the site.

- c. The application fee as established by the Village Board.
 - d. A short Environmental Assessment Form (EAF), unless the Planning Board determines that the proposed Special Permit is a Type I action, in which case a long-form EAF shall be required.)
2. Where the proposed use involves a new or additional principal structure or exterior structural renovation of such principal building, or any significant change in the use or configuration of the site, the Board may require as a minimum, those pertinent items of information, and in the form, set forth under Preliminary Plat/Plan in Article VII of this Code.
 3. In any instance where the size, location, nature or complexity of the proposed use is such that more detailed plans or specifications are necessary for a complete understanding of the application, the applicant shall be notified that all or portions of the information set forth under Final Plat/Plan Article VII of this code will be required as well as any further information that the Board may specify.
- E. Public hearing and decision on special use permits. The Planning Board shall conduct a public hearing within sixty-two days from the day an application is received on any matter referred to it under this section. Public notice of said hearing shall be printed in a newspaper of general circulation in the village at least five days prior to the date thereof. The Planning Board shall decide upon the application within sixty-two days after the hearing. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the Planning Board on the application after the holding of the public hearing shall be filed in the office of the village clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.
- F. Notice to applicant and county planning board or agency or regional planning council. At least ten days before such hearing, the Planning Board shall mail notices thereof to the applicant and to the county planning board as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law. No action shall be taken on applications referred to the county planning board until its recommendation has been received, or thirty days have elapsed after its receipt of the complete application, unless the County and Village agree to an extension beyond the 30 day requirement for the County Planning Board's review. A unanimous vote (as would be the case in a four-member board) of the Planning Board shall be required to grant any Special Permit which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.
- G. Compliance with state environmental quality review act. The Planning Board shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and it's implementing regulations.

A Special Permit shall be deemed to authorize only the particular special use or uses permitted, and shall expire if the special use or uses shall cease for more than 24 consecutive

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months or if the applicant fails to obtain the necessary building permit or fails to comply with the conditions of the Special Permit within 18 months of its issuance. The Planning Board may revoke a Special Permit if the permittee violates the conditions of the Special Permit.

Section 6-4 Site Plan Approval and Special Use Permits.

When both site plan review and a Special Use Permit are required for a proposed use, the Planning Board shall conduct its site plan and special use permit reviews concurrently.

Section 6-5 Applicable Considerations and Standards

In their consideration of an application for a Special Use Permit, the Board shall determine that:

- A. The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it situated and will not be detrimental to the orderly development of adjacent districts and uses.
- B. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, the general character and intensity of development of the neighborhood and its relationship to the overall intensity guidelines for the particular zoning district as set forth in the Village Plan.
- C. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

Section 6-8 Standards for Individual Special Uses

Standards appropriate to individual Special Uses to be considered under the provisions of this law include, but are not limited to the following:

A) Adult Uses

1. Purpose

It is the purpose of this 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 Sharon Springs and the region.
- b. To control harmful and adverse secondary effects of adult uses, documented in the Village of Sharon Springs Adult Entertainment Secondary Effects Study, on the

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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 Sharon Springs residents.

2. Allowed Zoning District

All Adult Use and Entertainment Establishments as defined herein may only be created, opened, commenced or operated within the Commercial-Industrial (C-I) zoning district within the Village of Sharon Springs by special use permit and site plan approval issued by the Planning Board.

3. Location within Allowed Zoning District

An Adult Use and Entertainment Establishment shall be allowed after issuance of a special permit and approved site plan only in the C-I district and, within this district, shall have minimum area requirements as described in Article III, Section 3.7 of this local Law. The structure the adult use is located in and any accessory use/structure shall not be allowed:

- a. Within one hundred (100) feet of the property line of a parcel used for residential purposes, whether or not such use is located in the Village.
- b. Within one thousand (1,000) feet of the property line of a parcel containing a church, synagogue, other place of worship, active cemetery, library, school, licensed day-care facility, park, playground, government facility commonly visited by the public (i.e. post office, village office, State/Federal/County office), nursing home, adult home, Bassett Hospital clinic, or hospital, whether or not such use is located in the Village.
- c. On the same parcel as another Adult Use and Entertainment Establishment.
- d. Within one thousand (1,000) feet of the property line of another Adult Use and Entertainment Establishment, whether or not such use is located in the Village.
- e. Within two hundred fifty (250) feet of the Village boundary.
- f. Within two hundred fifty (250) feet of the centerline of a public right-of-way.

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 Permit and Site Plan for Adult Use and Entertainment Establishment

The Village of Sharon Springs intends to protect the scenic beauty of the region and the value of property in the region. Therefore, Adult Use and Entertainment Establishments shall meet all applicable requirements in the Village of Sharon Springs Zoning Law and

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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 buffered (landscaping/berms) 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 fifty (50) feet from any property line.
- c. Any structure containing the Adult Use and Entertainment Establishment and any accessory structure shall have a residential appearance (insofar as possible) similar to existing dwelling units (excluding mobile homes) in the Village of Sharon Springs. Building design shall avoid areas of blank wall sections and windows or one-way windows, shall comply with Section 5 (Display Prohibited).

5. Display Prohibited

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

6. Existing Adult Use and Entertainment Establishments

Any Adult Use and Entertainment Establishments as defined herein operating at the time of the effective date of this law shall cease all activity that defines it as an Adult Use and Entertainment Establishment within 30 days of the effective date of this law. Any owner of an Adult Use and Entertainment Establishment as defined herein operating at the time of the effective date of this law in which the principal business purpose involves activities which depict or describe “specified sexual activities” and discontinuance of such activity within 30 days would constitute a significant financial burden, can apply to the Planning Board for a one time extension of the use for a period not to exceed 8 months. For purposes of this provision, “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.

B) Accessory Apartments – Accessory Apartments may be used for residential purposes provided the following conditions are met:

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

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2. A lot may contain accessory residential structures or accessory apartments provided that such additional dwelling unit otherwise comply with County Health Department regulations and with applicable sections of this local law. The Board may require that such accessory dwelling units may not be later subdivided onto separate lots. Such a restriction on future subdivision shall be implemented by means of a recorded conservation easement or deed restriction enforceable by the village. The Planning Board shall have jurisdiction over Special Use Permits for any project that includes new structures or for additions to or conversions of existing structures.
 3. The overall density allowed in the district must comply with applicable district requirements of this local law.
 4. A lot may contain more than one principal residential structure, provided that it has sufficient acreage to comply with the density requirements of the district.
- C) Bank - The traffic to and from the use and assembly of people in connection with using the bank and its services shall not be hazardous or inconvenient to the neighborhood or in conflict with the normal flow of traffic in the neighborhood.
- 1) Adequate lighting must be provided for safety at any automated teller machines (ATM).
 - 2) Drive through windows, if used, must be located in either the rear or side of the building and must be adequately screened from adjacent properties.
- D) Bed and Breakfast – The bed and breakfast shall be in an owner-occupied dwelling.
- 1) It may contain not more than 6 bedrooms for lodgers.
 - 2) The number of overnight guests housed in the facility (excluding the regular residential occupants) may not exceed the number of permitted sleeping units by three.
 - 3) The exterior façade of the residential structure shall be maintained.
 - 4) Off-street parking shall be provided and shall not be located in a front yard and shall be screened from roads and adjacent properties.
- E) Car Wash – All car wash establishments must
- 1) Demonstrate that adequate water is available to meet expected demand.
 - 2) Demonstrate that stormwater and drainage is designed to meet Village requirements and standards.
 - 3) Include water recycling facilities.
 - 4) Ensure that queuing areas shall be sited in a manner that does not create safety hazards to pedestrians or motorists and that does not increase traffic congestion on existing streets.
 - 5) Design exit and entrance curb cuts to minimize traffic impacts.
 - 6) Adequately screen the facility from adjacent residential uses, if applicable.

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- F) Commercial Recreation, Tourist Attraction – Such uses shall be permitted only according to the following:
1. The proposed use shall be compatible with and not detract from surrounding uses, or open-space characteristics.
 2. The Board shall determine that any traffic, noise or light likely to be generated by any such activity will not interfere with surrounding uses or the safe and convenient movement of traffic.
 3. Sufficient and suitably located and arranged off-street parking, service area, outdoor lighting, and landscaping shall be provided in accord with the need of the instant situation as determined by the Board of Appeals.
- G) Convenience Store
1. The structure shall not exceed 3,500 square feet in size.
 2. The Planning Board shall review hours of operation in order to determine consistency with other existing neighborhood uses.
 3. If an associated gas pumping facility is proposed, all requirements for gas station shall be met.
 4. If an associated gas pumping facility is proposed, lighting included in the pump islands shall be recessed and pointed directly downward.
 5. All lights shall be fully shielded and not produce glare onto adjacent properties or streets.
 6. All exterior waste receptacles shall be fully enclosed and screened.
 7. Traffic impacts and noise levels will be reviewed by the Planning Board and a traffic impact assessment and noise assessment may be required.
- H) Gasoline Station, Service Garage – In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
- 1) Such establishment shall not be closer than two hundred (200) feet to any existing residential use.
 - 2) The minimum distance between pump islands and between the building and any pump islands shall be twenty (20) feet.
 - 3) No waste water, oil or other materials shall drain onto, pollute or create hazardous or unsightly conditions because of surface drainage. Gasoline or flammable oils shall be stored at least 20 feet from any street line and 35 feet from any lot line. Applicable standards and criteria detailed in the New York State Uniform Fire Prevention and building Code, as amended, or other state or federal law or regulation which requires a greater restriction shall take precedence.
 - 4) The number of driveways shall be subject to the approval of the Planning Board.

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- 5) Any auto wash, in addition to meeting the off-street parking requirements, shall provide four (4) stacking spaces per bay on the lot to prevent the waiting of automobiles in the public street.
 - 6) No exterior storage of dismantled or disabled motor vehicles, parts or salvage materials shall be permitted.
- I) Golf Course - All storage and handling of chemicals used on the property must meet appropriate State and Federal regulations. There shall be established no-spray zones and buffer areas around water features. Water sources, demand and availability of water must be documented and shown to be adequate to meet the proposed need. Irrigation systems shall be designed to eliminate all non-target watering (such as sidewalks). There shall be no discharge of drainage or runoff from greens directly to water bodies. There shall be mixing and loading areas designed to contain spills of fuels or chemicals used on site. There shall be grass swales, filter strips or drainage filters to collect and filter water contaminated from parking lots, spill containment areas and other paved locations. Turf grass shall be appropriate to our climate and growing conditions.
- J) Home Occupation – A home occupation may be approved only if it complies with the following:
- 1) It shall not display or create outside the building any evidence of the home occupation, except one sign as is permitted under this law.
 - 2) Such use is clearly secondary to the use of the premises for residential purposes and further provides that such use shall not occupy or utilize in excess of twenty-five (25) percent of the gross floor area of the dwelling unit if located therein or, alternatively, in excess of four hundred (400) square feet of any accessory building if located therein.
 - 3) Off-street parking shall be provided for all clients, customers, or patients in the side or rear yard. Such off-street parking shall be located at least ten (10) feet from any side or rear property line, shall be paved, screened or fenced as directed by the Board, and shall be so lighted that there will be no direct light into adjacent properties or streets. No traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood.
 - 4) No residential premises shall include more than one (1) home occupation, such home occupation to be located in either the dwelling unit or building accessory thereto, but not both.
 - 5) The following home occupations are permitted, provided that they are carried on in a manner which complies with the criteria and standards in subsection 6-8.1, above: professional office, art restoration, art studio, babysitting, data processing, drafting and graphic services, dressmaking, sewing, tailoring, flower arranging, gardening, landscape maintenance, home crafts, house cleaning service, locksmith, office of sales or corporate representative, tutoring, typing and word processing, small appliance repair, writing, computer programming, and any other use that is permitted by right within the district pursuant to the use tables of Article III.

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- 6) Home occupation by special permit: Any home occupation meeting the criteria and standards of subsection 6-8.1 e, above, but not listed as a permitted home occupation, may be allowed by Special Use Permit issued by the Planning Board. In issuing such Special Permit, the Planning Board must find that the proposed home occupation meets the criteria and standards in subsection 6-8.1, as well as generally applicable Special Permit standards in Chapter 6 of this law.
- K) Hotel, Motel, Tourist Accommodation – Any such use shall be considered by the Planning Board according to the following:
 - 1) The appropriateness of the use in its proposed location relative to the district classification and to surrounding uses or open-space characteristics.
 - 2) The amount of land involved, the number of members or occupants and the size and sophistication of accommodations to be provided as these pertain to the intensity of the use and the ability of the land and the character of the surrounding areas to accommodate it within the intent of each of the respective zoning districts.
 - 3) The adequate provision for off-street parking, service area, signing, outdoor lighting and landscaping.
- L) Mixed Uses – A mix of uses are allowed in the Main Street and Commercial Business districts for new buildings or conversion of existing buildings for a mix of office, service, small retail and residential uses either within a structure or in adjacent and neighboring structures. Mixed uses will be allowed provided that impacts to surrounding residences and the residential neighborhood are minimal.
 - 1) When an existing residential structure is converted to include a commercial use, the exterior residential façade shall be maintained.
 - 2) Off street parking shall be in the rear of the building. If the only feasible alternative to rear yard parking is to place it at the side of the building, the parking lot shall be totally screened from the street. All other requirements in this law for parking shall be followed.
 - 3) Sidewalks shall be required and shall be equal in length to the frontage of the property.
 - 4) Mixed-use buildings shall have setbacks similar to those adjacent and surrounding buildings.
 - 5) Exterior lighting, except for safety lighting for steps, entryways and walkways, shall be turned off after hours. Only shielded light fixtures shall be used. The luminaire shall emit no direct light above a horizontal plane and there shall be no internally luminated signs. At the property line of the subject property, illumination shall not shed glare onto adjacent properties.
 - 6) Traffic impacts shall be minimized. The Planning Board may require a traffic impact study.
 - 7) All other requirements related to signs and other design features shall be followed.

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- M) Multiple-Family, Group Dwelling – Such conversion of an existing residence or construction of a new residence shall be permitted only in accord with the following:
- N) Floor space, health, safety and sanitary conditions shall be adequate to insure livability and will comply with the New York State Multiple Residence Law. In particular, each individual dwelling unit will provide a minimum floor space of six hundred (600) square feet and constitute the equivalent of two hundred (200) square feet per individual to reside in such structure.
- O) Adequate off-street parking arrangements for each dwelling unit shall be provided.
- P) Such residential units shall be in keeping with the area in question, including lot size sufficient to accommodate the number of persons to be housed and yard space for any children.
- Q) No such conversion, combination or new construction shall be contrary to the Village Plan or the density guidelines established for any area under this Plan.
- R) Nursing Home and other Residential Care Facilities – The applicant shall demonstrate compliance with all applicable regulations, standards, and licensing requirements of public or private agencies. Applications shall include a list of all agencies that must license or otherwise approve the facility, a list of regulations established by those agencies for the facility, and copies of applications submitted to the above agencies.
- 1) The lot shall be a minimum of one acre.
 - 2) Total building area shall not exceed 30% of lot coverage.
 - 3) Adequate landscaping and year-round buffering shall be provided for parking areas and outdoor storage areas and areas where there are large, unbroken expanses of building façade.
- S) Other Commercial Uses Provided for in C-B and C-I Districts – Those Special Uses provided for in the C-B and C-I Districts and not otherwise specifically provided for in this Section may be permitted upon authorization of the Planning Board when it determines that:
- 1) The proposed use will not detract from or interfere with adjoining uses or vacant land.
 - 2) The proposed use is consistent with the Village Plan for the area in question and is otherwise consistent with the objectives and standards of the C-B or C-I District.
 - 3) The individual parking, loading, storage, signing, screening and other needs of the proposed use are provided for in a manner satisfactory to the Board.
- T) Outdoor Wood-Burning Furnaces
1. All wood-burning units installed within the Village Limits of Sharon Springs are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made thereto in the future.

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2. All outdoor wood-burning units or solid fuel-fired heating devices are subject to public nuisance as described in this law.
 3. Any dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities may be declared a public nuisance by the Village.
 4. Any outdoor wood burning-furnace shall have a minimum stack height at least 1 foot higher than the roof height of the principal structure on the lot and shall also extend above roofs of adjacent structures within 500 feet of the proposed location of the outdoor wood burning furnace.
 5. Any existing non-complying stack shall be removed or replaced within a period of six (6) months from the effective date of this local law.
 6. All stacks or chimneys must be so constructed to withstand high winds or other related elements.
 7. Buildings with less than twenty (20) feet of open space between structures shall have a minimum stack height of three (3) feet above the adjoining properties highest roof elevation.
 8. The use of wood-burning furnaces within the Village of Sharon Springs is prohibited between May 31 and September 1 of each year.
- U) Public/Semi-Public Structure, Use – Such uses shall include various municipal and quasi-public, nonresidential uses such as school, church or library. These uses shall be subject to the following regulations:
- 1) The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
 - 2) Any required off-street parking, service area and other requirements of the use shall be satisfactory to the Board.
- V) Public Utility or Service Structure, Use – Utility structures or installations such as substations, transformers, transmission towers, switches and auxiliary apparatus serving a distribution area as well as water and sewage pumping stations, public works garage, sanitary landfill and like facilities.
- 1) Such facility or installation shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
 - 2) The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area. The design of any building or structure in connection with such facility must conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property of the zone in which it is located.
 - 3) Any required off-street parking, service area and other requirements of the use shall be satisfactory to the Board.
 - 4) Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen planted in accordance with the needs of the instant situation as determined by the Board.

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W) Restaurant – A restaurant shall comply with the following standards:

- 1) Any bar facility shall be an accessory use to the principal use.
- 2) Outdoor storage areas and trash dumpsters shall be completely screened.
- 3) Drive through facilities, if used, must be located in either the rear or side of the building and must be adequately screened from adjacent properties.
- 4) All parking lot light fixtures, except for safety lighting, shall be extinguished when the restaurant is not open.
- 5) The impact on traffic shall be reviewed, and the Planning Board may require a traffic impact study.

X) Rooming, Tourist Home – Such temporary housing accommodations may be authorized by the Board where they find:

- 1) Floor space, health, safety and sanitary conditions are adequate.
- 2) Adequate off-street parking arrangements consistent with the number of accommodations to be provided are to be available.
- 3) The use of the property in question is consistent with the density guidelines established under the Village Plan, and with other use of property in the immediate neighborhood.

Y) Mobile Home Parks are allowed only as a Planned Residential District as per Article III, Section 3.10 (H).

Z) Individual Mobile Homes are prohibited in all areas of the Village except as a replacement of an existing mobile or manufactured home, and for temporary construction trailers.

AA) Telecommunication Facility Installed On Existing Buildings. Telecommunication facilities installed on an existing building shall only be permitted subject to a special use permit and site plan review approval by the Planning Board. This section does not apply to installation of a telecommunication facility to be installed on an existing telecommunication tower unless there is a proposed change in tower height or a change in size of any other structures on the existing site. If proposed within the designated Sharon Springs National Register Historic District, the applicant must also comply with all Federal requirements related to environmentally sensitive areas. Sites which are registered or eligible for listing in the National Register of Historic Places are considered environmentally sensitive and telecommunication licensees must receive approval from the FCC in order to construct a facility which impacts such an environmentally sensitive area.

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Article VII Commercial Site Plan Review

Section 7.1 Purpose and Applicability

7.1.1 The purpose of site plan review is to review the layout and design of a commercial development occurring on a single parcel of land. The Planning Board shall review site plans for those uses which, because of their scale, intensity or potentially disruptive nature, require careful layout, design, and placement on a site. The Site Plan approval does not consider appropriateness of a use for the site (determined through the special permit process), but only the suitability of a particular site plan. The principal purpose is to ensure compliance of a particular site with the purposes and performance criteria contained in this law. It is further the intent of this local law to ensure optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the Village as described in the Village of Sharon Springs Comprehensive Plan (April 2002) and any of its amendments, through review and approval of site plans.

It is not the intent of this Article to discourage contemporary architectural expression but rather to preserve the integrity and authenticity of the district and to ensure the compatibility of new structures. The standards below are intended to provide a framework within which the designer of the development is free to exercise creativity, invention and innovation while recognizing the Village's small and historic qualities. When applying such standards and guidelines, the Planning Board shall carefully weigh the specific circumstances surrounding each application, and strive for development solutions that promote development that protects and enhances the character and architectural heritage of the village and that is consistent with the adopted Village of Sharon Springs Comprehensive Plan.

Specifically, it is the intent of this local law to ensure that new development is consistent with the following goals established in the comprehensive plan:

- A. Enrich the Village's natural beauty and small town character; and
- B. New development is consistent with historic elements and character, particularly along Route 10 and Route 20.

7.1.2 Toward this end, these regulations establish a review process and development standards to ensure that the following general conditions have been met:

- A. That the site plan, to the extent practicable, is compatible with the goals, policies and standards set forth in the Village of Sharon Springs Comprehensive Plan;
- B. Adjacent properties are protected from nuisance caused by noise, traffic, noxious or harmful fumes and glare of lights.
- C. Significant natural, cultural, and historical features on a site are preserved as much as possible.
- D. Adequate facilities for off street parking and loading, drainage, snow removal, fire protection and methods of solid waste disposal are provided on site.

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- E. Roads, pedestrian ways, access driveways, loading areas and parking facilities are properly designed and operated for public convenience, universal accessibility, public safety, and for consistency with Village road standards and desired aesthetic character.
 - F. Pollution of air, streams, and groundwater supplies is minimized.
 - G. Development will be compatible with their surroundings and in keeping with the character of the Village of Sharon Springs. Community character is the relationship between the natural and built environment of a place. It includes all areas and aspects of the community having little or no built environment such as open lands, wetlands, woodlands, and steep slopes and areas and aspects of the built environment. Sharon Springs' built environment includes many historic buildings, an intact main street business area, churches, the Sharon Springs Central School, residences, and various businesses and business locations, often mixed in with residences. The Village is traditional in nature (a dense core with a main street business area, narrow tree-lined streets, and sidewalks) and is surrounded by land in the Town of Sharon that is rural and open with low-density of development. Community character also includes aspects of social diversity of the local population and the types of social interactions which takes place in the Village as well as Sharon Springs' economic activities. Taken all together, community character is a measure of the uniqueness that sets a community apart and gives meaning and personality to a place. This uniqueness is at the essence of what community character is. The goal of Site Plan Review is to maintain the Village's uniqueness.
- 7.1.3 The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans for land uses within the Village as hereinafter designated pursuant to, and in accordance with, the standards and procedures set forth in this local law. Uses requiring site plan approval include:
- A. All proposed commercial land uses;
 - B. Uses requiring a special use permit;
 - C. Uses that have undergone a change in use, other than single and two-family dwellings, as required in Article III, Section 3.5 including but not limited to an increased parking lot or different requirements for parking, an increase or change in impervious surface area, proposed erection of a new sign, proposed establishment of additional exterior lighting, proposed structural enlargement, proposed additional site plan improvements, or if the exterior façade is changed.; and
 - D. Construction, reconstruction, installation, expansion, contraction, alteration or relocation of any sign associated with a use that is subject to this law.
 - E. Site Plan approval shall also be required for the resumption of any use described in this law which has been discontinued for more than one year, for the expansion of any such existing use, or for the resumption or expansion of any use for which an approved site plan exists.

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- F. Any use that would otherwise be subject to this law, which has been discontinued for a period of one (1) year or more, shall be subject to review pursuant to the terms of this law before such use is resumed.

7.1.4 Uses Exempted from Site Plan Review

- A. Construction of one or two family dwellings, ordinary accessory structures (except when added to existing commercial use on a lot).
- B. Ordinary repair or maintenance of existing structures or uses.
- C. Agricultural structures as defined under the N.Y. State Building and Fire Code Regulations and agricultural land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure. Temporary roadside stands smaller than 100 square feet are exempt.
- D. Incidental landscaping or grading not intended to be used in connection with a land use reviewable under the provisions of this local law.
- E. Exterior alterations or additions to an existing residential structure which do not substantially change its nature or use.
- F. Interior alterations that do not substantially change the nature or use of an existing commercial structure.
- G. Any change in use which does not require the issuance of a certificate of occupancy pursuant to the New York State Building and Fire Code.
- H. Garage and lawn sales.
- I. Residential garden uses and residential, non-commercial timber cutting.
- J. Uses and structures which have already initiated construction prior to the enactment of this local law.
- K. Separate site plan review is not required for minor projects that are required to undergo review for a Special Use Permit.

Section 7.2 Sketch Plan, Preliminary Plan and Final Site Plan Procedures

- A. Sketch Plan. All development applications shall be made to the Code Enforcement Officer. The Code Enforcement Officer shall determine if a Site Plan Review is required and if so, forward all application materials to the Planning Board. An informal conference between the applicant and the Planning Board shall be conducted prior to submission of a preliminary site plan application to review the proposed development in light of existing conditions and to generally determine the information to be required in the site plan.

In order to accomplish these objectives, the applicant shall provide eight copies of the following information to the Planning Board for a Sketch Plan conference at least ten days prior to the regularly scheduled Planning Board meeting:

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1. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
 2. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel; and
 3. At the discretion of the Planning Board, a topographic or contour map of adequate scale and detail to show contour lines on the site and any slopes or other significant topography that may be present.
 4. A sketch showing locations of natural features such as streams, wetlands, ponds, lakes, or other natural characteristics.
 5. The Planning Board shall evaluate the need for establishing an escrow account based on the scope of the project during the sketch plan review.
- B. Sketch Plan Review. The intent of the sketch plan conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. At the sketch plan conference the Planning Board will review and determine if the proposal is in conformity with the Comprehensive Plan of the Village of Sharon Springs. The Planning Board shall also review with the applicant submission requirements to determine what specific information is to be presented with the site plan application.
- C. Preliminary Site Plan Application. After approval of a sketch plan, the applicant shall forward eight copies of a completed Preliminary Site Plan Application (available from the Village Clerk or Code Enforcement Officer), eight copies of a site plan pursuant to subsection 5, below, and an application fee that has been established by the Village of Sharon Springs.
- D. Preliminary Site Plan Submission Requirements. The site plan submitted for preliminary approval and supporting documentation shall include all applicable information contained in the sketch plan in addition to the following information, unless waived by the Planning Board pursuant to Section 7.5. All submitted maps shall be drawn at a scale of 50' to one inch or larger and designed by a qualified professional such as but not limited to an architect, landscape architect, engineer, or surveyor.
1. Title of site plan, including name and address of applicant, and person responsible for preparing such drawing.
 2. North arrow, scale and date.
 3. Boundaries of property plotted to scale.
 4. Location, size, and existing use of buildings on premises.

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5. Location and ownership identification and address for all adjacent lands as shown on the latest tax records.
6. Location, name and width of all existing public streets, easements, other reservations of land or areas dedicated to public use within 500 feet of the applicant's property.
7. Location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, reservations, and areas dedicated to public use on or adjoining the property.
8. Grading and drainage plans showing existing and proposed contours and water course within, and extending 50 feet beyond, applicant's property, and soil erosion and sediment control plan if required by DEC or other local statutes or regulations.
9. Location, design, type of construction, and exterior dimensions of all proposed buildings and structures.
10. Identification of the amount of gross floor area, proposed division of building into units of separate occupancy and hours of operation for retail sales and services offices and other commercial facilities.
11. Location, design, type of construction, and area of all parking and truck loading areas (including number of parking spaces) showing access and egress.
12. Provision for pedestrian access, including public and private sidewalks, if applicable.
13. Location of outdoor storage and solid waste disposal, and location and description of any hazardous materials to be used or stored on site.
14. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
15. Description of the method of sewage disposal and the location of such facilities, including the location of the collection system.
16. Description of the approximate quantity of water required and location of distribution system.
17. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required.
18. Location, design, and construction materials of all energy generation and distribution facilities, including electrical, gas, solar energy, and all power and communication facilities, including towers and satellite dish antennas.
19. Location, size, design and type of construction of all proposed signs.
20. Location and development of all proposed buffer areas, including indication of existing and proposed vegetative cover.
21. Location and design of existing and proposed outdoor lighting facilities.
22. General landscaping plan and planting schedule.
23. Location and identification of all structures and uses on adjacent lands within 50 feet of the property line.
24. Identification of any permits from other governmental bodies required for the project's execution and a record of applications and approval status of all necessary permits from federal, state, county and local agencies. It is the responsibility of the applicant to identify needed permits from other agencies.
25. Estimated project construction schedule, phasing, time frames, and cost.
26. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference.
27. State Environmental Quality Review Act (SEQRA. Environmental Assessment Form.)
28. Elevation and façade treatment plans of all proposed structures.

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29. Any pertinent natural features that may affect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, steep slopes (more than 15%), areas of frequent rock outcrops, etc.
 30. Vicinity Map. A map, drawn at a scale of two-thousand (2000) feet to the inch, or larger, showing the proposed site in relation to existing community facilities that may affect or serve it, such as roads, shopping areas, schools.
- E. Additional Preliminary Site Plan Requirements. For projects that could, in the opinion of the Planning Board, have traffic, visual, or stormwater impacts, the applicant shall submit traffic impact and drainage design reports, visual impact assessment and proposed grading plans as follows:
1. Traffic Report. Traffic Reports shall include the following for the study area:
 - a. Internal traffic flow analyses
 - b. Existing average daily traffic and peak hour levels
 - c. Analyses of average daily traffic and peak hour levels resulting from the project
 - d. An analysis of existing and resulting intersection levels of service (LOS)
 - e. Directional vehicular flows resulting from the proposed project
 - f. Proposed methods to mitigate the estimated traffic impact
 - g. Identification of any pedestrian crossing issues
 - h. The methodology and sources used to derive existing data and estimations.
 2. Visual Impact Report. The Visual Impact Assessment shall be prepared by a qualified professional including but not limited to an architect, landscape architect, engineer or planner and shall include:
 - a. Visually illustrate and evaluate the relationship of proposed new structures or alterations to nearby pre-existing structures in terms of visual character and intensity of use (e.g. scale, materials, color, odor, door and window size and locations, setbacks, roof and cornice lines, and other major design elements.;
 - b. An analysis of the visual impacts on neighboring properties from the proposed development and alterations, and of the location and configuration of proposed structures, parking areas, open space, and gradient changes;
 - c. A site plan rendering.
 3. Water and Stormwater Management Plan. The contents of the stormwater management plan shall contain sufficient information for the Planning Board to evaluate the hydrological and hydrological-dependent characteristics of the land to be developed, the potential and predicted impacts of land development on the local hydrology, and the effectiveness and acceptability of all measures proposed by the applicant for reducing adverse impacts. The stormwater management and stormwater pollution prevention plans shall be prepared in compliance with all State and Federal regulations.
- F. Planning Board Action on Preliminary Site Plan:
1. Acceptance of Site Plan Application. The Planning Board shall, within sixty-two (62) days of a site plan application being filed, determine whether to accept the application as complete and begin the review process, or to reject the application

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as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating the application deficiencies. No application shall be considered complete until a negative declaration under SEQRA Part 617 has been issued or until a draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content, and adequacy.

2. **Public Hearing.** The Planning Board shall conduct a public hearing on the site plan. Such hearing shall be held within sixty-two (62) days of the Planning Board's acceptance of the preliminary site plan application as complete and shall be advertised in the Village's official newspaper at least five (5) days before the hearing. The Planning Board shall give the applicant at least ten (10) days notice by mail of the Public Hearing. The Planning Board shall send notice of the Public Hearing to abutting property owners by certified mail, return receipt requested at least seven (7) days prior to the public hearing. All related expenses including mailing costs and costs to print legal notices shall be the responsibility of the applicant.
3. **Coordinated Review.** The Planning Board may in time in its discretion refer the site plan for review and comment to local and county officials or their designated consultants, and to representatives of federal, state and county agencies, including but not limited to the Natural Resource Conservation Service, the New York State Department of Transportation, the State Department of Environmental Conservation, or the state or county Department of Health, whichever has jurisdiction.
4. **Required Referral.** Prior to taking the final action on the site plan, and at least ten 10 days prior to the Public Hearing the Planning Board shall refer the plan to the Schoharie County Planning Department for their review and approval pursuant to Section 239-m of the General Municipal Law.
5. **SEQRA.** No application shall be approved without compliance with SEQRA, including, where necessary, a lead agency determination, a negative or positive declaration, and submission of an acceptable draft environmental impact statement.
6. **Decision.** Within 62 days of the public hearing, the Planning Board shall render a decision on the preliminary site plan. The Planning Board's action shall be in the form of a written statement to the applicant stating whether the preliminary site plan is recommended for approval, disapproval or approval with modifications. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, of which conformance with said modifications shall be considered a condition for a recommendation of approval. If the preliminary site plan is recommended for disapproval, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned. The Planning Board's decision must be filed with the Village Clerk within five business days after such decision is rendered and a copy mailed to the applicant.

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- a. Approval. Upon approval of the preliminary site plan and payment by the applicant of all fees and reimbursable costs due to the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file with the site plan and a written statement of approval with the Village Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- b. Approval with Modifications. The Planning Board may approve the site plan and require that specific modifications or conditions be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail, return receipt requested. The applicant shall submit a modified final site plan in reproducible form. Upon approval and after payment by the applicant of all fees and reimbursable costs due the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days, file the site plan and a written statement of approval with the Village Clerk.
- c. Disapproval. Upon disapproval of the site plan, the decision of the Planning Board shall, within five (5) business days, file the same with the Village Clerk and mail a copy thereof to the applicant by certified mail, along with a letter stating the Planning Board's reasons for disapproval.

Section 7.3 Planning Board Action on Final Site Plan.

After receiving a recommendation for approval, with or without modifications from the Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Planning Board. If more than 6 months has elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. Eight copies of a final site plan, an application for final site plan approval and any fee established by the Village of Sharon Springs shall be submitted to the Planning Board at least 10 days prior to their next regularly scheduled meeting.

- A. Application for Final Site Plan. The final detailed site plan shall conform substantially to the preliminary site plan originally recommended for approval. It should incorporate any modifications that may have been recommended by the Planning Board in its preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

The following additional information shall accompany an application for final detailed site plan review:

1. Record of application for and status of all necessary permits from State and County officials.
 2. Detailed sizing and final material specification of all required improvements.
 3. An estimated project construction schedule.
- B. Public Hearing. The Planning Board may conduct a Public Hearing on the final site plan if considered desirable by a majority of its members. Such hearing shall be held within 62 days of the receipt of complete application for final site plan review and shall be advertised in the Village's official newspaper, or if there is none, in a

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newspaper of general circulation in the Village at least 5 days before the public hearing.

- C. Decision. Within 62 days of receipt of the complete application for final site plan approval or if a public hearing is held within 62 days of public hearing, the Planning Board shall render a decision. The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board. In its decision the Planning Board may approve, approve with modifications or disapprove the final site plan. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by the Code Enforcement Officer.
 1. Approval. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file with the site plan and a written statement of approval with the Village Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
 2. Approval with Modifications. The Planning Board may approve the final site plan and require that specific modifications or conditions be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail, return receipt requested. The applicant shall submit a modified final site plan in reproducible form. Upon approval and after payment by the applicant of all fees and reimbursable costs due the Village, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days, file the site plan and a written statement of approval with the Village Clerk.
 3. Disapproval. Upon disapproval of the final site plan, the decision of the Planning Board shall, within five (5) business days, file the same with the Village Clerk and mail a copy thereof to the applicant by certified mail. If the site plan is disapproved, the Planning Board may recommend further study of the site plan and re-submission to the Planning Board after it has been revised or redesigned.
- D. A copy of the Planning Board's decision shall be filed in the Village Clerk's office within five business days and a copy mailed to the applicant. A resolution of either approval or approval with modifications or conditions shall include authorization to the Planning Board Chairman to stamp and sign the site plan upon the applicant's compliance with applicable conditions and the submission requirements stated herein.
- E. Submittal for stamping and signing.
 1. Within six (6) months after receiving site plan approval, with or without modifications, the applicant shall submit three (3) copies of the site plan to the Planning Board for stamping and signing. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board, except that

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it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:

- a. Record of application for and approval status of all necessary permits from Federal, State and county officials.
 - b. Detailed sizing and final material specification of all required improvements.
 - c. An estimated project construction schedule. If a performance guaranty is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.
 - d. Proof of payment of the Planning Board's reasonable review costs.
2. Upon stamping and signing the site plan, the Planning Board shall forward a copy of the approved site plan to the Code Enforcement Officer and the applicant. The Code Enforcement Officer may then issue a building permit or certificate of occupancy if the project conforms to all other applicable requirements.

Section 7.4 Less Intensive Review.

The Planning Board may elect to conduct a less intensive review for minor types of projects. A major project is any proposed use that requires a Special Use Permit, and that exceeds any of the thresholds for a minor project. A minor project is a use or combination of uses on a lot or a series of adjoining lots that requires either site plan review, a Special Use Permit, or both and that is:

- A. Construction of a two-family unit or a bed and breakfast or lodging facility with up to six bedrooms;
- B. Construction of facilities or structures for a nonresidential use covering no more than 1500 square feet of building footprint;
- C. Alteration of existing structures or expansion of such structures by no more than 1000 square feet; and
- D. Conversion of existing structures totaling 1500 square feet or less to another use.

Section 7.5 Waivers.

Certain application requirements of this Article for such proposed uses may be waived by the Planning Board if the Board finds that any such requirements are not requisite in the interest of the public health, safety or general welfare or are inappropriate to a particular site plan. Waivers shall be explicitly requested by the applicant in writing, and expressly granted by the Planning Board. Requirements of this Section may not be waived except as properly voted by the Planning Board. The Planning Board must state in writing its grounds for electing to conduct less intensive review and file such statement along with the site plan application and supporting documents.

Section 7.6 Escrow.

The Planning Board is authorized to retain professional assistance in reviewing the sketch plan, preliminary site plan or final site plan as needed including, but not limited to engineers, attorneys, hydrogeologists, traffic engineers, landscape architects, and planners. An escrow account, funded by the applicant, shall be established by the Village of Sharon Springs. All expenses related to the review of a proposal by the Planning Board, including retention of professional assistance shall be paid from this escrow account. The applicant shall supply the Planning Board

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information related to the total cost of the project or other information as may be required to calculate an appropriate escrow account to cover these expenses.

Section 7.7. Failure to Take Action on Application.

Failure of the Planning Board to render a decision within the prescribed time limits shall constitute approval by the Planning Board.

Section 7.8. Extension of Time to Render Decision.

The time period in which the Planning Board must render its decision on the site plan may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and board, shall not constitute Planning Board approval of the site plan as submitted or last amended, and shall not be deemed automatic approval.

Section 7.9. Segmentation.

The site plan application and associated maps shall include proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

Section 7-10 Standards and criteria.

In reviewing site plans, the Planning Board shall consider the Village of Sharon Springs Comprehensive Plan and standards set forth below. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. For all uses subject to site plan review, the design standards detailed in Section 4.3 of this Local Law shall apply. In addition to these requirements the following design aspects shall be incorporated into site plans.

7-10.1 Layout and design.

- A. All structures in the plan shall be integrated with each other and with adjacent structures and should, wherever practical, be laid out in the pattern of a traditional village.
- B. Structures that are visible from public roads shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials and placement, and shall harmonize with traditional elements in the architectural fabric of the area.
- C. Architectural design shall be in keeping with the unique local architectural character of the village. The design of all applicable structures including habitable structures, walls, fences, signs, light fixtures and accessory and appurtenant structures shall be unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings, and the scale of neighboring architecture, complying with the intent of this section. Innovative, high quality design and development is strongly encouraged to enhance property values and long term economic assets within the Village. Trademarked architectural styles that identify a specific company by building features are prohibited.

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1. Exterior materials and architectural elements.
 - a. Roofs. Roof overhangs and pitched roofs shall be incorporated into all building designs. Wood shingles, slate shingles, multilayered asphalt shingles, metal (raised seam, galvanized metal, corrugated metal, metal tile, etc.) or tiles are permitted. Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch of 4:12) without a pediment, and long, unarticulated roofs are not permitted.
 - b. Sides of buildings and structures. Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block and artificial siding material which resemble painted wood clapboard are permitted. Wood siding may be painted, stained, weathered, or left natural. Long, unarticulated, blank facades are not permitted. Plywood, cinder block, unfinished poured concrete, unfaced concrete block, plastic or vinyl, not closely resembling painted wood clapboard, and metal buildings without exterior skin are not permitted. Highly reflective mirrored glass or materials as the predominant material or visible texture are not recommended.
 - c. Colors. Predominant color design shall be compatible with Historic and Agricultural local palette which include traditional historic colors, earth tones (greens, tans, light browns, terracotta), grays, pale primary and secondary colors (with less than 50% color value), white and cream tones, and oxblood red. Accent color design (i.e., black, dark blue, grays, and other dark primary colors) may be used on a limited basis as part of an architectural motif, at the discretion of the Planning Board. Color contrasts resulting in a clearly disturbing appearance and primary colors are not permitted.
 - d. Accessory uses. The design of accessory buildings and structures, if permitted within the applicable zoning district, shall reflect and coordinate with the general style of architecture inherent in the primary structure for the proposed development. Covered porches, canopies, awnings, trellises, gazebos, street/pedestrian furniture and open wood fences are encouraged. Unscreened chain link or woven metal fences are not permitted. Internally illuminated and/or neon lighted exterior, architectural or structural element(s) that is/are visible from the highway are not permitted. Exterior display of merchandise shall not impede pedestrian safety or limit vehicular site distances.
- D. Context and Compatibility. These standards and guidelines establish an expectation that new development is similar in context and compatible with existing development in Sharon Springs. Context and compatibility with respected neighborhood buildings can be judged including, but not limited to the following major points of comparison:
 1. Roof shapes, slopes and cornices are consistent with the prevalent types in the areas.
 2. Rhythm of building spacing along the street and overall scale are not interrupted.
 3. Proportions for facades and window openings are in harmony with historic types.

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4. Materials, textures, and colors are similar, with natural and traditional building materials preferred.
5. Site details (porches, entrances, signs, landscaping, lighting, screened parking and mechanical systems) complement traditional examples in the area

E. Building Placement.

1. Buildings shall be designed so that entrance doors and windows, rather than blank walls, garages, side walls or storage areas, face the street. Blank walls for commercial applications are discouraged but may be allowed at the discretion of the Planning Board under certain circumstances, such as when the structure is along an alley or when facing another blank wall.
2. The front façade of the building should be parallel to the main street. Building facades shall be compatible with historic buildings in the Village. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
3. No parking area shall be located in the front yard setback between a principal building and any public street. If necessary due to specific site conditions, one row of parking may be placed between the principal building and the public street only if topography or a year round vegetative buffer of sufficient density to substantially limit the view of the parking lot screens the parking lot.
4. Build-to line. Buildings shall define the streetscape through the use of setbacks along the build-to-line for each block. The function of the build-to line is to form a distinct street edge and define the border between the public space of the street and the private space of the individual lot. The build-to line shall fall between the minimum and maximum front yard setbacks. In areas of existing development where existing buildings fall within the minimum and maximum front yard setbacks, the build-to line shall be designed to create the greatest uniformity on the block. In areas of existing development where existing buildings do not fall within the minimum and maximum front yard setbacks, the build-to line shall be designed as the closest line within the minimum and maximum front yard setbacks so as to create as much uniformity on the block as possible. A minimum of 80% of all buildings on the block shall conform to the build-to-line with the remaining 20% allowed to vary by being further setback no greater than 75% of the distance from the right-of-way to the build-to-line. Buildings shall be allowed to come forward of the build-to line by no greater than 25% of the distance between the right-of-way and the build-to-line.

F. Building Scale.

1. The scale and mass of buildings shall be reviewed by the Planning Board during Site Plan Review and determined to be compatible with that of adjacent and nearby buildings as viewed from the street.

G. Windows

1. The spacing, pattern and detailing of windows and window openings shall be reviewed by the Planning Board during Site Plan Review and determined to be

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compatible with adjacent buildings including historic buildings in the Village where possible.

2. The relationship of the width of windows to the height of windows in a building shall be visually compatible with adjacent buildings.

7-10.2 Landscaping. In addition to all other district landscaping requirements, the following shall be met:

- A. Landscape Plan shall be developed and shall include plant selection suitable for the specific site. Native species of both deciduous and coniferous plants shall be included in the plan whenever possible.
- B. The Planning Board may require landscape buffers between commercial uses and residences. Such buffers may include fences, planted trees and shrubs, hedgerows, berms, existing forestland or forest created through natural succession. Plantings shall be indicated on the site plan and shall meet the following standards:
 1. Plant materials shall be a minimum three gallon pot size and shall be spaced to form a continuous, solid screen at maturity. Generally, plants / trees shall be spaced apart at distances no greater than ten (10) feet on center.
 2. Where appropriate, a wall, fence (finished side out), or earthen berm of location, height, and design approved by the Planning Board, may be substituted for the required planting.
 3. Modifications. Where the existing topography and / or landscaping provide adequate screening, the Planning Board may modify the planting and / or buffer area requirements.
- C. Landscaping shall be an integral part of the entire project area and shall buffer the site from or integrate the site with the surrounding area, as appropriate.
- D. Primary landscape treatment shall consist of shrubs, ground cover and shade trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should generally be native to the region and appropriate to the growing conditions of the Village's environment.
- E. To the extent practical, existing trees and other vegetation shall be conserved and integrated into the landscape design plan. Healthy trees with diameters of twelve (12) inches or greater measured at chest height shall be marked on the plan and preserved to the extent possible.
- F. If deemed appropriate for the site by the reviewing board, shade trees at least six (6) feet tall shall be planted and maintained at twenty-to forty-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.
- G. For landscaping parking lots, see Article IV.

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- H. Pedestrian pathways shall be covered with crushed stone, bark, gravel, brick, stone, or paved as appropriate, to allow drainage and prevent erosion.
- I. Construction practice and planting specifications should follow ANSI Z60.1 American Standards for Nursery Stock.
- J. Maintenance – All planting shown on an approval landscape or site landscape or development plan shall be maintained throughout the duration of the use, and plants not so maintained shall be replaced in accordance with the plan’s specifications.
- K. Blank end walls that are visible from the road or adjacent residences shall be landscaped.
- L. Transformers, gas meters, dumpsters, and other utility or service structures shall be screened.
- M. A landscaped area may be required to screen and protect neighboring residential properties and passing motorists from the view of facilities, buildings, and parking areas of the site development, as warranted. Landscaped areas are subject to the following:

N. Sidewalks and Street Trees

1. Where no sidewalks exist, new uses shall construct 5-foot wide sidewalks located with a minimum of 3-foot green space between the road and the sidewalk edge, where feasible, and shall transition to existing walkways. To maintain sight lines, trees and other objects should be restricted from corners for distances of 30 feet on sides where motorists would look right and 15 feet on sides where they look left.
2. Planting strips. Sidewalks shall be separated from street edges or curbs by a planting strip three to six feet wide and planted with shade trees.
3. Shade trees shall be provided along each side of all streets, public or private, existing or proposed, and at the expense of the owner of the subdivision. In locations where healthy and mature shade trees currently exist, these should be maintained and the requirements for new trees may be waived or modified. Shade trees shall be located in the planting strip between the street curb and the sidewalk where sidewalks are present. When a new street has a sidewalk on only one side, the shade tree shall be planted at the same distance from the street edge or curb on both sides of the street.
4. Street trees shall be irrigated and fertilized by the applicant for a minimum of two years after installation. Any tree that dies within two years of planting, or any tree that is removed shall be replaced with the same species and size.
5. Street furniture shall be permitted and shall be located so as not to obstruct site lines of vehicles or pedestrians. Benches, when provided, shall be placed to face sidewalks and other pedestrian ways.

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6. All merchandise that is displayed outside on sidewalks shall be moved inside after hours.

7-10.3 Parking, circulation and loading. In addition to all other district parking requirements, the following shall be met:

- A. Roads, driveways, sidewalks, off-street parking and loading space shall be safe and shall encourage pedestrian movement.
- B. Vehicular and pedestrian connections between adjacent sites the construction of connected parking lots, service roads, alleys, footpaths, bike paths and new public streets to connect adjoining properties such as are encouraged to facilitate pedestrian use and to minimize traffic entering existing roads.
- C. Off-street parking and loading requirements of Article IV shall be fulfilled.
- D. Access from and egress to public highways shall be approved by the appropriate highway department, including Village, county and state.
- E. All buildings shall be accessible by emergency vehicles.
- F. In the main street area, on-street parking along the front property line shall count toward fulfilling the minimum parking requirement for the use on that lot.
- G. On-street parking shall be supplemented, wherever necessary as specified in §VII (A and B) by off-street parking areas located to the rear or side of buildings. Ideally, off-street parking shall be provided in the rear yard.
- H. Buffering of parking lots in the main street area from adjacent residences shall be accomplished through generous landscaping. Where site limitations necessitate that parking areas be located adjacent to a public road, a berm, masonry wall, solid fence or evergreen hedge at least 30 inches in height above grade at the time of planting shall be installed to screen the view of parking areas from the road or street. Existing vegetation, which is proposed for preservation, may also be used to screen the view of parking areas.
- I. Cross-access easements for adjacent properties with interconnected parking lots shall be required, in language acceptable to the Village Attorney.
- J. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas that serve low-impact parking needs.

7-10.4 Miscellaneous standards.

- A. Buildings and other facilities shall be designed, located and operated to avoid causing excessive noise.
- B. Exterior lighting fixtures shall be shielded to prevent light from shining directly onto neighboring properties or public ways.

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- C. Drainage of the site shall recharge groundwater to the extent practical. The rate of surface water flowing off site shall not increase above pre-development conditions and pursuant to New York State law, shall not adversely affect drainage on adjacent properties or public roads.
- D. Requirements for proper disposal of construction and demolition waste shall be fulfilled, and any necessary permits or agreements for off-site disposal shall be obtained.
- E. Additional site plan requirements and standards for review set forth in other sections of this local law shall be satisfied.
- F. Pedestrian Circulation. All streets shall be provided with continuous sidewalks on one or both sides of the street. Sidewalks shall be four to five feet wide and constructed of concrete, masonry materials, or slate. Asphalt sidewalks are prohibited. Any new sidewalk shall be connected to existing sidewalks. Sidewalks shall comply with all applicable requirements of the American with Disabilities Act.
 - 1. The Planning Board may work with NYS DOT to plan for crosswalks and appropriate traffic calming methods for state highways in the Village.

7.10.5. Signage

All signage standards of Section 4.2 shall be met for all uses requiring Site Plan approval.

7.10.6. Lighting

A. General Standards

- 1. Exterior architectural, display and decorative lighting visible from the highway shall be generated from a concealed light source with low-level fixtures.
- 2. Any lighting fixture used to illuminate parking areas, access drives or loading areas shall be of such design, so as to minimize the amount of ambient lighting perceptible from adjacent properties. In no case, shall any lighting impair the vision of motorists on the roadway.
- 3. All interior lighting shall be designed to prevent the light source or high levels of light from being visible from the roadway.
- 4. Entrances into developments from the highway may be lighted for traffic safety reasons, provided such lighting does not exceed the applicable foot-candle requirements specified in subsection C, below.
- 5. A site lighting plan shall be submitted as part of the application submission.

B. Light Fixtures.

- 1. Any light fixture shall be a cutoff luminaire whose course is completely concealed with opaque housing and shall not be visible from any street. This provision includes lights on mounted poles, as well as architectural display and decorative lighting visible from the corridor.

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2. Fixtures shall be mounted in such a manner that the cone of light is not directed at any property line of the site.
3. Only incandescent, fluorescent, metal halide, mercury vapor or color corrected high pressure sodium light may be used. The same type of lighting must be used for all fixtures and light sources on the site. This shall not cover seasonal or holiday lighting.
4. Only white or off-white (light yellow tones) may be used for any light source.
5. Lighting poles mounted within 50 feet of the highway right-of-way may not exceed a height of 20 feet, and only forward-throw, or type IV lights may be used to light entrances. The minimum mounting height for a pole shall be 12 feet.

C. Illumination Levels.

All site lighting shall be designed so that the level of illumination measured in foot-candles (fc) at any one point meets the standards below. The Planning Board shall have the discretion to allow limited flexibility as to variations in the minimum and average levels, if the proposed levels are below the following standards. The Planning Board shall not allow flexibility for proposed levels which exceed the maximum levels, unless such levels strictly conform to the recommended levels within the IESNA Lighting Handbook.

Table of Illumination Levels

Location or Type of Lighting	Minimum Level (fc)	Average Level (fc)	Maximum Level (fc)
Landscape and decorative	0.0	0.50	5.0
Commercial parking areas	0.6	2.40	10.0
Multi-family residential parking areas	0.2	1.5	10.0
Areas for display of outdoor merchandise	1.0	5.0	15.0
Walkways and streets	0.2	1.0	10.0

Notes on Table: Minimum and maximum levels are measured at any one point. Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building, or areas which do not lend themselves to pedestrian traffic. If the major portion of the lighting is placed in front of a building, the average level should not be affected by adding any additional lighting elsewhere on the building.

Section 7-11 Performance Guarantees.

- A. Performance guarantees. No permanent certificate of occupancy shall be issued until all improvements shown on the site plan are installed, or a sufficient performance guaranty has been posted for improvements not yet completed. The performance guaranty shall be posted in accordance with the procedures specified in Section 7-725-a (7) of the NYS village Law. The Village Board of Trustees shall determine the

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amount and sufficiency of such performance guaranty prior to approval by the Planning Board.

1. Types of Guarantees: As an alternative to the completion of required improvements, a performance guarantee shall be furnished by the applicant to the Village. Performance guarantees for site plan approval and Special Use Permits are contained in this section. (Performance guarantees applicable to subdivisions are set forth in the subdivision regulations.) Such guarantees may include one or a combination of the following:
 - a. A bond executed by a surety company equal to the cost of such improvements. Any such bond shall require the approval of the Village Board of Trustees, in consultation with the Village Attorney, as the case may be, as to form, sufficiency, manner of execution and surety.
 - b. A certified check in a sufficient amount up to the cost of the improvements. The certified check shall be placed in an escrow account established by the Village for this purpose.
 - c. The deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this State.
 2. Completion of Improvements and Refund of Performance Guarantees: The Planning Board shall specify the time frame for completion of improvements. When a certified check or performance bond is issued, the Village and the applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation. Each cost as listed shall be repaid to the applicant(s) upon completion and approval after inspection of the improvement.
 3. Forfeiture of Security and Completion of Improvements: In the event that any required improvements have not been installed as required above within the term of the performance guarantee, the Village may declare the applicant in default and collect the sum payable. Upon receipt of the proceeds of the performance guarantee, the Village shall install or cause to be installed the required improvements at a cost not to exceed the amount of such proceeds.
- B. As-built plans and inspection of improvements. No certificate of occupancy shall be granted until the applicant has filed a set of as-built plans with the Code Enforcement Officer, indicating any deviations from the approved site plan. The Code Enforcement Officer shall be responsible for the inspection of site improvements, including coordination with the Village's consultants and other local officials and agencies, as may be appropriate, and shall grant a certificate of completion upon a finding that the project as built complies in all material respects with the site plan. Prior to the Planning Board Chairman signing the site plan, the applicant shall pay to the Village Clerk an inspection fee escrow established by the Sharon Springs Board of Trustees. Inspections during installation of improvements shall be made by the Village Engineer, and/or Zoning Enforcement Officer to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Village Engineer and Zoning Enforcement Officer when each phase of improvements is ready for inspection. Upon acceptable inspection and

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final completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the Village of the portion of the performance bond or certified check deposit as designated in the contract to cover the cost of such completed work.

- C. Phased Development. The Planning Board may further request, subject to Village Board approval, that the applicant deposit a separate performance bond or certified check for each phase of development proposed. In this event, five percent (5%) of the check deposit or performance bond shall be withheld from the applicant until sixty (60) days following the completion, inspection, and acceptance by the Village of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the Village Engineer and Zoning Enforcement Officer.

- D. Site plan amendments. The site plan may be amended by filing an application with the Planning Board.
 - 1. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable Special Use Permit approval and does not represent a substantial change from the approved site plan, it may grant the amendment without a hearing.
 - 2. If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable Special Use Permit approval, but is a substantial change from the approved site plan, it shall follow the procedures for major project site plan approval and hold a public hearing.
 - 3. If the Planning Board determines that the proposed amendment is inconsistent with the terms of any Special Use Permit approval, it shall consider the application to be one for a Special Use Permit amendment and proceed pursuant to the requirements for amendments to Special Use Permits.

- E. Expiration, revocation and enforcement.
 - 1. A site plan approval shall expire if the applicant fails to obtain the necessary building permits or fails to comply with the conditions of the site plan approval within eighteen (18) months of its issuance, or if the Special Use Permit with which it is associated expires. The Planning Board may grant a one-time six-month extension.
 - 2. A site plan approval may be revoked by the Planning Board if the permittee violates the conditions of the site plan approval or engages in any construction or alteration not authorized by the site plan approval.
 - 3. Any violation of the conditions of a site plan approval shall be deemed a violation of this law and shall be subject to enforcement action as provided in Article II.

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Article VIII Zoning board of appeals.

Section 8.1 Appointment of members.

The mayor shall appoint three members to the board of appeals and shall appoint the chairperson thereof, subject to the approval of the board of trustees. In the absence of a chairperson the board of appeals may designate a member to serve as acting chairperson. The board of trustees may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the board of trustees for such purpose. In making such appointment, the village board of trustees may require board of appeals members to complete training and continuing education courses in accordance with any local requirements for the training of such members.

Section 8.2 Board of trustees ineligible.

No person who is a member of the village board of trustees shall be eligible for membership on such board of appeals.

Section 8.3 Terms of members.

The appointment of members to the board shall be of terms so fixed that one member's term shall expire at the end of the village official year in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each official year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed by the board of trustees for a term which shall be equal in years to the number of members of the board.

Section 8.4 Terms of members now in office.

Members now holding office for terms which do not expire at the end of a year shall, upon the expiration of their term, hold office until the end of the year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the board.

Section 8.5 Increasing membership.

Any board of trustees may, by local law, increase a three-member board of appeals to five members. Additional members shall be first appointed for single terms as provided by resolution in order that the terms of members shall expire in each of five successive years and their successors shall thereafter be appointed for full terms of five years. No such additional member shall take part in the consideration of any matter for which an application was on file with the board of appeals at the time of his or her appointment.

Section 8.6 Decreasing membership.

A board of trustees which has increased the number of members of the board of appeals to five may, by local law, decrease the number of members of the board of appeals to three to take effect upon the next two expirations of terms.

Section 8.7 Vacancy in office.

If a vacancy shall occur otherwise than by expiration of term, the mayor shall appoint the new member for the unexpired term.

Section 8.8 Removal of members.

The mayor shall have the power to remove, after public hearing, any member of the zoning board of appeals for cause. Any zoning board of appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the village board of trustees by local law.

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Section 8.9 Chairperson duties.

All meetings of the board of appeals shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

Section 8.10 Alternate members.

- A. A village board of trustees may, by local law or as a part of the local law creating the zoning board of appeals, establish alternate zoning board of appeals member positions for purposes of substituting for a member in the event such member is unable to participate 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 established by the village board of trustees.
- B. The chairperson of the zoning board of appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution is made.
- C. All provisions of this section relating to zoning board of appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

Section 8-11 Board of appeals procedure.

- A. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in article seven of the public officer's law. Such board of appeals 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.
- B. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board of appeals shall be filed in the office of the village clerk within five business days and shall be a public record.
- C. Assistance to board of appeals. Such board shall have the authority to call upon any department, agency or employee of the village for such assistance as shall be deemed necessary and as shall be authorized by the village board of trustees. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.
- D. Hearing appeals. Unless otherwise provided by local law, the jurisdiction of the board of appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any local law adopted pursuant to this article. Every motion or resolution of a board of appeals shall require for its adoption the affirmative vote of a majority of all the members of the board of appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county

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planning agency the voting provisions of Section 239-m of the general municipal law shall apply.

- E. Filing of administrative decision and Time of appeal. Each decision of the Board shall be filed with the Village Clerk within five business days from the day it is rendered and shall be a public record. An appeal shall be taken within sixty days after the filing in the village clerk's office of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such local law by filing with such administrative official and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.
- F. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her 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 board of appeals or by a court of.
- G. Hearing on appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it and give public notice of such hearing by publication in a paper of general circulation in the village at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
- H. Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision, or determination of the Code Enforcement Officer within the time allowed, the appeal is denied. The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process.
- I. Time of decision. The board of appeals shall decide upon the appeal within sixty-two days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.
- J. Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the village clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- K. Notice to county planning board. At least five days before such hearing, the board of appeals shall mail notices thereof to the parties, to the county planning board as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.

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- L. Compliance with state environmental quality review act. The board of appeals shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and it's implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.
- M. Rehearing. A motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

Section 8-12. Permitted action by board of appeals.

- A. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
- B. Use variances.
 - 1. The board of appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.
 - 2. No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - (a) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (b) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (c) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (d) that the alleged hardship has not been self-created.
 - 3. The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

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C. Area variances.

1. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.
2. In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such 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 or district; and
 - (e) whether the alleged difficulty was self- created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
3. The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- D. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Article IX Amendments

Section 9.1 Procedure

The Village Board may on its own motion, on petition, or on recommendation of the Planning after public notice and hearing, amend, supplement, repeal or change the regulations and district boundaries established by this law.

- A. All proposed amendments, supplements or changes originating by petition, or by motion of the Village Board, shall be referred to Planning Board for a report and recommendation thereon. The Planning Board shall submit its report ~~it's~~ of recommendations to the Village Board within forty-five (45) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

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Section 9.2 Public Hearing, Notice and Referrals

- A. Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. The Village Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:
1. By publishing a notice of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the village not less than ten days prior to the date of public hearing. This notice shall provide a summary of the proposed amendment in such reasonable detail as will give adequate notice of its contents, indicating the place or places where copies of the proposed amendment may be examined and the time and place of the hearing.
 2. By giving written notice of hearing to any required county, state or federal agency in the manner prescribed by law.
- B. All requirements of NYS General Municipal Law Section 239-l, m and n (referral to the Schoharie County Planning Board and adjacent municipalities), relating to referrals, and SEQRA, Title 6, Part 617 of the New York State codes, rules and regulations shall be followed.

Section 9.3 Filing

This local law shall be filed with the New York State Department of State.

Section 9.4 Adoption

After the public hearing, and referral to and report by the local and County Planning Board, a majority vote of the members of the Village Board shall be required to amend the Regulations except in the instance of a Protest Petition or disapproval by the County Planning Board as noted below.

Section 9.5 Protest Petitions

If a Protest Petition against a proposed amendment, supplement or change is presented to the Village Board, duly signed and acknowledged by legitimate parties of interest as provided for under Village Law Section 7-such amendment shall not become effective except by the favorable vote of at least two-thirds (2/3) of the members of the Village Board.

Section 9.6 County Disapproval

A majority-plus-one vote (unanimous in the case of the 4-member board) of all Village Board members shall be required to pass any proposal which receives a recommendation of disapproval from the County Planning Board as a result of the referral process specified in Section 9.3 above, along with a resolution setting forth the reasons for such contrary action.

Section 9.7 Right to Complete Project Inconsistent with Amendment

Where a project for which a permit or approval has been lawfully issued, but no certificate of compliance has been awarded, would be rendered non-complying or non-conforming by an amendment of this Zoning Law, such project shall have the right to be completed and to be awarded a certificate of compliance pursuant to the provisions in effect when the project building permit was issued only if, in the case of a project primarily involving a building, the project has been substantially commenced and, in the case of a project not involving a building, a substantial amount of construction has been completed prior to the effective date of the amendment and shall be allowed to continue.

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Article X Interpretation and Application

Section 10.1 Interpretation

In their interpretation and application, the provisions of this law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.

Section 10.2 Separability

The invalidity of any provision of this law shall not invalidate any other provision thereof.

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Article XI Definitions

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”.

Definitions shall include the following:

ACCESSORY APARTMENT: A dwelling unit that has been added onto, or created within, a single-family house. And has separate kitchen, bathing, and sleeping areas.

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

ADULT USE AND ENTERTAINMENT ESTABLISHMENTS: A public or private establishment, or any part thereof, which presents a principal business purpose is for 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. For purposes of provisions related to Adult Uses and Entertainment Establishments, “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.

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”.

Adult Use and Entertainment Establishments customarily exclude minors by reason of age, and are those businesses defined as follows:

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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 25% or more of its stock-in-trade from the sale or rental for any form of consideration any one or more of the following:

- (1) books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or described “specified sexual activities” or “specified anatomical areas”; or
- (2) 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.

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

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

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

- (1) 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
- (2) offers sleeping rooms for rent on a regular basis for a period of time that is less than (10) hours; or
- (3) 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 whose principal business is where films, motion pictures, video cassettes, slides, or similar photographic

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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 whose principal business features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

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

AREA VARIANCE: Authorization by the Planning Board for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

AUTOMOBILE SERVICE GARAGE: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

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.

BED AND BREAKFAST: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

BILLBOARD: A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

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 of BUILD-TO-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.

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

CAR WASH: A structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

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.

MASSAGE THERAPY: A personal service business to include a hospital, nursing home or medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or barbershops or beauty salons in which full body, scalp, face, neck or shoulder massages are administered by or overseen by a licensed practitioner. This includes health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

CLUSTERED SUBDIVISION: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

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.

COMPLETE APPLICATION: An application for a Special Permit, Site Plan or subdivision approval, zoning amendment, or variance, found by the reviewing board to satisfy all information requirements of this Local Law and of the New York State Environmental Quality Review Act, for which either a Negative Declaration has been issued or a Draft Environmental Impact Statement has been accepted as satisfactory pursuant to 6 NYCRR Section 617-8(b) 1.

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.

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CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods such as salads, for off-site consumption.

DAY SPA: An establishment that provides facilities included, but not limited to swimming facilities, saunas, hot tubs, showers, massage by licensed massage therapist, lockers, game courts, exercise equipment, and personal services such as facials and skin treatments.

DRINKING ESTABLISHMENT: Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

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 OR SINGLE FAMILY: A detached dwelling unit, providing complete housekeeping facilities designed for year-round occupancy by one family only, 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, MANUFACTURED: 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 this law 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.

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ESCORT AGENCY: Means a person or business association who furnishes, or offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESCORT: Means a person who, for a fee, tip or other consideration, 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.

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 AND LAWN EQUIPMENT: A retail establishment that sells or services tractors, lawn mowers and other related equipment.

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.

FEED SUPPLY: A retail establishment that sells feed for animals.

FINAL PLAT/PLAN: The final map or drawing and supplementary information as required in 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.

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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.

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

FREE-STANDING SIGN: A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include a moveable sign.

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.

GARDEN SUPPLY: A retail establishment that sells plants, nursery stock, soil, and accessories for gardening.

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'.

GOLF COURSE: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

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.

HOTEL/MOTEL: Any lodging facility providing sleeping accommodations for transient guests, with or without a dining room or restaurant.

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

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

LUMBER AND BUILDING SUPPLY: A retail establishment that sells wood, wood products and all supplies related to building structures.

MANUFACTURED HOME: Factory-built, single family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S. C. Sec. 5401), commonly known as the HUD code.

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

MINOR PROJECT: A proposed use that requires a Special Permit and that falls below all of the following thresholds:

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- A. Construction of a single family residential structure;
- B. Construction of a two-family unit or a bed and breakfast or lodging facility with up to six bedrooms;
- C. Construction of facilities or structures for a nonresidential use covering no more than 1500 square feet of building footprint;
- D. Alteration of existing structures or expansion of such structures by no more than 1000 square feet; and
- E. Conversion of existing structures totaling 1500 square feet or less to another use.

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.

MAJOR PROJECT: A proposed use that requires a Special Permit and that exceeds any of the thresholds for a minor project.

MIXED USE BUILDING: A single building or structure with a variety of complimentary and integrated uses, such as but not limited to residential, office, manufacturing, retail, public, or entertainment.

MOBILE HOME: A factory-finished movable living unit, having a minimum floor area of 750 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.

MOVEABLE SIGN: A sign capable of being readily moved or relocated.

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.

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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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.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communication equipment.

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.

OUTDOOR WOOD BURNING FURNACE: see Wood burning furnace.

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.

PERSONAL SERVICE: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

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.

PROJECTING SIGN: A sign affixed to a building, tree, or other structure and which extends beyond the surface to which it is attached.

PUBLIC STRUCTURE: Any building, facility or complex used by the general public, whether constructed by any state, county, or municipal government agency including, but not limited to assembly buildings such as auditoriums, libraries, public eating places, schools, and theaters.

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.

RESTAURANT: An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

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RETAIL BUSINESS: An establishment selling goods to the general public for personal and household consumption, including but not limited to an appliance store, bakery, delicatessen, drug store, florist, grocer, hardware store, liquor store, newsstand, shoe store, stationery store, and variety store.

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

SEASONAL RESIDENCE: A residential structure occupied for only a part of the year including, but not limited to vacation homes or resort residences and not used as the principal domicile.

SCREENING: The location of structures in such a manner that they are not visible from a public road or any other public place or adjacent residential property during the summer months and no more than partially visible in the winter. Objects or structures may be screened by topography, vegetation, or other structures not required to be screened.

SEMI-PUBLIC STRUCTURE: Any building, facility or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to assembly buildings business buildings, such as offices, and factories and industrial buildings.

SERVICE BUSINESS: See Personal 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.

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”.

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.

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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.

SPA/RESORT: A facility for transient guest where the primary attraction is generally recreational features or activities.

SPECIAL USE PERMIT: As used in this section the term "special use permit" shall mean an authorization of a particular land use which is permitted in a zoning local law, subject to requirements imposed by such local law to assure that the proposed use is in harmony with such local law and will not adversely affect the neighborhood if such requirements are met. 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 special use is made in the Zoning Regulations, after application to and authorization by the Planning Board for a Permit.

STACK: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor wood-burning furnace.

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:

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- 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 ATTRACTION: Any structure, facility, building, or land that attracts and serves people visiting an area for recreation and vacations.

TOWNHOUSE: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

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

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.

USE VARIANCE: shall mean the authorization by the Planning Board for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

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

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.

WALL SIGN: Any sign which is painted on, incorporated into, or affixed parallel to the wall of a building.

WAREHOUSE STORAGE FACILITY: A structure or structures in which materials, goods, or equipment are stored.

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.

WOOD-BURNING FURNACE: A device designed for solid fuel combustion so that usable heat is derived for the interior of the building and includes solid fuel-fired stoves, fireplaces, or boilers which burn solid fuel including outdoor wood-burning units.

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.

Village of Sharon Springs Zoning Law

Application for Site Development Plan Approval Village of Sharon Springs (To Be Filled Out by Applicant)

Name of Application:

Description of Action:

Owner:

Name: _____ Street: _____

City: _____ State: _____
Zip: _____

Telephone: _____ Fax: _____

Applicant (if different from owner):

Name: _____ Street: _____

City: _____ State: _____
Zip: _____

Telephone: _____ Fax: _____

Subject Property:

Name or other identification of site
(address): _____

Situated on the _____ side of
_____ (Road) _____ (feet)

From the intersection of _____ (Road)

Tax map description _
Section _____ Block _____ Lot _____

What are the ownership intentions, i.e., purchase options

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What are the current land use of site (agriculture, commercial, undeveloped, etc.)

What are the proposed use(s) of site

What State and federal permits needed (list type and appropriate department)

What is the total site area (square feet or acres)

When do you anticipate starting construction_____

Will development be staged or in phases?

Please describe the current condition of site (buildings, brush, etc.)

Please Describe the character of surrounding lands (hamlet, forested, residential, agriculture, wetlands, etc.)

What is the Estimated cost of proposed improvements on this property?_____

Describe the anticipated increase in number of residents, shoppers, employees, etc. (as applicable)

Describe proposed use, including primary and secondary uses; ground floor area; height; and number of stories for each building: (for residential buildings include the number of dwelling units by size (efficiency, one-bedroom, two-bedroom, three- or more bedrooms) and number of parking spaces to be provided. For non-residential buildings, include total floor area

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and total sales area; number of automobile and truck parking spaces, and other proposal structures.) (Use separate sheet if needed)

Total gross floor area of Principal Building? _____

Size of accessory building? _____

Proposed setbacks? Front _____ Rear _____ Side _____

Number of parking spaces _____

Building Height? Feet _____ # stories _____

Is there an existing curb cut onto the site Yes No

Will the action require new curb cuts onto the street? Yes No

What street(s) will have the new curb cuts? _____

Are there existing buildings on site? Yes No

If so, please describe: _____

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For the sketch plan conference with the Planning Board please attach a plan showing the following information

- a. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
- b. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel; and
- c. A topographic or contour map of adequate scale and detail to show site topography.
- d. A sketch showing locations of natural features such as wetlands, streams, or lakes.

For the site plan application, please attach the following information, except as may be waived by the Planning Board:

- a. Title of site plan, including name and address of applicant, and person responsible for preparing such drawing.
- b. North arrow, scale and date.
- c. Boundaries of property plotted to scale.
- d. Location, size, and existing use of buildings on premises.
- e. Location and ownership identification and address for all adjacent lands as shown on the latest tax records.
- f. Location, name and width of all existing public streets, easements, other reservations of land or areas dedicated to public use within 500 feet of the applicant's property.
- g. Location, width, and identification of all existing and proposed rights-of-way, easements, setbacks, reservations, and areas dedicated to public use on or adjoining the property.
- h. Grading and drainage plans showing existing and proposed contours and water course within, and extending 50 feet beyond, applicant's property, and soil erosion and sediment control plan if required by DEC or other local statutes or regulations (See requirements of Article D (6)(b)).
- i. Location, design, type of construction, and exterior dimensions of all proposed buildings and structures.
- j. Identification of the amount of gross floor area, proposed division of building into units of separate occupancy and hours of operation for retail sales and services offices and other commercial or industrial facilities.
- k. Location, design, type of construction, and area of all parking and truck loading areas (including number of parking spaces) showing access and egress.
- l. Provision for pedestrian access, including public and private sidewalks, if applicable.
- m. Location of outdoor storage and solid waste disposal, and location and description of any hazardous materials to be used or stored on site.
- n. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
- o. Description of the method of sewage disposal and the location of such facilities, including the location of the collection system.
- p. Description of the method of securing water, location of such facilities, design and construction materials, approximate quantity of water required and location of distribution system.

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- q. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required.
- r. Location, size, design and type of construction of all proposed signs.
- s. Location and design of existing and proposed outdoor lighting facilities.
- t. General landscaping plan and planting schedule.
- u. Identification of any permits from other governmental bodies required for the project's execution and a record of applications and approval status of all necessary permits from federal, state, county and local agencies.
- v. Estimated project construction schedule.
- w. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference.
- x. State Environmental Quality Review Act (SEQRA) Environmental Assessment Form.
- y. Elevation and façade treatment plans of all proposed structures, if required.
- z. Any pertinent natural features that may affect the proposed use such as water courses, swamps, wetlands, wooded areas, areas subject to flooding, steep slopes (more than 15%), areas of frequent outcrops, etc.

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Village of Sharon Springs Site Development Plan Review Checklist (To Be Filled Out by Planning Board)

Name of Application:

Description of Action:

Owner:

Name: _____ **Street:** _____

City: _____ **State:** _____

Zip: _____

Telephone: _____ **Fax:** _____

Applicant (if different from owner):

Name: _____ **Street:** _____

City: _____ **State:** _____

Zip: _____

Telephone: _____ **Fax:** _____

Procedural Sequence/Dates

Initial contact with Town Enforcement Officer/Town Clerk or Town Planning
Board _____

Date Presubmission Sketch Conference held

Summary of Sketch

Conference: _____

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Date Preliminary application

filed _____

Date Fee paid and Amount \$ _____

Escrow Established? Yes No Date Escrow

Received: _____

Date Environmental Assessment Form

Received: _____

Date of SEQR Procedures:

Negative Declaration or Positive Declaration

Issued: _____

Technical Considerations Satisfied

- | | |
|--|---|
| 1. North arrow, scale and date. | <input type="checkbox"/> Item Satisfied |
| 2. Names of adjacent property owners | <input type="checkbox"/> Item Satisfied |
| 3. Boundaries, setback lines plotted to scale | <input type="checkbox"/> Item Satisfied |
| 4. Zoning, school or special district boundaries identified | <input type="checkbox"/> Item Satisfied |
| 5. Location, size, and use of buildings new or existing on premises. | <input type="checkbox"/> Item Satisfied |
| 6. Location, name and width of all existing public streets, easements | <input type="checkbox"/> Item Satisfied |
| 7. Location, width, and ID of rights-of-way, easements, setbacks,
reservations, and areas dedicated to public use on or
adjoining the property | <input type="checkbox"/> Item Satisfied |
| 8. All existing and proposed paved areas | <input type="checkbox"/> Item Satisfied |
| 9. Areas to be left undisturbed or buffer areas | <input type="checkbox"/> Item Satisfied |
| 10. Existing topography | <input type="checkbox"/> Item Satisfied |
| 11. Existing landscape features such as lawns, meadows, shrubs,
trees, hedgerows and stone walls | <input type="checkbox"/> Item Satisfied |
| 12. Water courses, wetlands, other prominent physical features | <input type="checkbox"/> Item Satisfied |
| 13. Description of architectural features of proposed structure | <input type="checkbox"/> Item Satisfied |
| 14. All vehicular access and egress | <input type="checkbox"/> Item Satisfied |
| 15. Elevations and sections of all proposed structures and roads | <input type="checkbox"/> Item Satisfied |
| 16. Location, use and design of all buildings and structures, roads,
pedestrian walkways and fire lanes | <input type="checkbox"/> Item Satisfied |

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- 17. Design, location of all parking and truck loading areas Item Satisfied
- 18. Water lines, valves, hydrants, sewer lines and method of sewage disposal and method of securing water, location of such facilities, design and construction materials, approximate quantity of water required and location of distribution system. Item Satisfied
- 19. Location, direction, power and timing of proposed lighting Item Satisfied
- 20. Extent and amount of cut and fill with before and after profiles Item Satisfied
- 21. Grading and drainage plans Item Satisfied
- 22. Location, size, color, illumination of proposed signs Item Satisfied
- 23. Location of existing and proposed site improvements including drains, culverts, retaining walls, fences Item Satisfied
- 24. Location of outdoor storage and solid waste disposal Item Satisfied
- 25. Hours of operation Item Satisfied
- 26. Location of any hazardous materials to be used or stored on site. Item Satisfied
- 27. Location of fire lanes and other emergency zones Item Satisfied
- 28. Identification of any permits from other governmental bodies required Item Satisfied
- 29. State Environmental Quality Review Act (SEQRA) Environmental Assessment Form. Part I Item Satisfied
- 30. In I district: uses, number of employees, type of power, type of wastes, and proposed method of waste disposal Item Satisfied
- 31. In TN/MU1 and 2: architectural plans, location, design, type of construction, and exterior dimensions Item Satisfied
- 32. General landscaping plan and planting schedule Item Satisfied
- 33. Traffic impact analysis, if use will increase traffic by 100 cars or more per day Item Satisfied
- 34. Soil erosion and sediment control plan , if required Item Satisfied

Other Technical Elements as Required by Planning Board (list all required)

- _____ Item Satisfied

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Items specifically requested by applicant to be waived (list below)

Date Site Plan Application Deemed Complete: _____

Date of Public Hearing Notice Sent _____

Date Public Hearing Held _____

Date Referral to County made, if required _____

Date comments returned from county and outcome:

Planning Board Action on Preliminary (62 days from public hearing or if no hearing, 62 days from date completed application)

Preliminary Site Plan Approval

Approval _____

Approval with modifications: What modifications have been required? _____

Date Conditions of Approval satisfied, building permit issued _____

Date Inspected, Conditions not satisfied, building permit not issued

Application Resubmitted to Planning

Board _____

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Disapproval. Reasons why site plan was disapproved? _____

Performance bond required _____

Amount \$ _____

Period _____

Improvements to be covered by bond:

Performance bond satisfied _____

Planning Board Action on Final (62 days from public hearing or if no hearing, 62 days from date completed application)

Final Site Plan Approval

Approval _____

Approval with modifications: What modifications have been required? _____

Disapproval. Reasons why site plan was disapproved?_

Date Certificate of Occupancy issued _____