

Building Site Law

Town of Broome
Local Law No. 2 of 2005
Enacted by the Town Board December 21, 2005

SECTION 1. TITLE

This Local Law shall be known and may be cited as the Building Site Local Law No. 2 of 2005 of the Town of Broome.

SECTION 2. PURPOSE

It is the purpose of this Local Law to promote the health, safety and general welfare of the inhabitants of the Town of Broome by the regulation of building sites. The local Codes Enforcement Officer is empowered by the Town of Broome Town Board to enforce this Law.

SECTION 3. DEFINITIONS

- A) **BUILDING SITES** – the term “building sites” as used in this Local Law shall be defined as a piece, parcel or plot of land separately described in a recorded deed or on a filed survey map.
- B) **IMPROVEMENT** – An addition to a structure which increases its exterior dimensions.
- C) **CODES ENFORCEMENT OFFICER** – the person designated by the Town Board of the Town of Broome to enforce all local laws.
- D) **MOBILE HOMES** – The term mobile home means a vehicle equipped to be used for living quarters and originally designed to be moved on the highway. It may be lawfully moved on the highway as a single unit to another permanent site. Any addition to such mobile home shall, for the purpose of this Law, be deemed to be part of such mobile home.
- E) **PERMIT** – Any authorized document issued by the Codes Enforcement Officer of the Town of Broome for the purpose of showing compliance with this Local Law.
- F) **RIGHT OF WAY** – Right to the use of an easement through and over the lands of another.
- G) **STRUCTURE** – any building including but not limited to a single family residence, multiple family residence, commercial building, public building or

telecommunications facility. Any small non-commercial building, not intended for use as living quarters and being one hundred and twenty square feet or less in size shall not be considered a structure that would require a building permit.

SECTION 4. BUILDING SITE PERMIT

No person, firm or corporation being the owner of any land or premises within the Town of Broome shall construct or permit the construction on said land or premises any structure or improvement without obtaining a building site permit from the Codes Enforcement Officer.

SECTION 5. ISSUANCE OF BUILDING SITE PERMIT

A) APPLICATION FOR BUILDIGN SITE PERMIT – Each application for a building site permit shall be in writing, shall be signed, shall be in the form prescribed by the Town Board of the Town of Broome, and shall contain the following:

- 1) Name and address of applicant and land owner, if different.
- 2) Date property was purchased and previous owner.
- 3) Location and description of land as identified on tax map or tax bill.
- 4) A scaled plot showing the boundaries of the land, entrances to property, the location proposed structure and or improvements, the location of adjacent properties and structures, the location of the water and sewage disposal systems, when required.

Applications may be obtained and filed, with the appropriate fee, at the Office of the Town Clerk of the Town of Broome who will forward a copy to the Codes Enforcement Officer of the Town of Broome.

- B) Applicants shall be notified in writing by the Codes Enforcement Officer of the action taken on the application within thirty (30) days of filing.
- C) Upon approval of the application, the Codes Enforcement Officer shall issue a building site permit to become effective from the date thereof. A building site permit will be for a one (1) year period with two (2) renewals of (1) year each granted at the discretion of the Codes Enforcement Officer. Such building site permit shall not be transferable or assignable.

SECTION 6. REGULATION OF BUILDING SITES

- A) LOT SIZE – All building sites shall have a minimum area of three (3) acres and have road frontage of not less than two hundred (200) feet.
- B) SETBACKS
 - 1) FRONTAGE – Any structure or improvement shall have a setback of a minimum of sixty (60) feet from the center of any adjacent, driveway, roadway or highway or a minimum of thirty-five (35) feet from the right of way line of any adjacent driveway, roadway or highway, which ever is farther.
 - 2) SIDE AND REAR – Any structure or improvement shall be constructed at a minimum of twenty-five (25) feet from any property line.
- C) DRIVEWAYS-ACCESS- Each building site shall have a driveway or right of way meeting the following requirements:
 - 1) Building site abutting a public highway (Town, County, or State road):
 - a) A driveway culvert must be installed according to the specifications as required by the Town of Broome Highway Superintendent prior to installation, if such driveway is on a Town road. If on a County or State road, the County or State should be contacted for specifications. Specifications are to be obtained when obtaining the building site application.
 - b) A driveway shall be at least 15 feet wide and of sufficient length to accommodate adequate off road parking for all vehicles regularly garaged on a premises.
 - c) Minimum driveway construction shall include crushed stone, gravel, shale, or any combination thereof and must be a minimum of fifteen (15) inches in depth.
 - 2) Building site not abutting a public highway:
 - a) Shall have a right of way running from a public highway.
 - b) Right of way shall have a width of twenty-five (25) feet and the roadbed shall be constructed to a minimum width of fifteen (15) feet.
 - c) A right of way roadbed shall be constructed of gravel, shale, crushed stone, or any combination thereof and must be a minimum of fifteen (15) inches in depth.
- D) WATER SUPPLY – Each building site shall have an adequate supply of potable water for drinking and domestic purposes. The water system shall satisfy the requirements of the Schoharie County Health Department.
- E) Each building site shall have a sewage system complying with standards as set forth by the Schoharie County Department of Health.

- F) Any existing undersized lot on which there is already an existing structure, will not require a variance for any improvement to the existing structure providing that all other requirements of Section 6 of this Law are complied with.
- G) Structures – only one structure shall be permitted on a building site, with the exception that any building ancillary to and used in conjunction with any structure, such as a garage or barn, shall be permitted but require a building site permit.

SECTION 7. SUPPLEMENTAL REQUIREMENTS FOR MULTIPLE DWELLINGS, COMMERCIAL BUILDINGS, AND INDUSTRIAL BUILDINGS

- A) A multiple dwelling shall provide a minimum of two (2) parking spaces per unit.
- B) Commercial or industrial buildings shall provide two (2) times the total floor space contained in the building for parking on the premises.

SECTION 8. FEES

At its annual organizational meeting, the Town Board of the Town of Broome will set the application fee for issuance of a building site permit under the provision of this Law.

SECTION 9. ENFORCEMENT

Any violation of this Local Law of the Town of Broome is hereby declared to be an offense and shall render the owner or owners of the land liable to a fine of not more than five hundred (\$500.00) dollars. Each week such a violation continues shall constitute a separate offense. In addition to the above penalties, the Town Board of the Town of Broome may also maintain an action or proceeding in the name of the Town in compliance with or restrain the violation of this Local Law.

SECTION 10. VARIANCES

Where there are practical difficulties or hardships in complying with this Law, the Town Board of the Town of Broome shall have the power to grant a variance to any regulation contained herein, in such a way that the spirit of this Local Law shall be observed and maintained.

- A) **CRITERIA FOR GRANTING AN AREA VARIANCE** – In making its determination, the Town Board shall take into consideration the benefit to the applicant, if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Town Board shall also consider:

- 1) 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;
- 2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- 3) Whether the requested area variance is substantial;
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude the granting of the area variance.
- 6) The Town Board 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.
- 7) The Town Board shall, in the granting of an area variance, 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 this Local Law and shall be imposed for the purpose of minimizing any adverse impact such area variance may have on the neighborhood or community.

B) CRITERIA FOR GRANTING A USE VARIANCE

No such use variance shall be granted by the Town Board without a showing by the applicant that applicable regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Town Board that for each and every permitted use under the regulations for the property that:

- 1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- 2) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the neighborhood;
- 3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

- 4) That the alleged hardship has not been self-created.
- 5) The Town Board, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven 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.
- 6) The Town Board shall, in the granting of a use variance, 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 this Local Law and shall be imposed for the purpose of minimizing any adverse impact such use variance may have on the neighborhood or community.

C) VARIANCE PROCEDURE

- 1) A variance application may be obtained by an applicant from the Town of Broome Town Clerk.
- 2) Upon filing an application with the Town of Broome Town Clerk and paying the application fee, the Town Clerk shall notify the applicant in writing within thirty (30) days of the date of the public hearing on the variance.
- 3) At the expense of the applicant, the applicant shall notify in writing by certified mail, all property owners adjoining the subject property or within two hundred (200) feet thereto that the applicant is applying for a variance, the date of the public hearing on the variance and the nature of the variance requested; the applicant shall submit at the public hearing, a copy of the letter mailed with the proofs of mailing.
- 4) The Town Clerk of the Town of Broome shall publish once a notice of the public hearing on the variance in the official Town newspaper at least five (5) days prior to the hearing.
- 5) The recommendation of the Schoharie County Planning Commission shall be obtained prior to approval of any variance by the Town Board.
- 6) The applicant shall be notified in writing by the Town Clerk of the Town of Broome within ten (10) days of the public hearing of the action taken by the Town Board on the variance application.

SECTION 11. ALL PREVIOUS LOCAL LAWS PERTAINING TO BUILDING SITE LAWS ARE HEREBY REPEALED

SECTION 12. THIS LOCAL LAW SHALL TAKE EFFECT IMMEDIATELY UPON
FILING WITH THE SECRETARY OF STATE OF THE STATE OF
NEW YORK.

Enacted: December 21, 2005, by the Town Board of the Town of Broome.