

TOWN OF EDINBURG

ZONING, LAND USE AND SUBDIVISION

**ADOPTED: DECEMBER 16, 2010
EFFECTIVE: FEBRUARY 1, 2011**

Town of Edinburg
45 Military Road
Edinburg, NY 12134

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Town of Edinburg Zoning, Land Use and Subdivision Ordinance

1. INTRODUCTION

1.1 Short Title

This Ordinance shall be known as the "Town of Edinburg Zoning, Land Use and Subdivision Ordinance", (Zoning Ordinance or Ordinance). The Town of Edinburg is hereinafter referred to as the "Town". The Adirondack Park Agency is hereinafter referred to as the "APA". This Ordinance shall replace and supersede the prior existing "Town of Edinburg Zoning, Land Use and Subdivision Ordinance," adopted on June 27, 1996 and any amendments thereto.

1.2 Authority

This Ordinance is enacted by the Town Board pursuant to Article 16 of the Town Law of the State of New York and Article 27 of the Executive Law of the State of New York, and where so specified, the Municipal Home Rule Law of the State of New York.

1.3 Purpose and Objective of the Ordinance

The purpose of this Ordinance is to promote the health, safety, and general welfare of the community by channeling and directing growth and development, by regulating and restricting the height and size of buildings and other structures, the percentage of lot that may be occupied, the density of population and the location and use of buildings, structures and land for trade, industrial, residential or other purposes, to the maximum extent permissible within the proper exercise of the police power and as authorized by the Town Law and the Adirondack Park Agency Act.

It is the further purpose and objective of this Ordinance to maintain the open space and rural character of the Town and to foster orderly growth and development with a view to conserving the value of property and encouraging the appropriate use of land giving consideration to the character of the land and its suitability for particular uses. With respect to the lakefront area of the Great Sacandaga Lake, the objective is to maintain and promote residential uses.

1.4 Applicability

No land use, development or subdivision shall be undertaken or maintained in the Town except in conformity with all applicable provisions of this Ordinance. Where this Ordinance is more restrictive than covenants or agreements between parties or Federal, State or Local Law, the provisions of this Ordinance shall control.

2. WORD USAGE AND DEFINITIONS

Words used in the present tense shall include the future; words used in the singular shall include the plural and the plural, the singular. The word "shall" is mandatory; the word "may" is permissive. The word "lot" shall include the words "plot", "piece" and "parcel". The word "building" includes all structures of every kind. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for". Technical words and terms used in this Ordinance are defined below. Any term in this Ordinance, which is not defined in this Ordinance shall carry its customary meaning.

"Accessory Structure" - Any structure or a portion of a main structure located on the same premises and incidental and subordinate to the main structure or principal use and that customarily accompanies or is associated with such main structure or principal use.

"Accessory Use" - A use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of the principal and permissible use to which it is accessory.

"Adirondack Park" or **"Park"** - Land lying within the area described in subdivision one of Section 9-0101 of the Environmental Conservation Law of the State of New York including any future amendments thereto.

"Adirondack Park Agency" or **"Agency"** or **"APA"** - The Adirondack Park Agency created by Section 803 of Article 27 of the Executive Law of the State of New York.

"Adirondack Park Agency Act" - Article 27 of the Executive Law of the State of New York including any future amendments thereto.

"Agricultural Use" - The management of any land for agriculture; raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

"Agricultural Use Structure" - Any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.

"Automobile Junkyard" - Any place of commercial storage or deposit, whether in connection with another business or not, where two (2) or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways or in agricultural activities, are held, whether for the purpose of resale of used parts there from, for the purpose reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two (2) or more such vehicles provided, however, the term junkyard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only. For the purpose of this definition, "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or in agricultural activities.

"Bar" - Any business engaged in the sale of alcoholic beverages for consumption on the premises.

"Campground" - Any area designated, and in fact, used for transient occupancy by camping in tents, camp trailer, travel trailers, motor homes, recreational vehicles or similar facility designated for temporary shelter, without structural additions to or removal of wheels from vehicles admitted.

"Class A Regional Project" - A land use or development or subdivision of land which is classified and defined as such in Section 810 of the Adirondack Park Agency Act, which is defined in Article 14 of this Ordinance.

"Class B Regional Project" - A land use or development which is classified and defined as such in Section 810 of the Adirondack Park Agency Act, which is defined in Article 15 of this Ordinance.

"Clear-cutting" - Any cutting of all or substantially all trees over six (6) inches in diameter at breast height over any ten-year cutting cycle.

"Code Enforcement Official" - A person(s) designated by the Town Board to enforce the provisions of the Zoning Ordinance and NYS Building Codes.

"Commercial Sand and Gravel Extraction" - Any extraction from the land of more than 50 cubic yards in any two (2) year period of sand, gravel or topsoil (1) for the purpose of sale or use by persons other than the owner of the land, or (2) for the purpose of use by any municipality.

"Commercial Use" - Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provisions of recreation facilities or activities for a fee.

"Dock" - For waterbodies other than the Great Sacandaga Lake and not subject to the HRBRRD regulations, a floating or fixed structure that:

- 1) extends into or over a lake, pond, or navigable river or stream from only that portion of the immediate shoreline necessary to attach the floating or fixed structure to the shoreline;
- 2) is no more than eight (8) feet in width; or in the case of interconnected structures intended to accommodate multiple watercraft or other authorized use, each element of which is no more than eight (8) feet in width; and
- 3) is built or used for the purposes of securing and/or loading or unloading water craft and/or for swimming or water recreation.

"Dwelling Unit" - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Excavation" - Any extraction from the land or disturbance to the land of more than 20 cubic yards of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits.

"Footprint" - For the purpose of non-conforming structures or uses, the footprint is the exact square footage and external dimensions in plan view of the first floor foundation of a structure.

"Forestry Use" - Any management, including logging of a forest, woodland or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.

"Forestry Use Structure" - Any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

"Group Camp" - Any land or facility for seasonal housing and recreational, educational or business related use by private groups or semi-public groups, such as Boy or Girl Scout Camp, fraternal lodge or university or college conference center.

"Home Occupation" - Any use of a portion of a dwelling as an office, studio, or workroom for occupation at home by a person residing on the premises and in connection with which there is no commodity sold on the premises and which:

- 1) Is clearly incidental and secondary to the use as a residence.
- 2) Shall have no exterior evidence of the home occupation other than a sign erected in accordance with the requirements of this Ordinance.
- 3) Does not create any situation discernable from adjacent properties, which interferes with the peaceable enjoyment of neighboring residents.

"Hudson River Black River Regulating District (HRBRD) Taking Line" - The boundary line between privately held land and lands held by HRBRD and is considered a property line.

"Industrial Use" - Any manufacturing, production or assembly of goods or materials, including any on-site waste disposal area directly associated with an industrial use. This term does not include mineral extractions, private and commercial sand and gravel extraction, sawmills, chipping mills, pallet mills and similar wood using facilities.

"In Existence" - With respect to any land use or development, including any structure, that such use or development has been substantially commenced or completed.

"Junk Automobile Vehicle" - Any unregistered, old or second hand motor vehicle, no longer intended or in condition for legal use on the public highways. For the purpose of this definition, "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or for use in agricultural activities.

"Junkyard" - Any open lot or area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags used or salvaged building materials or other discarded material.

"Land" - The earth, on or below the surface of the ground, including water and air above, the flora and fauna.

"Land Use Area" - Those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as "Hamlet", "Moderate Intensity Use", "Low Intensity Use", "Rural Use", "Resource Management", and "Industrial", and such portions of those areas as are located within the town, and delineated on the Adirondack Park Land Use and Development Plan Map incorporated in this Ordinance.

"Land Use and Development" - Any construction or other activity, which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses.

"Lot" - A parcel of land considered as a unit, occupied or capable of being occupied by a 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 spaces as are required by this Ordinance, and having its principal frontage on a public street or an officially approved place.

"Lot Coverage" - The total lot size or percentage of a lot that is covered by buildings and structures within a lot, including accessory structures.

"Manufactured Home" - A structure transportable in one or more sections that in the traveling mode is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or when erected on site, is 320 square feet (29.7 m²) minimum and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating; air conditioning, and electrical systems contained herein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

"Major Public Utility Use" - Any of the following:

- 1) any electric power transmission or distribution line and associated equipment of a rating of more than 15 kilovolts which is one mile or more in length;
- 2) any telephone interchange or trunk cable or feeder cable which is one mile or more in length;
- 3) any telephone distribution facility containing 25 or more pairs of wire and designed to service a new residential subdivision;
- 4) any television, cable television, radio, telephone or other communication transmission tower;
- 5) any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length;
- 6) any electric substation, generating facility or maintenance building designed to service 50 or more principal buildings;
- 7) any water or sewage pipes or conduits designed to service 50 or more principal buildings.

"Major Subdivision" - Any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street or road or extension of municipal facilities.

"Mineral Extraction" - Any extraction, other than specimens or samples, from the land or stone, coal, salt, ore, talc, granite, petroleum products or other materials, except for commercial sand, gravel, or topsoil extractions, including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.

"Mineral Extraction Structure" - Any mine hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings; garages or other main buildings or structures.

"Minor Subdivision" - Any subdivision containing not more than four (4) lots, each of at least the minimum lot size and dimensions permissible by the zoning, each fronting on an existing street, road or highway, not involving any new street, road or highway, whether intended to be private or public, or the extension of municipal facilities, and not in conflict with any provision or portion of the Master Plan, Zoning Map or this Zoning Ordinance.

"Mobile Home" - A movable or portable dwelling unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year round living, excluding travel trailers, with the exception of units built prior to June 15, 1976, which require additional certification under the Uniform Fire Prevention and Building Code, including all submits and revisions as referenced in Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (9 NYCRR), hereinafter called the Building Code of New York State.

"Mobile Home Court" - A parcel of land under single ownership which is designed and improved for the placement of three (3) or more mobile homes or units thereof.

"Modular Home" - A structure designed primarily for residential occupancy and constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, manufactured in accordance with the Building Code of New York State, and accepted by the State of New York.

"Multiple Family Dwelling" - Any structure containing more than one dwelling unit, including the conversion of an existing single-family dwelling, designed for occupancy in dwelling units by more than one family.

"Navigable" - Any waterbody which can be traveled by boat, including canoe.

"Non-conforming Structure" - Any structure which is lawfully in existence within a given zoning district on the effective date of this Ordinance, but which is not in conformance with the dimensional regulations for that zoning district, as listed in Section 4.1, Schedule 1.

"Non-conforming Use" - Any use which is lawfully in existence within a given zoning district on the effective date of this Ordinance, but which is not an accessory, or permissible for that zoning district, as listed in Section 4.1, Schedule 1 hereof, or a use for which a use variance had previously been granted.

"Open Space Recreation Use" - Any recreation use particularly oriented to and utilizing the outdoor character of an area; including a snowmobile, trail bike, jeep or all-terrain vehicle trail, cross-country ski trail, hiking and backpacking trail, bicycle trail, horse trail, playground, picnic area, public park, public beach, or similar use.

"Person" - Any individual, corporation, partnership, association, trustee, municipality or other legal entity, but shall not include the State or any state agency.

"Permissible Use" - A use described by Section 4.1, Schedule 1 of this Ordinance.

"Plat" - A plot of ground devoted to some special purpose illustrated on a map.

"Pre-Existing" - A use or structure, or lot in lawful existence at the adoption of this Ordinance.

"Principal Building" - Any one of the following:

- 1) a single family dwelling;
- 2) a mobile home;
- 3) a tourist cabin or similar structure for rent or hire involving 300 square feet or more;
- 4) each dwelling unit of a multiple family dwelling;
- 5) each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than 300 square feet will constitute one-tenth of a principal building;
- 6) each commercial use structure and each industrial use structure in excess of 300 square feet, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each 11,000 square feet of floor space, or portion thereof, of such commercial use structures constitutes one principal building;
- 7) all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building;
- 8) any other structure which exceeds 1,250 square feet;
- 9) a structure containing a commercial use which is also used as a single family dwelling constitutes one principal building;

An accessory structure does not constitute a principal building.

"Private Sand, Gravel or Topsoil Extraction" - Any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land, or any extraction for the purpose of sale of less than 50 cubic yards in any two-year period, or as defined by other State or Federal Regulations.

"Public or Semi-Public Building" - Any college, school, hospital, animal hospital, municipal building, library, place of worship, museum, research center, rehabilitation center or similar building.

"Public Utility Use" - Any public utility use, equipment or structure which is not a "major public utility use." A public utility use does not include any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article 7 or Article 8 of the Public Service Law.

"Road, Private" - Any road, driveway or Right-of-Way serving one or more properties that is privately owned and maintained.

"Road, Public" - A road or highway or street that is owned and maintained by the Town, County or State which is used for vehicular travel.

"Setback" - The shortest distance, measured horizontally, between any point of a structure and the nearest point of the feature the setback applies to.

"Shed" - An accessory structure used for storage of personal items subordinate to or in support of the principal use, such as lawn maintenance equipment, lawn supplies, and outdoor furniture.

"Shoreline" - That line at which land adjoins the waters of lakes, ponds, rivers and streams within the Town at mean high water level. With respect to the Great Sacandaga Lake, the term shoreline shall be interchangeable with lakefront. The mean high water mark of the Great Sacandaga Lake is 771 feet above mean sea level.

"Shoreline Structure Setback" - The shortest distance, measured horizontally, between any point of a structure and the shoreline of any lake or pond, and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe.

"Shoreline Lot Width" - The distance measured along the shoreline, between the boundary lines of a lot as they intersect the shoreline of any lake or pond, and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe.

"Single-Family Residence" - Any detached building, structure or mobile home containing one dwelling unit designed for occupancy by one family. Also known as "single family dwelling."

"Ski Center" - Any trail or slope for alpine skiing including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

"Structure" - Any object constructed, installed or placed on land to facilitate land use and development, such as buildings, sheds, single-family dwellings, mobile homes, retaining walls, signs, tanks, structure and accessory and any fixtures, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming and wading pools, covered patios, towers, smokestacks, poles, etc., excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas additions and alterations thereto, that is under the jurisdiction of the Building Code of New York State.

"Structure Height" - Measured from the highest point of the structure to where the structure intersects the lowest point of existing or finished grade, whichever is lower.

"Subdivision of Land" or "Subdivision" - Any division of land into two (2) or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements, or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

"Temporary Structure" - An accessory structure that is not permanent by nature (i.e. without footings, foundation or permanent attachment to the land) and is by design, capable of being dismantled (i.e. tents, portable car ports, etc.) and reassembled.

"Tourist Accommodation" - Any hotel, motel, resort, tourist cabin or similar facility designed to house the general public.

"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 animal farms, amusement parks, replicas of real or fictional places, things or people and natural geological formations.

"Travel Trailer" - Any portable vehicle, including a tent camper, truck camper, recreational vehicle or motor home, which is designed to be transported on its own wheels, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which mayor may not include one or all of the accommodations and facilities customarily included in a mobile home. Provided that, any travel trailer used for residential purposes for more than 30 consecutive days or 45 days aggregate in anyone calendar year shall be considered a mobile home.

"Travel Trailer Camp" - A particular type of campground under single ownership which is designed and improved for use by two or more travel trailers.

"Waste Disposal Area" - Any area for the disposal of garbage, refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use.

"Watershed Management or Flood Control Project" - Any dam, impoundment, dike, riprap or other structure or channelization or dredging activity designed to alter or regulate the natural flow or condition of rivers or streams or the natural level or condition of lakes or ponds.

"Wetlands" - Any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh, and meets the requirements as defined by State and Federal Laws and Regulations.

"Yard, Front" - The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front lot line. The front lot line is defined as the boundary of the property which faces the road.

"Yard, Rear" - The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such rear lot line.

"Yard, Side" - The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

3. ZONING DISTRICT AND ZONING MAP

3.1 Zoning Districts and Purposes

The Town of Edinburg consists of four (4) distinct zoning districts, the title and purpose of each district is summarized below:

3.1.1 Lakefront Residential District

To encourage the development of the perimeter of the Great Sacandaga Lake as a recreation oriented residential area containing single-family dwellings, while protecting the sensitive lakefront environment and the natural scenic values of the area. Only single-family residences and accessory uses/accessory structures are permissible in the Lakefront Residential District.

3.1.2 Low Intensity District

To provide opportunity for residential development and other uses compatible with a semi-rural area at a density consistent with the relatively high tolerance of the districts natural resources.

3.1.3 Rural Use District

To provide for and encourage those rural land uses that are compatible with the relatively low tolerance of the districts natural resources and the preservation of the open spaces that are essential and basic to the unique character of the Town. Another objective of the Rural Use District is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefits derived from a park atmosphere along these corridors. Residential development and related development and uses should occur on large lots or in relatively small clusters on carefully selected and well designed sites. This will provide for further diversity in residential and related development opportunities in the Town.

3.1.4 Resource Management District

To protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the Town. Another objective of this district is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefits derived from a park atmosphere along these corridors. Finally, the Resource Management District will allow for residential development on substantial acreage or in small clusters on carefully selected and well designed sites.

3.2 Compliance with APA Rules and Regulations

The Town of Edinburg is located within the boundaries of the Adirondack Park and therefore subject to the Adirondack Park Agency Act and the Adirondack Park Agency Land Use and Development Plan, and subject to APA jurisdiction. The Legislature has adopted land use regulations, purposes, policies, development guidelines and a classification of compatible uses for each land use area. A proposed project within the Town of Edinburg may be classified as a Class A Regional Project or a Class B Regional Project as defined by the APA. The APA shall have jurisdiction to review and approve all Class A Regional Projects. Because the Town of Edinburg has an approved and validly enacted local land use program, the Planning Board shall have jurisdiction over all Class B Regional Projects. In general, Class B Projects are less intense and generally will have lower potential impacts than Class A Regional Projects. A description

and listing of Class A and Class B Projects, along with procedural requirements that must be followed as outlined by the APA are provided in Article 14 and Article 15.

3.3 Zoning Maps

The boundaries of the zoning districts defined in this Ordinance are as shown on two maps which are on file at the Town Clerk's office. The first map is the Town of Edinburg Land Use Map which was adopted by the Town Board on March 25, 1999. The second map is the Adirondack Park Land Use and Development Map of The Town of Edinburg, as it may be amended to incorporate changes in the Adirondack Park Land Use and Development Plan Map duly made pursuant to Subdivision 2 of Section 805 of the Adirondack Park Agency Act. For purposes of this Ordinance, any changes in the boundary of a land use area by amendment to the official APA map shall be effective concurrently with the effective date of that amendment. The Town of Edinburg Land Use Map shall be promptly revised to reflect the applicable amendment. The amendment provisions of this Ordinance do not apply to the Adirondack Park Land Use and Development Plan Map which is amended only pursuant to the APA Act.

3.4 Interpretation of District Boundaries

In making a determination where uncertainty exists as to the boundaries of any of the districts shown on the Town Land Use Map, the following rules shall apply:

- 1) Where district boundaries are indicated as approximately following the line or right-of-way of streets, alleys and highways, the centerlines of such streets, alleys or highways shall be construed to be such district boundaries.
- 2) Where district boundaries are indicated as approximately following a stream, lake or other body of water, such stream, lake or body of water shall be construed to be such district boundaries, unless otherwise noted in this Ordinance. The boundary of the Great Sacandaga Lake shall be defined as the property line of the Hudson River Black River Regulating District.
- 3) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
- 4) Where district boundaries are not indicated as approximately following the rules herein, the boundary lines shall be determined by the use of the scale designated on the Town Land Use Map.
- 5) In all cases where a district boundary divides a lot in one ownership on the effective date of this Ordinance and more than 50% of the area of such lot lies in the more restricted district, the regulations prescribed by this Ordinance for the more restricted district may be extended by the ZBA to such portion of the less restricted district. For the purposes of this Section, Lakefront Residential is most restrictive for uses, and least restrictive in terms of density.
- 6) In the event that none of the above rules is applicable or if further definition is necessary, the location of the boundary will be established by the Zoning Board of Appeals.

4. SCHEDULE OF USE, AREA AND BULK REGULATIONS

4.1 General Interpretation and Applicability of Regulations

The use, area and bulk regulations appear in Schedule 1 on the following page. This schedule is supplemented, as appropriate by other provisions of this Ordinance. The setbacks provided apply to all structures, including principal, accessory and temporary structures.

All land use and development shall hereafter be in conformity with the provisions of this Ordinance. All lots resulting from subdivision of any property shall conform to dimensional requirements for the district in which such property is located except as allowed in cluster development.

4.1 - SCHEDULE 1 - Use, Area and Bulk Regulations

Lot Requirements:	Lakefront Residential	Low Intensity	Rural Use	Resource Management
Minimum Lot Size¹ (in acres)	1.3	3.2	8.5	42.7
Minimum Road Frontage² (in feet)	100	100	100	100
Minimum Shoreline Lot Width (in feet)	100	125	150	200
Maximum Lot Coverage	35%	25%	25%	10%
Structure Requirements³:				
Structure Setbacks – Front (in feet)	25	25	25	25
Structure Setbacks – Side (in feet)	10	25	25	25
Structure Setbacks – Rear (in feet)	10	25	25	25
Structure Setbacks – Shoreline⁴ (in feet)	50 ⁵	75	75	100
Maximum Structure Height⁶ (in feet)	40	40	40	40
Minimum Principal Building Size (in square feet)	1,250	750	750	750
Permissible Uses:				
Compatible Uses	listed in Appendix A	listed in Appendix A	listed in Appendix A	listed in Appendix A
Class A Projects	listed in Section 14.5.1	listed in Section 14.5.2	listed in Section 14.5.3	listed in Section 14.5.4
Class B Projects	listed in Section 15.9.1	listed in Section 15.9.2	listed in Section 15.9.3	listed in Section 15.9.4
Notes: 1) Section 13.2 provides for cluster subdivisions for specific purposes. 2) The linear dimensions in the above Schedule represent the minimum allowable dimension as measured at any and all locations within the lot. 3) Setbacks apply to all structures except as modified in other sections of this Ordinance. 4) The shoreline structure setbacks apply from the mean high water mark of all navigable waterbodies. 5) For parcels with lakefront, the structure setback from HRBRD property line shall be a minimum of 10 feet. 6) See definition for “structure height.”				

4.2 Application of Regulations

Except as hereafter provided:

- 1) No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, demolished, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located.
- 2) No grading or clearing shall be permissible unless said grading or clearing is required as part of an approved building permit or land use and development permit, and is in accordance with New York State Department of Environmental Conservation (NYS DEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities.
- 3) Any grading, clearing or associated site work shall be completed to minimize soil erosion, and is in full conformance with New York State Standards and Specifications for Erosion and Sediment Control, latest version.
- 4) No yard or lot existing at the time of the passage of this Local Law shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Local Law shall meet the minimum requirements set forth herein.
- 5) Notwithstanding the provisions of Town Law Section 265-a, nothing contained herein shall prohibit the use of a lot of record in legal existence as of the date of enactment of this Local Law even if such lot or lots do not meet the minimum area and bulk requirements provided the lot or lots meet the requirements of Section 8.1 of this Ordinance.
- 6) Within each district, the regulations set forth by this Local Law shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land.
- 7) Within Lakefront Residential and Low Intensity Zoning Districts, only one (1) principal building shall be permissible on one (1) approved lot or parcel of land as required by these zoning regulations.
- 8) Home occupations are permissible in all zoning districts subject to approval by the Planning Board.

4.3 Permissible Uses

A use shall be permissible in a given district if it is listed as a permissible use for that district in Section 4.1, provided that all other requirements of this Ordinance are met. Only those uses specifically identified as permissible uses shall be permissible in their respective land use districts.

4.3.1 Class A Regional Projects

The Class A Regional Projects listed in Section 14.5 require Site Plan Review and approval by the Planning Board in accordance with Article 5 and 14 of this Ordinance and an Adirondack Park Agency permit.

4.3.2 Class B Regional Projects

The Class B Regional Projects listed in Section 15.9 require Planning Board approval in accordance with Articles 5 and 15 of this Ordinance.

4.3.3 Other Compatible Uses

All other compatible uses listed in Appendix A, not otherwise listed as a Class A or a Class B Regional Project, require Site Plan Review in accordance with Article 5.

4.3.4 Accessory Uses/Structures

An accessory use or accessory structure shall be permissible if it is accessory to a permissible use pursuant to the terms of this Ordinance, so long as said accessory use/structure does not result in or increase any non-conforming use.

4.3.5 Prohibited Uses

Any use not specifically identified in a given district as one of the Permissible Uses (including any use not specifically listed as a compatible use in Appendix A for the district) is prohibited unless a use variance shall have been granted by the ZBA and such use is allowed by the Adirondack Park Agency (if subject to its review).

4.4 Procedures - All Districts and Uses

4.4.1 Applicability

Prior to any new or expanded land use and development, any subdivision of land, or any change in the existing use of any parcel in the Town of Edinburg, the owner or his agent must obtain a Building Permit and/or Land Use and Development Permit through application to the Code Enforcement Official (CEO) of the Town for a determination of the applicability of this Ordinance.

4.4.2 Information Required

For any project or action listed above, the applicant must provide the following information to the CEO:

- 1) Name and current street and mailing addresses of the property owners.
- 2) Location of site. (Tax map number)
- 3) Copy of deed or proof of last subdivision or change of ownership.
- 4) A site map showing the dimensions of the property and the locations of all new and existing wells, septic system components, structures, bodies of water, wetlands, roads and rights-of-way both on the site and within 100 feet of the property lines on adjacent sites.
- 5) Description of proposed new or changed use or subdivision.

4.4.3 Determination

In accordance with the requirements and standards contained in this Ordinance, the CEO shall determine whether:

- 1) The project is a permissible use and meets all the dimensional requirements of the applicable district and the application shall be processed according:
 - a. The project is a Class A or Class B Regional Project and shall be referred to the Planning Board.

The Adirondack Park Agency is solely authorized to determine if a project is a Class A or B project. If the Class A/B status of the project cannot clearly be determined, the applicant shall be required to seek a jurisdictional determination from the APA. The official APA jurisdictional determination for the project shall be provided to the CEO by the applicant in order for the appropriate review process to be determined.
 - b. Subdivision that are not a Class A or Class B Project must be reviewed under Article 12 "Procedures for Subdivisions."
 - c. The project is an accessory use/structure.
 - d. All other compatible uses listed in Appendix A, not otherwise listed as a Class A or a Class B Project, shall be referred to the Planning Board.
- 2) The project is a permissible use for the applicable district but does not meet the dimensional requirements of the district, and therefore the application must be denied. The applicant may make application to the ZBA for an area variance for the project.

- 3) The project was granted a variance by the ZBA and meets the requirements of Article 9; the project shall then be referred to the Planning Board for Site Plan Review.
- 4) The project does not fall into any of the above categories or the intended use is not listed as a Permissible Use in Section 4.1 and is therefore not permissible. The applicant may choose to appeal the CEO's decision by requesting a hearing through the ZBA process.

5. SITE PLAN REVIEW

5.1 Intent

The intent of the Site Plan Review (SPR) process is to ensure the orderly and safe arrangement, layout, and design of a proposed project, and to insure that any project fits in with the aesthetics and character of the community.

5.2 Authorization to Approve or Disapprove Site Plan Uses

In accordance with Town Law Section 274-a, the Town of Edinburg Planning Board is hereby authorized to review and approve, approve with qualifications or modifications, or disapprove plans for new land use activities within the Town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this Ordinance.

5.3 Applicability

All land use and development which meet one or more of the criteria below shall, prior to the issuance of a building permit and/or certificate of use of occupancy, receive site plan approval from the Planning Board, pursuant to the procedures and standards of this Ordinance.

- 1) All uses listed under Permissible Uses in Section 4.1, Schedule 1.
- 2) All uses specified as requiring site plan in Supplementary Regulations.
- 3) All uses granted a variance by the ZBA and meet the requirements of Article 9.

5.4 Procedure

The review of site plans is divided into three phases: presubmission conference (optional), preliminary application, and final application.

5.4.1 Presubmission Conference (Optional)

The CEO shall refer the applicant to the Secretary of the Planning Board who shall schedule a presubmission conference for the next regularly scheduled Planning Board meeting. The purpose of the presubmission conference is to give the Planning Board and the Applicant an opportunity to discuss the project before the Applicant commits significant outlays of time and money. At the presubmission conference the Applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the Applicant shall provide:

- 1) A map showing the important existing natural and manmade features in and around the site; and

The a map should include and clearly show the dimensions of the property and the locations of all new and existing wells, septic system components, structures, bodies of water, wetlands, roads and rights-of-way both on the site and within 100 feet of the property lines on adjacent sites.

- 2) A sketch plan showing the major features of the proposal including.

3) If the project is not a Class A or a Class B Regional Project, or a subdivision, and meets all requirements and standards contain in this Ordinance; the Planning Board may determine the project doesn't pose significant impacts and will not require site plan review, allowing a permit for the project to be issued by the CEO. The class of projects deemed not to pose significant impacts will be determined by the Planning Board and will be posted in the zoning office. By majority vote of the Planning Board, the list of projects may be created and revised.

5.4.2 Preliminary Application for Site Plan Review

Seven (7) copies of a preliminary application for site plan review (on forms to be provided by the Town) shall be made in writing to the Planning Board. Scale of the site plan shall be one-inch equals 50 feet, or in the case of large lots, as appropriate for the lot size and approved by the Planning Board. The preliminary application shall be accompanied by a fee as determined by the Town Board and posted in the Town Hall.

The application shall be accompanied by the information listed below as determined necessary by the Planning Board. The Planning Board may require any or all of the following items, as it determines appropriate for the nature and scale of the proposed project. The presubmission conference may be used to determine the application requirements. A licensed professional engineer, architect or land surveyor shall prepare the preliminary site plan, unless this provision is waived in writing by the Planning Board.

- 1) Title of drawing, date, north arrow, scale, name and address of applicant, and person responsible for the preparation of such drawing;
- 2) boundaries of the property plotted to scale;
- 3) existing water courses, wetlands, FEMA floodplains, landscaping and vegetative cover;
- 4) grading and drainage plan showing existing and proposed contours with intervals of five feet or less, and any retaining wall or slope and shoreline stabilization structures;
- 5) location, use and height of all existing and proposed buildings;
- 6) all existing and proposed means of vehicular ingress and egress to and from the site from and onto public streets;
- 7) proposed lot lines for any subdivision of land;
- 8) design and construction materials of all parking and truck loading areas;
- 9) provision for pedestrian access;
- 10) location of outdoor storage, if any;
- 11) location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- 12) description of the method of sewage disposal and location design and construction materials of such facilities;
- 13) description of the method of securing water and location, design and construction materials of such facilities;
- 14) location of fire and other emergency zones, including the location of fire hydrants;
- 15) location, size, design and construction materials of all proposed signage;
- 16) the proposed location, direction, power and hours of operation of proposed outdoor lighting;

- 17) designation of the amount of building area proposed for each use;
- 18) landscaping plan and planting schedule;
- 19) location and proposed development of all buffer areas, including indication of existing vegetative cover;
- 20) other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any required County, State or Federal permits;
- 21) completed Environmental Assessment Short Form or Part I of the Long Form, if necessary, pursuant with SEQRA Regulations.

In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. More specifically, the Planning Board shall ensure:

- a. the adequacy and arrangement of access and circulation including, but not limited to, road widths, grade, alignment, sight distance, location, surfaces, traffic control, walkway, and pedestrian convenience;
- b. the buildings, lights, and signs compatibility in terms of location, arrangement, size and design;

5.4.3 Consultants

The Planning Board shall consult with those officials, experts or consultants it believes necessary to provide a sound review of the proposal. The Board may charge a fee to the project applicant for the cost of such review provided that the fee charged reflects the actual cost of the assistance to the Planning Board.

5.4.4 Referral to the County Planning Board

Prior to taking action on the preliminary application for site plan review, if applicable, the Planning Board shall refer a copy of the preliminary application to the Saratoga County Planning Board for its review in accordance with Section 239-m of the General Municipal Law. No action shall be taken by the Planning Board on such preliminary application until an advisory recommendation has been received from the County Planning Board or 30 calendar days have lapsed since the County Planning Board received such full statements. Applicable uses include any site plan within 500 feet of:

- 1) the boundary of any city, village, or town;
- 2) any existing or proposed county or state park or other recreation area;
- 3) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- 4) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; and
- 5) the existing or proposed boundary of any county or state

5.4.5 Compliance with the State Environmental Quality Review Act (SEQRA)

The Planning Board shall comply with the requirements of SEQRA in reviewing the proposal. If the time schedule for SEQRA for an individual project conflicts with the review process requirements of this Ordinance, the Town review will be suspended until the SEQR review allows for the Town review to proceed.

5.4.6 Planning Board Action on Preliminary Application for Site Plan Review

Within 62 days of the receipt of a completed preliminary application for site plan review, the Planning Board may hold a public hearing on the preliminary application if it determines such action would be in the public interest. Within 62 days of the public hearing, or 62 days of receipt of a preliminary application if no public hearing held, the Planning Board shall approve, disapprove, or approve with modifications the preliminary site plan application. The Planning Board's action shall be in the form of a written statement to the applicant. Nothing herein shall be interpreted as stating a public hearing is required.

The Planning Board's statement may include recommendations to be incorporated in the final site plan application, of which conformance with said modifications shall be considered a condition of approval. If the preliminary site plan application is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and submission to the Planning Board after it has been revised or redesigned.

5.5 Planning Board Review of Final Site Plan Application

After receiving approval, with or without modifications, of the preliminary site plan application, the applicant shall submit a final site plan to the Planning Board for approval. The final site plan shall conform substantially to the approved preliminary site plan and shall include any modifications that were required as a result of the preliminary site plan review.

Within 62 days of the receipt of the final site plan application, the Planning Board shall approve or disapprove the final site plan application. Seven (7) copies of the final site plan application are required. A licensed professional engineer, architect, or land surveyor shall prepare the final site plan, unless waived by the Planning Board.

Upon approval of the final site plan, the Planning Board shall endorse its approval on four (4) copies of the final site plan, one (1) copy shall be retained by the Planning Board, one (1) copy shall be forwarded to the Code Enforcement Official and two (2) copies should be provide to the applicant who is responsible for sending a copy to the Saratoga County Planning Board. Upon disapproval of a final site plan, the Planning Board shall notify the applicant in writing of its decision and its reasons for disapproval.

5.6 Waiver of Final Site Plan Application

If the preliminary site plan is approved without modifications, the final site plan application may be waived by the Planning Board.

5.7 Performance Guarantee

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. Such performance guarantee shall be posted in accordance with the procedures specified in Section 277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Town Attorney, the CEO, and other local officials or its designated consultants.

5.8 Appeal of Board Decision

Any person aggrieved by a decision of the Planning Board may apply to the New York State Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and

Rules. Such proceedings shall be instituted within 30 days after the filing of a decision by such board in the office of the Town Clerk.

5.9 Waiver of Site Plan Review Requirement

The Planning Board shall have the authority to waive site plan review requirements (preliminary and final) for certain types of projects and uses, except Class B projects, and will so advise the CEO of those projects and uses that will not require site plan review by the Planning Board.

6. SUPPLEMENTARY REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

The purpose of these regulations are to promote and protect the public health, welfare, and safety, and to insure optimum overall preservation and enjoyment of the scenic, aesthetic, and open space resources of the Town and of the Adirondack Park. These regulations are intended to safeguard property values, create a more attractive climate for tourism and other business, protect open country scenery along highways, and generally provide a more aesthetically pleasing community and region.

6.1 Sign Regulations - Purpose

The purpose of these sign regulations is to promote and protect the public health, welfare, and safety, and to insure optimum overall preservation and enjoyment of the scenic, aesthetic, and open space resources of the Town and of the Adirondack Park. These regulations are intended to safeguard property values, create a more attractive climate for tourism and other business, protect open country scenery along highways, and generally provide a more aesthetically pleasing community and region. These regulations are further intended to reduce obstructions and distractions that may contribute to traffic accidents, and to minimize hazards that may be caused by signs hanging or projecting over public rights-of-way.

6.1.1 Sign Regulations - Definitions

1) "Sign" means any inscribed surface, pattern of artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, or other visually communicative or expressive device that is located in an out-of-doors position or in the window of a structure so as to be viewed from the outside and is used to advertise or call the public's attention to any business, activity, object for sale or lease, person, or place, or to bear any kind of message. The meaning of "sign" shall also include any sign currently in disuse but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.

2) "Sign area" means the total area of all faces or surfaces of a sign anywhere upon which writing or any illustrative, emblematic, or other artistic or expressive matter appears, or, in cases where writing or illustrative, emblematic, or other artistic or expressive matter is not set against any face or surface, the total area within a single continuous perimeter enclosing the extreme limits of such writing or illustrative, emblematic, or other artistic or expressive matter. The sign area of a sign having more than one face or surface on which writing or illustrative, emblematic, or other artistic or expressive matter appears shall be the total area of all such faces or surfaces; but if a sign consists of two such faces or surfaces placed back-to-back, the sign area of the side having the greater sign area shall constitute the total sign area. The sign area of a group of connected or related signs shall be the sum of the sign areas of the signs belonging to it.

- 3) "Erect" means to build, construct, alter, enlarge, relocate, attach, hang, place, affix, or maintain any sign, and includes the painting of wall signs.
- 4) "Luminous sign" means any incandescent or other sign which gives forth its own light, or any transparent or translucent sign through which artificial light is emitted, including, without limitation, any neon sign, fluorescent sign, or advertising light display.
- 5) "Indirectly illuminated sign" means any sign illuminated by a lighting device and reflecting the light thereof, but not emitting any light and therefore not a luminous sign.

No sign shall be erected or maintained anywhere within the Town unless or until a land use and development permit has been obtained from the CEO pursuant to this Ordinance.

6.1.2 Sign Regulations - General Provisions

The provisions contained in this Section shall apply to all signs, regardless of their location with respect to any zoning district.

- 1) No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity, except in the case of digital street clocks and temperature indicators.
- 2) No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, or any day-glowing or other fluorescent paint or pigment.
- 3) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. The said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.
- 4) No sign shall be erected or maintained upon the roof of any building or structure.
- 5) No motor vehicle, including trailers and other such movable devices, on which is placed or painted a sign intended to advertise the premises or business located on the premises shall be parked or located on such premises in a manner primarily intended to display such sign.
- 6) No political sign shall be erected more than 30 days prior to a primary or regular election and any such signs must be removed within three days after said election.

6.1.3 Sign Regulations - Additional Provisions

These regulations are intended to reduce obstructions and distractions that may contribute to traffic accidents, and to minimize hazards that may be caused by signs hanging or projecting over public rights-of-way.

- 1) Not more than two signs may be erected or maintained on the premises advertising or relating to a business or activity except for directional and informational signs not exceeding two square feet in area and limited to texts such as "office", "entrance", "exit", "no parking", etc.

- 2) Not more than one pole sign may be erected or maintained upon any premises unless such premises is served by entrances from two streets and a single pole sign would not be effectively visible from both entrances.
- 3) No sign shall be erected or maintained having a sign area greater than 24 square feet, nor shall sign be more than 20 feet in height above the level of the surrounding grade.
- 4) The total area of all signs on a premise shall not exceed 60 square feet.
- 5) The signs located in a walk-up service window that constitute the menu or list of items available at that window shall be exempt from the limitations imposed in this Section.
- 6) Where more than one business occupies a single premises, such as a shopping center or multiple commercial use facility, the following standards shall apply:
 - a. A single freestanding sign, not to exceed 40 square feet in area or more than 20 feet in height may be erected identifying the premises but shall contain no other advertising.
 - b. An individual sign not to exceed 30 square feet may be erected on the front of each separate business on the premises.
 - c. An overall plan of all the signs on the premises shall be subject to review and approval of the Planning Board and shall reflect a reasonable uniformity of design, lettering, lighting and material.
- 7) All off-premises signs shall conform to all applicable requirements of the Adirondack Park Sign Law administered by the Department of Environmental Conservation pursuant to ECL-9-0305 and 6 NYCRR Part 195.
- 8) All proposed new signs associated with a Class A or Class B Regional Project shall be in conformance with the standards of Appendix Q-3 of the APA Rules and Regulations.

6.2 Special Shoreline Regulations

6.2.1 Minimum Shoreline Setback

For the purpose of the shoreline structure setback, all structures in excess of 100 square feet in size, measured in plan view or elevation view, whichever is larger, including but not limited to, buildings, sheds, fences, decks, steps, retaining walls, and shoreline stabilization structures including rip-rap. Decks and patios that are flush to the ground and docks less than eight (8) feet wide are exempt from the shoreline setback requirements.

The shoreline structure setback requirements are stated in Section 4.1, Schedule 1.

6.2.2 Minimum Setback for On-Site Sewage Facilities

The minimum setback of any on-site sewage drainage field or seepage pit shall be 100 feet from the shoreline of any lake, waterbody, river, stream, and the edge of any wetland, irrespective of the zoning district or land use area classification. The local body or officer having jurisdiction, or the APA in its review of Class A Regional Project, shall have authority to require a greater setback of any on-site sewage drainage field or seepage pit if it is determined that soils or other pertinent conditions require such greater setback to reasonably protect the quality of the water body involved.

6.2.3 Cutting Restrictions

In the case of the shorelines of all lakes and ponds except the Great Sacandaga Lake, which is exempt from this Section, and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the removal of vegetation, including trees, shall be permissible on shorefront lots provided the following standards are met:

- 1) Within 35 feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of 30% of the trees in excess of six inches diameter at breast height existing at any time may be cut over any ten-year period.
- 2) Within six (6) feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of 30% of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to 1) above.
- 3) The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards.
- 4) The Planning Board and/or the APA reserve the right to impose additional conditions on shoreline cutting as part of their review of jurisdictional projects.

6.2.4 Minimum Shoreline Frontage for Deeded or Contractual Access

In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the following minimum shoreline frontages shall be required for deeded or contractual access to all such lakes, ponds, rivers or streams for five or more lots, parcels or sites or multiple family dwelling units not having separate and distinct ownership of shore frontage.

- 1) Where 5 to 20 lots or multiple family dwelling units are involved, a total of not less than 300 feet.
- 2) Where more than 20 lots or multiple dwelling units are involved, a minimum of 10 feet for each additional lot or multiple dwelling unit in excess of 20.

6.2.5 Minimum Shoreline Lot Width

The shoreline lot width requirements are stated in Section 4.1, Schedule 1.

6.3 Individual Junk Vehicles

No individual junk vehicles or parts thereof shall be so located as to be visible from public roads, trails, or boat or canoe routes, or from neighboring properties.

6.4 Junkyards

The minimum lot size for a junkyard shall be 10 acres, or the minimum lot size for the zone in which the junkyard is located, whichever is larger.

6.5 Mobile Home Courts

Mobile home courts shall be subject to the following requirements:

6.5.1 Site

- 1) The mobile home court shall be located in an area where grades and soil conditions are suitable for use as mobile home sites.

- 2) The mobile home court shall be located on a well drained site which is properly graded to insure adequate drainage and be free at all times of pools of stagnant water.

6.5.2 Mobile Home Lot

- 1) The mobile home court shall be marked off into individual mobile home lots.
- 2) The total number of mobile home lots in the court shall not exceed the total area of the court divided by the minimum lot size in of the zoning district (specified in Section 4.1 Schedule 1) in which the court is located.
- 3) In no case shall a mobile home lot have a total area of less than 7,500 square feet and a lot width of less than 75 feet.

6.5.3 Mobile Home

- 1) No mobile home or accessory structure shall be parked or otherwise located within: 40 feet of an adjacent mobile home; 60 feet from an adjacent property line of any third party; 75 feet of the right-of-way line of a public street or highway; or 20 feet of the edge of an internal street within the court.
- 2) Only one (1) mobile home and its accessory structures shall be permissible on any one (1) mobile home lot.

6.5.4 Mobile Home Stand and Skirting

- 1) Each mobile home lot shall have a mobile home stand which will provide for the practical placement and removal from the lot of both the mobile home and its related structures, and retention of the home on the lot in a stable condition.
- 2) The stands shall be of sufficient size to fit the dimensions of the anticipated mobile homes.
- 3) The stands shall be constructed to support the maximum anticipated loads and prevent excess movements from frost action.
- 4) The stands shall be suitably graded to promote rapid drainage.
- 5) The mobile home shall be enclosed with a sturdy material which will cover the wheels, chassis and all other appliances under the mobile home.

6.5.5 Accessibility

- 1) The mobile home court shall be easily accessible from an existing public highway or street.
- 2) Where a mobile home court has more than 15 mobile home lots, there shall be at least two (2) points of entry and exit but in no instance shall there be more than four (4) entry or exit points.
- 3) Mobile home lots shall not have individual driveway cuts onto a highway or public road.
- 4) The mobile home court shall have graded and improved internal streets to provide safe and convenient access to all lots and facilities of the court.
- 5) Internal streets of the court must be at least 12 feet wide if designated for one-way traffic and 20 feet wide for two-way traffic.
- 6) An improved driveway and parking area shall be provided for each lot adequate to park two (2) vehicles.

6.5.6 Utilities and Service Facilities

- 1) Utilities and services shall be provided in accordance with the NYS Sanitary Code, The National Electrical Code and all other applicable State and National Codes.
- 2) Other service facilities and buildings shall be provided as deemed necessary for the operation of the camp. Such facilities are to be maintained in a clean, sightly and sanitary condition.
- 3) Garbage collection and storage facilities shall be available at a centralized location. Facilities for the collection and storage of garbage must comply with the applicable rules of the Town.
- 4) All wastewater from the mobile homes, sanitary facilities on the site and other buildings on the site must be discharged into a septic or sewage system approved by the NYS Department of Health and/or the NYS Department of Environmental Conservation.

6.6 Travel Trailer Camps

Travel Trailer camps shall be subject to the following requirements:

6.6.1 Applicability

Any premises upon which more than one travel trailer is used for more than 30 days in any calendar year or upon which more than one (1) travel trailer is used for more than 45 aggregate days in any calendar year will be designated a travel trailer camp and is subject to the requirements of such as defined in this Ordinance except when one travel trailer is the sale residence on the premises.

6.6.2 Site

- 1) The travel trailer camp shall be located in an area where grades and soil conditions are suitable for use as travel trailer sites.
- 2) The minimum lot area necessary for a travel trailer camp shall be 8.3 acres, or the minimum lot area for zoning district in which the camp is located, whichever is larger.

6.6.3 Travel Trailer Lots

- 1) Each travel trailer camp shall be marked off into travel trailer lots.
- 2) The total number of lots shall not exceed five per gross acre.
- 3) Each lot shall have a minimum area of 3000 square feet with a minimum width of thirty feet.

6.6.4 Travel Trailers.

- 1) No travel trailer shall be parked or otherwise located within: twenty five feet of another travel trailer; seventy five feet of the right-of-way of any public highway or street; or seventy five feet of any property line of a third party.
- 2) Only one travel trailer may be permitted to occupy any one travel trailer lot.
- 3) No travel trailer shall be allowed to remain, whether occupied or not, in any travel trailer camp for more than sixty consecutive days or for more than 90 out of any 365 consecutive days unless stored in a designated storage area as designated in (4) below.
- 4) A designated storage area may be constructed with a capacity of no more than 25% of the number of trailers allowed in the travel trailer park. The storage area must be fenced in and gated and must not have any facilities for water, sewage or

electricity. Trailers may not be occupied, repaired or used in any way while stored in this area.

6.6.5 Travel Trailer Stand

- 1) Each lot shall have a travel trailer stand which will provide for the practical placement and removal of the trailer and its retention in a stable condition.
- 2) The stand shall be of sufficient size to accommodate the largest anticipated trailer.
- 3) The stand shall be of solid enough construction to provide a stable base for the heaviest anticipated trailers.
- 4) The lot and stand area shall be suitably graded to remove all surface water quickly.

6.6.6 Accessibility

- 1) Where a travel trailer camp will accommodate more than fifteen travel trailers it must have two points or more of entry or exit, but in no case may there be more than four entry or exit points to a public road or highway. Such entry and exit points must be designed and located to provide safe and easy movement into and out of the camp and minimum interference with traffic. In no instance may a situation be created where a travel trailer may have to back out of the camp onto a public street or highway.
- 2) Travel trailer sites must not be directly accessible from any public street or highway.
- 3) All entrances and exits must be kept free of anything which would restrict visibility from and of the public highway or street which they access.

6.6.7 Utilities and Services

- 1) Utilities and services shall be provided in accordance with the NYS Sanitary Code, The National Electrical Code and all other applicable State and National Codes.
- 2) Other service facilities and buildings shall be provided as deemed necessary for the operation of the camp. Such facilities are to be maintained in a clean, sightly and sanitary condition.
- 3) Garbage collection and storage facilities shall be available at a centralized location. Facilities for the collection and storage of garbage must comply with the applicable rules of the Town.
- 4) All wastewater from the travel trailers, facilities on the site and other buildings on the site must be discharged into a septic or sewage system approved by the NYS Department of Health and/or the NYS Department of Environmental Conservation.

6.6.8 Landscaping

- 1) Lawn or other suitable ground cover shall be provided on those areas of the camp not used for trailer stands or other buildings or access streets.
- 2) Plantings shall be provided to the extent needed to provide year-round screening of garbage and storage areas and non-residential facilities. Screen planting or natural vegetation shall be provided along the line of streets, highways and adjacent private property.

6.7 Excavations

Grading operations or soil disturbance activity in all zoning districts must be conducted in accordance with the practices outlined in the handbook "New York Standards and Specifications for Erosion and Sediment Control." A Land Use and Development Permit must be obtained from the CEO and meet the following minimum requirements:

- 1) The excavation or fill shall not adversely affect the natural drainage of adjoining properties of any other party or municipality, or the structural safety of any structure thereon.
- 2) The top of the slope of any excavation or the bottom of the slope of any fill shall not be closer than five feet to the property line, except for the excavation or fill associated with an approved highway cut or except when written approval is received from the owner of the property adjacent to the cut or fill.
- 3) The applicant must submit grading plans for reasonable rehabilitation of the land involved after the cessation of activities. Such plans must include re-grading to a stable slope, soil restoration and seeding to provide an effective cover crop after the first growing season. The final grading plan shall insure that there will be no impacts to the drainage patterns that may be detrimental to adjoining or downstream properties. The Planning Board, as a condition of approval, may require a performance bond to guarantee the completion of such rehabilitation.

The following activities are specifically exempted from the provisions of this Section:

- a. Agricultural operations or household gardening.
- b. Activities of a municipality or governmental body.
- c. Mining operations licensed by the appropriate NY State agencies.

6.8 Motels, Hotels and Tourist Accommodations

Motels, hotels and tourist accommodations shall be subject to the following additional requirements:

- 1) For each motel, hotel or similar tourist accommodation which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar unit for rent or hire involving less than 300 square feet of floor space, the minimum land area shall be one-tenth the minimum lot size in Section 4.1 for the zoning district in which the unit is located. The minimum land area for each tourist cabin or similar structure for rent or hire involving more than 300 square feet of floor space shall be the minimum lot size for the zoning district in which the structure is located.
- 2) Adequate off-street parking shall be provided consisting of a minimum of 1.5 parking spaces for each rental unit under 300 square feet, two parking spaces for each rental unit over 300 square feet, one parking space for every full time employee living off premises and one parking space for every two employees living on-premises.
- 3) No portion of any structure used for tourist accommodations shall be located within 50 feet of the property of any other party or within 125 feet of the shoreline of any body of water.
- 4) Where any tourist accommodation has access to the Great Sacandaga Lake, the following shoreline frontages shall be required: 100 feet for the first ten units or less and eight feet for each additional unit.

6.9 Multiple Family Dwellings

Multiple family dwellings shall be subject to the following additional requirements:

- 1) The minimum land area for each individual dwelling unit shall be the minimum lot size in Section 4.1 hereof for the zoning district in which the dwelling is to be located.
- 2) Adequate off-street parking shall be provided consisting of at least two parking spaces for each individual dwelling unit.

6.10 Sheds

A building permit shall be required for storage sheds. Sheds shall be constructed of typical building materials used in residential construction, and the reuse of prefabricated items originally built for a different use, such as trailers, mobile homes, roll-off boxes, storage containers, etc. shall be prohibited in all zoning districts. Sheds must comply with all setback requirements as specified in Table 4.1, Schedule 1. No shed may be constructed in a front yard of any premise.

6.11 Temporary Structures

Temporary structures shall be permissible in any zone if installed, situated and utilized in the following manner:

- 1) Within all appropriate setback requirements in the appropriate zone.
- 2) Utilized consistently with any uses permissible within the appropriate zone.
- 3) Prior to the installation of any temporary structure a permit shall be obtained from the CEO upon a plan reviewed and approved demonstrating the location of the temporary structure in compliance with this Section. Camping tents, screen tents, picnic canopies and similar temporary shelters designed for temporary human habitation are not required to obtain a permit.
- 4) In Lakefront Residential not permissible in any front yard (i.e., situated between the principal structure and the public right-of-way), and not permissible on any side yard (i.e., situated between the principal structure and a public right-of-way or in a side yard between adjacent principal uses).
- 5) In Lakefront Residential, temporary structures can be in use for a maximum of three (3) months in any single year.

6.12 Home Occupations

Home occupations, which are permissible in all zoning districts in accordance with Section 4.2(8) of the Ordinance, shall be reviewed by the Planning Board as established under the guidelines of site plan review

7. ADMINISTRATIVE PROVISIONS AND ENFORCEMENT

7.1 Zoning Board of Appeals

There shall be a Zoning Board of Appeals (ZBA), consisting of five (5) members, including a chairperson, all appointed by the Town Board. The terms of the members shall be so fixed that one (1) member's term shall expire at the end of the calendar year in which such members were initially appointed. The remaining member's terms shall be so fixed that one (1) member's term shall expire at the end of each year thereafter. At the expiration of each original members appointment succeeding members shall be appointed for a three-year term. Except as provided above, the provisions of Town Law Section 267 shall govern the ZBA. The jurisdiction of the ZBA 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 CEO. Except as stated above, the ZBA procedure shall be governed by Town Law Section 267-A.

Upon the adoption of this Ordinance, the existing ZBA and its members shall continue under the terms of their appointment.

7.2 Code Enforcement Official

The CEO shall have the power and duty to administer and enforce the provisions of this Ordinance. The CEO shall be appointed by the Town Board and may be removed at its pleasure. An appeal from any action, omission, decision or determination of the CEO pursuant to this Ordinance must be made to the ZBA.

7.3 Required Records

The original of all decisions, approvals, rulings and findings of any Board under this Ordinance, and of all permits and certificates issued under this Article, shall be promptly furnished to the Town Clerk and retained as a public record.

7.4 Appeal from Action of the Zoning Board Of Appeals

An action, omission, decision or ruling of the ZBA pursuant to this Ordinance may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the date of action, omission, decision or ruling complained of.

7.5 Form of Petitions, Applications and Appeals

Unless otherwise stated, all petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the applicable board.

7.6 Application Fees

Fees shall be established by resolution of the Town Board. Such fees shall not be refundable.

7.7 Notice of Public Hearing

When the Planning Board or ZBA is required to hold a public hearing, as provided for by the terms of this Ordinance, notice of the hearing shall be given in the following manner:

- 1) Notice of public hearing shall be published once in the official newspaper of the Town at least five (5) days prior to the date of the hearing. In addition, at least ten days prior to the date of the hearing, notices shall be mailed to all adjacent property owners as follows:
 - a. Area variance and minor subdivision; all adjacent property owners at lot corners and directly across the street
 - b. Use variances and major subdivisions; all adjacent property owners within 100 feet measured at lot corners
- 2) The Board may adjourn the public hearing to a specific date and time in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. No further notice or publication will be necessary.

7.8 Site Inspections

The filing of an application for a permit or request for determination of a project shall be deemed a granting of approval by the applicant to the Planning Board, the ZBA, and the CEO, and to such persons as they may designate, to conduct such examinations, tests, and other inspections of the site which is the subject of such application, as the body or officer having jurisdiction deems necessary. Entrance upon the applicant's property, where practicable, shall be made only after prior notice to the applicant.

7.9 Land Use and Development Permits

No person shall undertake any new land use or development or subdivision of land until the CEO has issued a land use and development permit and any applicable Town or APA permits.

7.9.1 Issuance of Land Use and Development Permits

- 1) Land use and development permits shall be issued in accordance with the standards and procedures set forth in this Section.
- 2) The CEO shall issue a permit if he determines that the new land use or development:
 - a. complies with the Town Sanitary Code, if applicable and;
 - b. meets the dimensional requirements of Section 4.1, Schedule 1, unless an area variance has been granted, or clustering has been approved, and meets shoreline restrictions (if applicable), and;
 - c. is one of the following;
 1. a permissible use which is not a Class B Regional Project;
 2. an accessory use;
 3. a non-permissible use which is not a Class B Regional Project, for which a use variance has been granted, and if such grant was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met;
 4. a Class B Regional Project for which Class B Regional Project approval has been obtained, and if such approval was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met;
 5. a sign, as defined in and complying with this Ordinance.
- 3) Land use and development permits shall be issued on forms prescribed by the Planning Board.

7.9.2 Recording or Expiration of Permits for Class B Regional Projects

A land use and development permit issued for a Class B Regional Project shall be filed with the Saratoga County Clerk and be recorded in the Adirondack Park Agency Regional Project Permit Book within 60 days of issuance. If the permit has not been duly recorded within the 60 days, the permit shall expire.

7.9.3 Expiration of Land Use and Development Permits

If a project for which a land use and development permit has been issued is not substantially completed within three years after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued, unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of permit, unless the terms of the initial land use and development permit for the project provide for a longer period of time, in which case the permit shall expire at the end of that longer period.

7.10 Penalties

Any person owning, controlling or managing any building, structure, land, or premises therein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this Ordinance; and any person who shall assist in the commission of any violation of this Ordinance or any conditions imposed by the Planning Board,

a land use and development permit, or who shall build, erect, construct, or attempt the same, any structure contrary to the plans or specifications submitted to the authorized official and certified as complying with this Ordinance; and any person who shall omit, neglect or refuse to do any act required by this Ordinance, shall be guilty of a misdemeanor and subject to a fine of not more than \$350 or to imprisonment for a period of not more than six months, or both such fine and imprisonment, or by penalty of \$350 to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive office partner, agent or manager shall be considered to be the person for the purpose of this Article.

7.11 Additional Remedies

In case of any violation or threatened violation of any of the provisions of this Ordinance, or conditions imposed by a land use and development permit the Town may, in addition to other remedies herein provided, institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving, and/or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct business or use in or about such premises.

7.12 Misrepresentation

Any permit or approval granted under this Ordinance, which is based upon or is granted in reliance upon any material misrepresentation of fact, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be subject to revocation or suspension of the permit after the applicant is notified and has had an opportunity to be heard. The CEO shall send notice to the applicant stating the basis of the alleged misrepresentation and shall schedule a hearing at the next regularly scheduled ZBA or Planning Board meeting, as the case may be. The Applicant shall then be able to address the issue. The ZBA or Planning Board shall, by resolution, make a determination with regard to the alleged misrepresentation. This Section shall not be construed to affect the remedies available to the Town under Sections 7.10 and 7.11 of this Ordinance.

8. EXEMPTIONS AND PRE-EXISTING, NON-CONFORMING USES/STRUCTURES

8.1 General Exception to the Minimum Lot Size Requirements

Any lot on record as of the effective date of this Ordinance which does not meet the minimum lot size and/or lot width requirements of this Ordinance for the zoning district in which such lot is situated shall be considered as complying with such minimum lot requirements for the purpose of constructing one (1) single-family dwelling thereon, and no variance shall be required, provided:

- 1) That such lot does not adjoin other lots in the same ownership, provided however that all such lots in the same ownership shall be treated together as one lot; and
- 2) That such lot was also a vacant lot of record as of May 22, 1973, or was created thereafter in compliance with the Adirondack Park Agency Act.

8.2 Continuation of Non-Conforming Use/Structure

Subject to the provisions of this Article, a lawfully existing non-conforming structure or a non-conforming use may be continued, maintained or repaired but may not be altered, enlarged, expanded or extended unless the following criteria are met:

1) Non-conforming residential use structures may be altered, enlarged, expanded, extended, or replaced without the necessity for a variance, provided however, that all applicable dimensional requirements as specified in Article 4 related to said improvement, can be satisfied with no existing non-conforming increase.

2) Non-conforming commercial use structures may be altered, enlarged, expanded or extended without the necessity for a variance, provided however, that all applicable area dimensional requirements related to said improvement can be satisfied with no existing non-conforming increase and any required Class A or B Regional Project permit is obtained, and said improvement shall be considered a non-conforming use subject to review and approval of the Planning Board.

8.3 Discontinuance of Non-Conforming Use

If a non-conforming use is discontinued for a period of two (2) years, after the enactment of this Ordinance, any further use of the property shall conform to this Ordinance.

8.4 Change of Non-Conforming Use

If a non-conforming use is to be replaced by another use, the new use shall conform to this Ordinance.

8.5 Destruction of Non-Conforming Residential Structure

In the event of the total destruction of a non-conforming residential structure, the structure may be replaced within two (2) years, provided that it is no smaller than the existing footprint and height and is in the same location, and complies with all other provisions of this Ordinance.

8.6 Destruction of Non-Conforming Commercial Structure

In the event of the total destruction of a non-conforming commercial structure, the structure may be replaced within two (2) years, provided that it is no larger than the existing footprint and height and is in the same location, and complies with all other provisions of this Ordinance.

8.7 Completion of Structure

Nothing contained in this Ordinance shall require any change in initial plans, construction, alteration or designated use of a structure for which a building permit has been issued prior to the effective date of this Ordinance.

9. VARIANCES

9.1 Purpose of this Article

The purpose of this Article is to provide for variances from the strict application of this Ordinance in appropriate cases to allow the use of land for a purpose which is otherwise not allowed or in a manner which is otherwise not allowed by the applicable dimensional standards.

9.2 Authorization to Grant or Deny Variances

A variance shall be granted by the ZBA in accordance with the standards and procedures set forth in this Article, Town Law of NYS, and APA Act and Regulations. In granting a variance, the ZBA may impose conditions to protect the best interests of the surrounding property, the neighborhood and the Town as a whole.

9.3 Application for a Variance

Upon denial of a permit by the CEO, a property owner or his agent may initiate a request for a variance by filing an application with the ZBA using forms supplied by the Board. The application shall include all information which the Board deems necessary to make its findings under this Ordinance. The applicant shall provide a legal description of the property, a map showing the property and the name of all property owners as specified in this Ordinance, the exterior boundaries thereof, plans and elevations necessary to show the proposed variance, and other drawings or information considered necessary by the Board.

9.4 Requirements for Granting Variances

9.4.1 Area Variances

A variance to allow land use or development or subdivision to be located on a lot or property which does not conform to the dimensional limits for that district in which the property is located, may be granted only in the event that the ZBA finds all of the following conditions to exist and so states in its written findings:

In making its determination, the ZBA 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 ZBA 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 or district;
- 5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

When granting either an area variance, the ZBA must grant the minimum variance that it deems necessary and adequate, while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community. The board need not grant to an applicant everything he/she has asked for. Rather, the board is required to grant only the approval that is absolutely necessary to afford relief.

Additionally, in accordance with Section 808(3) of the Adirondack Park Agency Act, if the applicant seeks a variance for the shoreline restrictions in Section 6.2, or the minimum lot size for a new principal building in Section 4.1, Schedule 1, the ZBA shall determine whether practical difficulties or unnecessary hardships will result if the requested variance is denied.

9.4.2 Use Variances

No such use variance shall be granted by the ZBA 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 ZBA that

for each and every permissible use under the zoning regulations for the particular district where the property is located:

- 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 district or neighborhood;
- 3) that the requested use variance, if granted, will not alter the essential character of the neighborhood;
- 4) that the alleged hardship has not been self-created.

When granting either a use variance, the ZBA must grant the minimum variance that it deems necessary and adequate, while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community. The board need not grant to an applicant everything he/she has asked for. Rather, the board is required to grant only the approval that is absolutely necessary to afford relief.

9.5 Referrals

- 1) The ZBA shall refer all completed variance applications where required by Section 239-m of the General Municipal Law, to the County Planning Agency having jurisdiction for its report and recommendation. Such notification shall be made at least five days prior to any public hearing on the variance. In no case shall final action be taken until said County Planning Agency (if appropriate) shall have submitted its report, or until 62 days have passed since the date of referral, whichever occurs first.
- 2) In the case of any variance application involving land, buildings, or structures including any variance involving the shoreline restrictions, the ZBA shall submit a copy of the application to the APA, together with such pertinent information as the Agency reasonably deems necessary. Such notification shall be made at least five days prior to any public hearing on the variance.

9.6 Variance Application Hearing and Decision

- 1) Within 15 days of the ZBA meeting in which a completed application for a variance is received, the ZBA shall give notice of a public hearing on the application in accordance with this Ordinance. The APA shall be a full party in interest, with standing to participate in any and all proceedings under this Article.
- 2) Within 62 days of the final adjournment of a public hearing called and held under paragraph 1 of this Section, the ZBA shall grant, with conditions, or deny the variance. The decision of the ZBA shall be in writing and shall contain each of the findings specified in this Ordinance, and the factual basis for each finding from the record of the hearing, which shall support the decision of the ZBA. The ZBA shall notify the APA within 15 days of such decision. Any variance granted or granted with conditions shall not be effective until 30 days after such notice is received by the APA. If within such 30-day period the APA determines that such variance involves the provisions of the land use and development plan as approved in the local land use program, including any shoreline restriction, and was not based upon the appropriate statutory basis for area or use variance, whichever applies, the APA may reverse the local determination to grant the variance.

10. AMENDMENT OF THE ORDINANCE

10.1 Purpose of this Article

The purpose of this Article is to allow for amendment to this Ordinance whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this Article.

10.2 Referrals

When directed by the Town Board, the Town Clerk shall submit a copy of a proposed amendment to the APA for a determination as to whether the proposed amendment is subject to Agency approval. The Town Clerk shall simultaneously refer such proposed amendment to the Planning Board, and where required by Section 239-m of the General Municipal Law, to the County Planning Agency having jurisdiction, for the report and recommendations by those bodies to the Town Board.

10.3 Hearing and Decision on Proposed Amendment

The procedure as to notice of public hearing, public hearing on, and enactment of a proposed amendment shall follow and be governed by Section 265 of Town Law, and Section 239-m of the General Municipal Law, including all subsequent amendments thereto, notice of the decision of the Town Board shall be sent promptly to the APA.

10.4 Records of Amendments

The Town Clerk shall maintain records of amendments to the text of this Ordinance and of the official Town of Edinburg Land Use Map and the Adirondack Park Land Use and Development Plan Map.

11. MISCELLANEOUS PROVISIONS

11.1 Interpretation

Where the conditions imposed by any provision of this Ordinance are less restrictive than comparable conditions imposed by any provisions of any other Town Ordinance, or of Article 27 of the Executive Law of the State of New York, the provisions which are more restrictive shall govern.

11.2 Severability

The provisions of this Ordinance are severable. If any article, section, subsection or provision of this Ordinance shall be invalid, such invalidity shall apply only to the article, section, subsection or provisions adjudged invalid, and the rest of this Ordinance shall remain valid and effective.

11.3 Savings Clause

The adoption of this Ordinance shall not affect or impair any act done, offense committed or right accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the effective date of this Ordinance.

11.4 Effective Date

This Ordinance shall take effect on February 1, 2011 and shall supersede the existing Ordinance. After its passage, publication and posting or as otherwise prescribed by Section 264 of Town

Law. In no case will this Ordinance take effect before the APA approves it under Part 582 of the APA Rules and Regulations.

12. PROCEDURES FOR SUBDIVISIONS

12.1 General

Subdivision Plats shall be considered as part of a plan for the orderly, efficient and economical development of the Town, and that the land on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, food, drainage or other menace to neighboring properties or the public health, safety and welfare. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace.

Before any land within the Town is subdivided, or a contract for the purchase and sale of a subdivided parcel or portion thereof is made, or any construction within a proposed subdivision is begun, or any building permit for such construction is issued, the owner shall submit his proposed subdivision for review by the Planning Board. Four steps are prescribed for the subdivision review process.

12.1.1 STEP ONE. Pre-application Conference (Optional)

The purpose of this step is to determine feasibility of the project before the owner has invested a substantial amount of time and funds into the proposed project. The owner may present a concept plan and any other relative information for consideration by the Planning Board. The Board will inform the owner of general subdivision requirements and the procedure for scheduling the preliminary review.

12.1.2 STEP TWO. Preliminary Review

The owner shall present all information required in a preliminary submission in accordance with the requirements of this Ordinance at a Planning Board meeting. For purposes of determining procedural timeframes, the date of the preliminary submission shall be the date of the meeting at which it is presented. The Planning Board may require a field walk with the owner to review the lands involved in the proposed subdivision. Prior to a field walk, temporary stakes showing street centerlines may be required. The Board shall hold a public hearing on any proposed subdivision within 62 days of the date of when preliminary submission is deemed complete. Notice of such public hearing shall be given in accordance with this Ordinance. Within 62 days after the public hearing, the Planning Board shall communicate its written decision concerning the preliminary submission.

If the preliminary submission is approved, the Planning Board shall state specific modifications, if any, which shall be required in the final submission. If modifications are required, the reasons therefore shall be given. If the preliminary submission is disapproved, the Board will specify the reasons for its disapproval. The action of the Planning Board shall be noted on two (2) copies of the preliminary submission form, to which shall be attached reference statements of any conditions and requirements determined by the Planning Board. One copy shall be returned to the owner and the other retained by the Planning Board. If the preliminary submission is disapproved, resubmissions may be made within six months of the date of disapproval. A resubmission

made after six (6) months from the date of disapproval may be treated like a new submission and require a new preliminary review.

12.1.3 STEP THREE. Final Review

If the preliminary submission is approved, the owner, within six months of the date of the decision, shall present a final submission as provided in this Ordinance at a scheduled Planning Board meeting. In the event a final submission of the entire subdivision or part thereof is not made within six months from the date of approval, the application may be revoked pursuant to Town Law Section 276 (5)(h), after the applicant is given notice and an opportunity to be heard at the next regularly scheduled meeting of the Planning Board. At that time, the applicant shall be asked to address the issue and the Planning Board shall, by resolution, make a determination thereon. For purposes of procedural timeframes the date of the final submission shall be the date of the meeting at which it is presented. The final submission shall conform to the approved preliminary submission and shall contain any modifications specified by the Planning Board. If desired by the owner, it may include only that portion of the approved preliminary plat which he proposed to record and develop at that time, provided that such portion conforms to all applicable requirements of this Ordinance. The owner shall submit a letter of credit or performance bond at the time of final submission to cover the full cost of the required improvements. The amount of the letter of credit or performance bond shall be determined by a construction cost estimate prepared by the owner and approved by the Town or its authorized representative. Within 62 days from and after the time of the meeting, the Board shall approve, grant conditional approval, or disapprove the final submission and communicate its decision to the owner in writing. If the final submission is approved by the Planning Board, an appropriate notation to that effect shall be made on the face of the original or tracing cloth prints of the final plat submitted to the Planning Board. One copy shall be returned to the owner and one copy shall be retained by the Board for its records. The owner shall file the approved final plat with the county clerk within 62 days after approval by the Planning Board. If the final plat is not filed within this time, the approval shall expire, as provided in Town Law. The owner may obtain building permits and begin building construction only after filing the final plat. If the final submission is disapproved, resubmissions may be made within six months of the date of disapproval with no additional fee required. A resubmission made after six (6) months from the date of disapproval will be treated like a new submission and require a final review and fee.

12.1.4 STEP FOUR. Final Inspection and "As-Built" Drawings

After construction of houses is substantially completed, the owner shall construct the street pavement wearing course in accordance with the final approval and the subdivision regulations and as authorized by the Planning Board. Minor changes from the development map and plan/profiles as required by conditions of the work site may be authorized by the Planning Board in the actual construction. Upon completion of construction a final inspection shall be conducted by the Town. After construction has been approved, the owner shall correct the final plats and plan/profiles to show all construction "as-built."

The letter of credit or performance bond may be reduced by the Town as construction progresses. It shall not be reduced to less than the amount determined for that construction which is still uncompleted, plus 25% of the amount determined for that

construction which is completed and approved. It shall be kept in effect for two years after the final inspection. It shall then be released provided the owner has prepared and submitted "as-built" plans.

12.2 Preliminary Submission

12.2.1 Major Subdivision

The major submission for a major subdivision (five (5) lots or more) shall include six (6) copies of the following:

- 1) Preliminary plat to a scale not smaller than 50 feet to the inch with approximate dimensions shown and including all the information required for a major subdivision final plat except monuments, iron pipes and the certification of standards of accuracy.
 - a. Highways or other major public or private improvements planned for future construction on or near the proposed subdivision, including those shown on the Zoning Map.
 - b. All contiguous land owned or under option by the owner shown with a street and lot plan for its development.
 - c. Water elevations and subsurface information including groundwater elevation noted where appropriate.
 - d. All APA, USACOE, and NYS DEC wetlands shall be delineated and shown on tile plan.
- 2) Plan/profile for each street with a horizontal scale of 50 feet to the inch and vertical scale of five (5) feet to the inch showing all the information required for the final submission of a plan/profile except that approximate stationing may be shown. In addition, profiles of present surface shall be shown on the centerline and both right-of-way lines of all streets and on the centerline of all easements.
- 3) All sheets shall be 30" x 42", 22" x 34", 17" x 22" or 8¹/₂" x 14" in size. When more than one sheet is required, all shall be the same size and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.
- 4) In addition to the required drawings the following information shall be submitted as part of the preliminary submission:
 - a. Completed Town of Edinburg Preliminary Submission Form;
 - b. Conditions of dedication of areas proposed to be dedicated to public uses;
 - c. Preliminary design of bridges and culverts;
 - d. Draft of any protective covenants whereby the owner proposes to regulate land use in the Subdivision and otherwise protect the proposed development;
 - e. Completed Environmental Assessment Form.
- 5) The Planning Board may require more detailed information as a part of the preliminary submission for a major subdivision.

12.2.2 Minor Subdivision

The preliminary submission for a minor subdivision shall include the following in triplicate (3 copies):

- 1) Preliminary plat to a scale not smaller than 50 feet to the inch with approximate dimensions shown and including all the information required for a minor subdivision final plat except monuments, iron pipes and the certification of

standards of accuracy. All contiguous land owned or under option by the owner shall be shown with a street and lot plan for its development. Water elevations and subsurface information including groundwater elevation shall be noted where appropriate. All APA, USACOE, and NYS DEC wetlands shall be delineated and shown on the plan.

2) All sheets shall be 30" x 42", 22" x 34", 17" x 22" or 8½" x 14" in size. When more than one sheet is required, all shall be the same size and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.

3) In addition to the required drawings, the following information shall be submitted as part of the preliminary submission:

- a. Completed Town of Edinburg preliminary submission form;
- b. Conditions for dedication of areas proposed to be dedicated to public use;
- c. Preliminary design of bridges and culverts;
- d. Draft of any protective covenants whereby the owner proposed to regulate land use in the subdivision and otherwise protect the proposed development; and,
- e. Completed Environmental Assessment Form.

4) The Planning Board may require more detailed information as a part of the preliminary submission for a minor subdivision.

12.3 Final Submission

12.3.1 Major Subdivision

The final submission for a major subdivision shall include the following:

1) Final plat, including two reproducible copies on Mylar plus five (5) prints to a scale not smaller than 50 feet to the inch (the Planning Board may approve smaller scales when necessary) showing the following:

- a. All existing and proposed property lines, present zoning and building setback lines, easement and right-of-way lines with dimensions, azimuths or angle data, and curve data;
- b. All monuments, iron pipes and bench marks;
- c. Names of owners of all adjacent property;
- d. Street names as approved by the Town Board;
- e. A property reserved by the owner or dedicated to the public use;
- f. A house number for each lot as assigned by the Town;
- g. A North arrow;
- h. Standard title block;
- i. Key map;
- j. Proposed use of each lot;
- k. Standards of accuracy meeting State requirements shall be noted on the map and certified by a land surveyor registered in New York State;
- l. Contour lines at ten-foot intervals to USGS datum;
- m. Watercourses, marshes, wetlands (regulated or non-regulated), large rock outcrops, forested areas and other important land features;
- n. Right-of-way lines, street paving and street stationing;
- o. Sanitary sewers, storm drains, and water lines with all appurtenances;

- p.** If an on-site community water supply is to be utilized, a note stating: "All lot sales shall be contingent upon a contract addendum for the location of water with a flow capacity and potability in accordance with the Town of Edinburg and New York State Health Department Standards";
- q.** Street name signs (A Letter of Intent to install signs in locations approved by the Town may be accepted as a substitute); and,
- r.** The final plat shall contain the signature and seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208, paragraph (n) of the Education Law.
- 2) Plan/Profile of each street and utility easement, including two reproducible copies on Mylar plus five (5) prints, with a horizontal scale of 50 feet to the inch and vertical scale of four feet to the inch showing the following:**
- a.** All pavement, storm drains, sanitary sewers, and water lines with appurtenances;
 - b.** Pavement and utility stationing including all horizontal and vertical control points and grades;
 - c.** Signature and seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208 paragraph (n) of the Education Law.
 - d.** A North arrow; and
 - e.** Standard title block.
- 3) All Sheets shall be 30" x 42", 22" x 34", 17" x 22" or 8½" x 14". When more than one layout sheet is required all shall be the same size, and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.**
- 4) In addition to the required drawings, the following documents shall be submitted as a part of the final submission:**
- a.** Completed Town of Edinburg Final Submission form;
 - b.** Offer of cession in a form approved by the Planning Board and approved by the Town Board of all land included in streets, walks, easements, recreation areas and passive open spaces to be transferred to the Town. If required by the Town Board there may be a payment in lieu of the offer of recreation or open areas. Approval of the plat does not constitute acceptance of the offer or cession;
 - c.** Certificate of Adequacy of the proposed water supply and sewerage service as required by the Public Health Law and/or the Environmental Conservation Department of New York State;
 - d.** Statement by the appropriate Town representative certifying that certain improvements have been installed and approved;
Deed description and proof of ownership of the land to be subdivided;
 - e.** Protective covenants in form for recording, including covenants governing the maintenance of uncaded public spaces or reservations;
 - f.** Final design of bridges and culverts unless included in preliminary submission; and,
 - g.** Such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in the enforcement of these regulations.

- 5) A fee in an amount as now or hereafter established by resolution of the Town Board shall be paid with the final submission of a major subdivision.
- 6) The Planning Board may require more detailed information as a part of the Final Submission for a major subdivision.

12.3.2 Minor Subdivision

The final submission for a minor subdivision shall include the following:

- 1) Final plat, including two reproducible copies on Mylar plus five (5) prints to a scale not smaller than 50 feet to the inch showing the following:
 - a. All existing and proposed property lines, present zoning and building setback lines, easements and right-of-way lines with dimensions, azimuths or angle data, and curve data;
 - b. All monuments, iron pipes and bench marks;
 - c. Names of owners of all adjacent property;
 - d. Street names as approved by the Town Board;
 - e. All property reserved by the owner or dedicated to the public use;
 - f. A house number for each lot as approved by the Town;
 - g. A North arrow;
 - h. Standard title block;
 - i. Map Key;
 - j. Proposed use of each lot;
 - k. Standards of accuracy meeting Edinburg requirements shall be noted on the map and certified by a land surveyor registered in New York State;
 - l. Watercourses, marshes, wetlands (regulated or non-regulated), rock outcrops, forested areas and other important land features;
 - m. Right-of-way lines, street paving and street stationing;
 - n. Sanitary sewers, storm drains, and water lines with all appurtenances;
 - o. If an on-site community water supply is to be utilized, an affidavit from the owner stating that all lot sales shall be contingent upon a water supply having flow capacity and potability in accordance with the Town of Edinburg and New York State Health Department standards;
 - p. When property is subdivided for the purpose of offering such property or any portion thereof for sale or lease to the public the final plat shall contain the signature and seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208, paragraph (n) of the Education Law. The final plat shall show all facilities which the subdivision standards require.
- 2) All Sheets shall be 30" x 42", 22" x 34", 17" x 22" or 8¹/₂" x 14". When more than one (1) layout sheet is required all shall be the same size, and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.
- 3) In addition to the required drawings, the following documents shall be submitted as a part of the final submission if applicable:
 - a. Completed Town of Edinburg Final Submission Form;
 - b. Certificate of adequacy of the proposed water supply and sewerage service as required by appropriate State agencies;
 - c. A certificate from the appropriate Town representative that certain improvements have been installed and approved;
 - d. Deed description and proof of ownership of the land to be subdivided;

- e. Protective covenants in written form suitable for recording, including covenants governing the maintenance of unceded public spaces or reservations;
 - f. Such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in the enforcement of these regulations.
- 4) More detailed information may be required by the Planning Board as a part of the final submission for a minor subdivision.
 - 5) A fee in an amount as now or hereafter established by the Town Board shall be paid with the final submission.

12.4 Inspection of Construction and "As-Built" Drawings

- 1) Various items of construction may be inspected and approved upon their completion, and the amount of the letter of credit or bond, provided for in this Ordinance.
- 2) Upon completion of all construction, an inspection shall be performed by the CEO.
- 3) Final plan and plan/profile shall be amended as built and one reproducible copy on Mylar plus one print shall be furnished to the Town. Upon approval of "as built" drawings, the Town shall release the letter of credit or performance bond provided two years has passed without any construction failure since the final inspection.

12.5 Dedication of Town Roads

The Town Board in consultation with the Highway Superintendent shall determine whether new Town roads will be considered for dedication and acceptance. The Town Board does not guarantee that proposed Town roads will be accepted in the Town of Edinburg.

12.5.1 Submission Requirements

In the event that the Town Board will consider the acceptance of new Town roads, the following items are required:

- 1) One set of reproducible Mylars of the "as-built" drawings of the streets and utilities.
- 2) Two-year maintenance bond or letter of credit in the amount of 25% of the original approved cost estimate.
- 3) Letter of intent to deed the highway to the Town.
- 4) Original and two copies of the proposed deed. The deed should state that the Town of Edinburg is "a municipal corporation, organized and existing by virtue of the laws of the State of New York". The deed must contain a survey description which identifies the date and title and preparer of the survey map together with the date and location of filing in the Saratoga County Clerk's Office.
- 5) An up-to-date abstract.
- 6) The County Treasurer's certificate showing payment of all real property taxes for the current and preceding five years or such other proof as is acceptable to the Town.
- 7) Certification from the owner's Engineer/Architect/Surveyor/etc. that all construction has been completed in accordance with the approved plans.

13. SUPPLEMENTARY REGULATIONS -SUBDIVISIONS

13.1 General Requirements for the Subdivision of Land

Any modification to existing parcels, lot lines or creation of new lots requires the approval of the Planning board. The owner shall observe the following general requirements and principles of land subdivision.

13.1.1 Streets

1) The arrangement, character, extent, width, and location of all roads shall conform to the Zoning Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.

13.1.2 Blocks and Lots

1) The lengths, widths, and shapes of blocks and lots shall be determined with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- b. Needs for convenient access, circulation, control and safety of street traffic;
- c. Limitations and opportunities of topography;
- d. Intersections with arterial streets which should be held to a minimum and preferably spaced at least 1,000 feet apart.

2) Double frontage and reverse frontage Lots should be avoided except where essential to provide separation of residential development from arterial streets or other disadvantageous use or to overcome specific disadvantages of topography and orientation.

13.1.3 Utilities

If it will be necessary to construct utilities within the right-of-way of an existing Town road, it will be the responsibility of the owner to apply for a Permit for Construction of Utilities from the Town or County Highway Department. It shall be the responsibility of the owner, following approval of the application, to comply with all conditions and restrictions set forth in the permit.

13.1.4 Required Improvements

All improvements granted final approval shall be constructed in accordance with the standards and requirements established by the Planning Board and in accordance with the conditions of the final approval. The owner may install such improvements at his own cost and expense or may secure the formation of a special district to install such improvements pursuant to pertinent laws of the State of New York.

13.1.5 Waivers and Modifications

Where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements so that substantial justice may be done and the public interest secured. Provided, however, that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the Town Zoning Map or this Ordinance.

13.1.6 Waiver for Lot Line Alterations

An applicant may request that the subdivision process be waived when a proposed subdivision meets all of the following conditions:

13.2 Cluster Subdivisions

13.2.1 Purposes

This provision encourages flexibility in the design and development of land in order to promote the most appropriate use of land; to facilitate creativity in site design and buildings; and to preserve, as permanent open space, agricultural land, important natural features, wildlife habitat, water resources, ecological systems and scenic areas for the benefit of present and future residents. A cluster subdivision plan may involve grouping development on one or more portions of a parcel to permanently preserve other portions of it, modifying road location, design and frontage requirements in return for permanent open space preservation, or a combination of these approaches. A cluster subdivision shall be designed for one or more of the following specific purposes:

- 1) Better protection of natural and scenic resources than would be provided by a conventional subdivision plan;
- 2) Compatibility with surrounding land use;
- 3) Provision of adequate buffers for adjoining properties;
- 4) Contribution to Town-wide open space by creating a system of permanently preserved open spaces, both within large parcels of land and among such parcels throughout the Town, providing linkages between existing open space areas;
- 5) Preservation of land suitable for agriculture, particularly where the open space subdivision borders active agricultural land or land suitable for agriculture;
- 6) Encouragement of creative solutions to building siting and infrastructure design.

13.2.2 Procedures

The procedures for submission, review and acceptance of an open space subdivision are identical to those for a standard subdivision as specified in this Ordinance.

13.2.3 General Requirements

- 1) Property within any zoning district(s), except Lakefront Residential, is eligible to be considered under this Article.
- 2) When a development is proposed adjacent to any existing residence or residential lot, a suitable buffer area of at least 100 feet in depth, shall be left between the closest lot line and the cluster development.

13.2.4 Cluster Subdivision Requirements

1) Required Plans

An application for a cluster subdivision shall include all plans and information required for a conventional subdivision under the terms of this Ordinance. In addition to the cluster plan, a sketch plan of a conventional subdivision of the property conforming to the applicable minimum lot size, density requirements, and all other normally applicable requirements of this district shall be submitted.

2) Allowable Density

The Planning Board shall review the conventional subdivision plan and shall determine the number of building lots or dwelling units that could be practically

created pursuant to said plan, considering the requirements of these regulations and the zoning law. The Planning Board shall establish the maximum number of units permissible in the subdivision provided the number of units or lots does not exceed the product of the subdivision's land acreage and the dwelling units per acre as established by this Ordinance. The overall ratio of residential units to land shall not exceed that which is normally allowed under this Ordinance.

3) Shoreline

If the property being considered for subdivision includes the shoreline of any body of water, the minimum shoreline dimensional requirements of this Ordinance may not be reduced.

4) Permissible Uses

Buildings in a cluster subdivision may only be one or two-family unit structures.

5) Lot Sizes and Dimensions

Lot sizes may not be less than 1.3 acres per dwelling unit. Setbacks and lot dimensions shall be determined by the Planning Board. If the Planning Board fails to specify setbacks and dimensions, those specified in this Ordinance for that particular zoning district shall apply. Under no circumstances will variances be considered or approved in contravention to the setback and dimension requirements specified by the Planning Board.

6) Permanent Open Space

Open space set-aside in a cluster subdivision or a conservation density subdivision shall be permanently preserved as required by this Section.

a. Open Space Uses

Open space shall be preserved and maintained for one or more of the following uses, which shall be noted on the plat for each open space subdivision.

1. Open space shall be preserved principally for agriculture, recreation and conservation of water, plant or wildlife. Land preserved for agriculture does not necessarily have to be in active production.
2. On all other parcels, open space uses shall be appropriate to the site, including, but not limited to, passive and active recreation (including trail use), forestry and agriculture.

b. Notations on Plat

Open space created by the use of this Article must be clearly labeled on the final plat as to its use, ownership, management and method of preservation. The plat shall clearly show that the open space land is permanently reserved for open space purposes and shall not be platted for building lots, and shall indicate the book and page of any conservation easement or deed restriction which was required to be filed to implement such reservation.

c. Preservation in Perpetuity

Perpetual conservation easements and/or other rights to property which have the effect of restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, watershed protection, wildlife habitat, or other open space uses, and prohibiting residential, industrial or commercial use of such open space land, pursuant to Section 247 of the General Municipal Law and/or Section 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted

to the Town or to a qualified not-for-profit conservation organization as may be acceptable to the Planning Board. Such conservation easements or other rights shall be reviewed and approved by the Planning Board Attorney and be required as a condition of plat approval hereunder. Said conservation easement shall not be amended to permit commercial, industrial or residential development, and shall be recorded in the Saratoga County Clerk's Office prior to filing an approved open space subdivision final plat.

d. Ownership of Open Space Land

Open space land may be owned in common by a Homeowner's Association (HOA), the Town, County or State governments, a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds adequate to fulfill the purposes of this Article. The appropriate form of the ownership shall be based upon the purpose of the open space reservations stated pursuant to this Article above.

e. If the land is owned in common by a HOA, such HOA shall be established prior to the conveyance of the first lot in the subdivision and in accordance with the following:

1. The HOA must comply with all applicable provisions of the General Business Law;
2. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance and maintenance of common open space and other common facilities;
3. The open space restrictions must be in perpetuity;
4. The HOA must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
5. Property owners must pay their pro-rata share of the costs in 4. above, and the assessment levied by the HOA must be able to become a lien on the property;
6. The HOA must be able to adjust the assessment to meet changed needs;
7. Ownership of open space land by the HOA shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual members of the HOA and or the associated lots they each own in the subdivision;
8. The Planning Board Attorney shall review the documents presented for compliance with conditions 1 through 7 above, and such other conditions as the Planning Board and the shall deem necessary.

13.3 Subdivision Design and Construction Standards

The following standards are issued as guides for design and construction of facilities by private developers. Adequate design life, ease of operation and maintenance, and standardization have been given primary consideration. Each facility shall be designed and constructed as part of a future complete system. Any standard or specification referred to shall be understood to be the current version of that standard or specification. The Planning Board may require higher

standards when it determines they are necessary giving consideration to such factors as public health, safety, compatibility with the surrounding area and protection and preservation of the environment. The Board will also consider approval of a design or construction method which is not included in these standards. In general, the Subdivision Plat, development map, and the plan/profiles included in the final submission shall include enough detail to show compliance with the approved standards. The Board may require the submission of design calculation for review by the Board's Engineer. Compliance with construction standards, approved materials list and the approved final submission shall be required during construction. Final approval of the development construction and release of the Letter of Credit shall be dependent upon such compliance. Construction methods shall conform to manufacturers' recommendations unless otherwise specified in these standards.

13.3.1 Surveying and Mapping

1) General Provisions

Surveys and maps shall be done by a currently licensed surveyor.

2) Monuments and Benchmarks

a. Monuments shall be located in sufficient number to control the subdivision but as a minimum they shall be located at every point of tangency, point curvature, point of deflection, and all intermediate points necessary to provide visibility between adjacent monuments along one right-of-way line of each street. All easements shall be similarly monumented. Iron pipes shall be located at all lot corners and shall be located by reference to monuments.

b. Benchmarks shall be set and marked with USGS elevation unless an assumed datum is allowed by the Planning Board. One benchmark shall be required for every 25 acres developed.

c. Monuments and benchmarks shall be carried from existing monuments or benchmarks and their origin noted on the subdivision plat. Suitable primary control points shall be shown on the plat and all other dimensions, bearings, angles and similar data shall be referred to them.

3) Certification

The imprint of the New York registration seal of the land surveyor and his name shall be included on the subdivision plat.

13.3.2 Streets, Roads and Rights-of-Way

1) Grades of streets and roads shall be set to a maximum grade of 12%. In certain cases grades to 15% may be approved by the Planning Board provided that all of the following conditions are met:

a. The total length of the steeper segment of the roads shall not exceed 300 feet.

b. This steeper segment must be preceded on the downhill side by an approach area equal in length to the segment exceeding 12% grade.

c. Both the steeper segment and the approach segment together shall not deviate from a straight line by more than ten feet in any 100 feet of length.

2) All streets, roads and rights-of-way shall be divided into three classifications:

a. Town Roads - Roads that will be deeded to the Town on completion. These must be pre-approved by the Town Board before final plat approval and filing.

- b.** Private Roads and rights-of-way serving more than two lots and that will remain in private ownership. A final plat may only be approved in which such access roads are designated as a separate lot under the ownership and maintenance of an approved Homeowner's Association.
- c.** Rights-of-Way providing access to no more than two (2) lots.

3) Design criteria for each classification is as follows:

a. Town Roads

- 1.** Paving and construction specifications shall be those approved by resolution of the Town Board on September 13, 1979, and any subsequent revisions.
- 2.** Minimum radius of curvature shall be 110 feet measured at the center of the paved surface.
- 3.** Cul-de-sacs shall be at least 200-foot diameter right-of-way and 160-foot diameter paved surface.
- 4.** Intersections must be as close to right angles as possible. Opposing intersections must be directly opposite each other or offset by at least 125 feet.

b. Private Roads

- 1.** All private roads must have a 50-foot minimum right-of-way and a driving surface at least 18 feet wide. All driving surfaces must be prepared, drained and have an improved surface applied sufficient to handle vehicle traffic in all seasons.
- 2.** Minimum radius of curvature shall be 110 feet measured at the center of the driving surface.
- 3.** Intersections must be as close to right angles as possible. Opposing intersections must be directly opposite each other or offset by at least 125 feet.

c. Rights-of-Way

- 1.** Rights-of-way shall be at least 40 feet wide and laid out so that a driveway may be constructed on them sufficient to allow year-round access to the lots served.

4) Drainage

- a.** Drainage for all subdivisions shall be provided in accordance with Department of Transportation Standards.
- b.** In addition, all proposed materials for drainage systems shall be clearly specified on the plans and approved by the Town Highway Superintendent or an engineer hired by the Town for that purpose.
- c.** Erosion control methods shall be in conformance with NYS DEC Stormwater Management Guidelines.

5) Other Considerations

All electric, telephone, sewer and water lines, waste treatment facilities, and public water supply facilities shall be installed in accordance with the specifications of the agency, utility company or governing authority or specified district which has jurisdiction in the area.

14. CLASS A REGIONAL PROJECTS

14.1 Purpose of this Article

The purpose of this Article is to further the general purposes, policies and objectives of this Ordinance and the APA Act by setting forth the criteria for review of Class A Regional Projects by the APA and the Town of Edinburg.

14.2 Applicability of this Article

No person shall undertake a Class A Regional Project unless and until the Agency shall have reviewed and approved, or approved subject to conditions, such project, and has issued an Agency permit with respect thereto pursuant to the terms of the APA Act and the pertinent APA rules and regulations. In addition no person shall undertake a Class A Regional Project unless and until the Town of Edinburg Planning Board approves the project as being in compliance with this Ordinance.

14.3 Criteria for Review and Approval of Class A Regional Projects by the Adirondack Park Agency

- 1) The APA shall have jurisdiction to review and approve, approve subject to conditions or disapprove all Class A Regional Projects proposed to be located within the territory of the Town, pursuant to and in accordance with Section 809(9) of the APA Act, the applicable Agency rules and regulations, and the criteria hereinafter set forth.
- 2) The APA shall not approve a Class A Regional Project unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the project, that the project would comply with all provisions of this Ordinance including those contained herein, and of such other Local Laws, Ordinances and Regulations as shall be components of the Town Land Use Program.
- 3) In making the determination required by Section 809(9) of the APA Act as to the impact of a proposed Class A Regional Project upon the resources of the Adirondack Park including the ability of all levels of government to provide supporting facilities and services made necessary by the project, the Agency shall consider those factors pertinent to the project contained in the development considerations set forth herein, and in so doing, shall make a net overall evaluation of the project in relation to the development objectives and general guidelines set forth in this Ordinance.

14.4 Planning Board Authority Regarding Class A Regional Projects

- 1) The Planning Board is hereby designated and appointed as the appropriate Town body to consult with the APA with regard to Agency review of Class A Regional Projects.
- 2) On or before five (5) working days following receipt by the Planning Board from the APA of notice of application completion with regard to a Class A Regional Project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the project application and formulating advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the Town Land Use Program.
- 3) Not later than 30 days following receipt by the Planning Board from the Agency of notice of application completion with regard to a Class A Regional Project, the Planning Board shall, by certified mail, provide to the Agency its advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the Town Land Use Program.

- 4) A Class A Regional Project also requires Planning Board approval.

14.5 Class A Regional Projects

This Section includes Class A Regional Projects listed in Section 810 of the APA Act permissible within the Town and a class of projects classified as Class A Regional Projects by agreement with the APA.

14.5.1 Moderate Intensity Use (Lakefront Residential District)

- 1) Structures in excess of 40 feet in height.
- 2) Major Public Utility Use
- 3) Residential Subdivision involving 75 or more lots, parcels or sites

14.5.2 Low Intensity Use (Low Intensity District)

- 1) All land uses and development, and subdivisions of land, located in the following critical environmental areas:
 - a. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - b. involving wetlands;
 - c. at elevations of 2,500 feet or more;
 - d. within one-eighth mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto.

Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number nine below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

- 2) Any Class B Regional Project in this land use area which is proposed to be undertaken by the Town, any other municipality, a school district, or other governmental agency or entity except the State or a state agency.
- 3) All land uses and development, and subdivisions of land, involving 35 or more residential lots or units, whether designed for permanent, seasonal or transient use.
- 4) Commercial or agricultural service uses involving 5,000 or more square feet of floor space.
- 5) All structures in excess of 40 feet in height, except residential radio and television antennas.
- 6) Tourist attractions.
- 7) Ski centers.
- 8) Commercial or private airports.
- 9) Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than 25 acres.
- 10) Sawmills, chipping mills, pallet mills and similar wood using facilities.
- 11) Mineral extractions.
- 12) Mineral extraction structures.
- 13) Watershed management and flood control projects.
- 14) Sewage treatment plants.
- 15) Waste disposal areas.

- 16) Junkyards.
- 17) Major public utility uses.
- 18) Industrial uses.
- 19) Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.

14.5.3 Rural Use (Rural Use District)

- 1) All land uses and development, and subdivisions of land, located in the following critical environmental areas:
 - a. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - b. involving wetlands;
 - c. at elevations of 2,500 feet or more;
 - d. within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto;
 - e. within 150 feet of the edge of the right-of-way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto;
 - f. within 150 feet of the edge of the right-of-way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision 14 of Section 809 of the APA Act, as major travel corridors by the agency, except for an individual single-family dwelling and accessory uses or structures thereto.

Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number ten below and sand and gravel pits associated with such uses located within 150 feet of the edge of the right-of-way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within 150 feet of the edge of the right of way of the above described travel corridors), open space recreation uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

- 2) Any Class B Regional Project in this land use area which is proposed to be undertaken by the Town, any other municipality, a school district, or other governmental agency or entity except the State or a state agency.
- 3) All land uses and development, and subdivisions of land, involving 20 or more residential lots or units, whether designed for permanent, seasonal or transient use.
- 4) Commercial and agricultural service uses involving 2,500 or more square feet of floor space.
- 5) All structures in excess of 40 feet in height, except residential radio and television antennas.
- 6) Tourist attractions.
- 7) Ski centers.
- 8) Commercial seaplane bases.
- 9) Commercial or private airports.

- 10) Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than 25 acres.
- 11) Sawmills, chipping mills, pallet mills and similar wood-using facilities.
- 12) Mineral extractions.
- 13) Mineral extraction structures.
- 14) Watershed management and flood control projects.
- 15) Sewage treatment plants.
- 16) Waste disposal areas.
- 17) Junkyards.
- 18) Major public utility uses.
- 19) Industrial use.
- 20) Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% of the original square footage of such structure.

14.5.4 Resource Management (Resource Management District)

- 1) All land uses and development, and subdivisions of land, located in the following critical environmental areas:
 - a. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - b. involving wetlands;
 - c. at elevations of 2,500 feet or more;
 - d. within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto;
 - e. within three hundred (300) feet of the edge of the right-of-way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto;
 - f. within three hundred (300) feet of the edge of the right of way of county highways designated as major travel corridors by rule or regulation of the agency adopted pursuant to Subdivision 14 of Section 809 of the Adirondack Park Agency Act, except for an individual single-family dwelling and accessory uses or structures thereto.

Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number eleven below and sand and gravel pits associated with such uses located within 300 feet of the edge of the right-of-way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within 300 feet of the edge of the right-of-way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

- 2) Any Class B Regional Project in this land use area which is proposed to be undertaken by the Town, any other municipality, a school district, or other governmental agency or entity except the State or a state agency.
- 3) All subdivision of land.
- 4) Campgrounds involving 50 or more sites.
- 5) Group camps.

- 6) Ski centers and related tourist accommodations.
- 7) Agricultural service uses.
- 8) All structures in excess of 40 feet in height, except residential radio and television antennas.
- 9) Sawmills, chipping mills and pallet mills and similar wood using facilities.
- 10) Commercial sand and gravel extractions.
- 11) Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than 25 acres.
- 12) Mineral extractions.
- 13) Mineral extraction structures.
- 14) Watershed management and flood control projects.
- 15) Sewage treatment plants.
- 16) Major public utility uses.
- 17) Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.

15. CLASS B REGIONAL PROJECTS

15.1 Purpose of this Article

The purpose of this Article is to further the general purposes, policies and objectives of this Ordinance and the Adirondack Park Agency Act by establishing requirements and administrative procedures for the review of Class B Regional Projects by the Planning Board.

15.2 Applicability of this Article

No person shall undertake any new or enlarged land use and development or subdivision which is a Class B Regional Project unless and until the Planning Board shall have reviewed and approved, or approved subject to conditions, such project, and the CEO has issued a permit with respect thereto pursuant to the terms of this Ordinance.

15.3 Authorization to Approve and Disapprove Class B Regional Projects

- 1) The Planning Board is hereby authorized to approve, approve subject to conditions, or disapprove all Class B Regional Projects proposed to be located within the territory of the Town pursuant to and in accordance with the requirements and procedures set forth in this Article.
- 2) If a Class B Regional Project is also a Class A Regional Project or Class A subdivision, the project will be deemed to be a Class A Regional Project or Class A subdivision in its entirety and subject to the review authority of the APA.

15.4 Requirements for Class B Regional Project and Subdivision Approval

The Planning Board shall not approve a Class B Regional Project unless it first determines that such project meets the following criteria:

- 1) The project would comply with all provisions of this Ordinance.
- 2) The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In

making this determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth in Definitions hereof, and in so doing, the Planning Board shall make a net overall evaluation of the project in relation to the development objectives and general guidelines as set forth in this Ordinance.

15.5 Application for Class B Regional Project and Subdivision Approval

Application for project approval shall be made to the CEO, who shall review the application for completeness. If deemed complete, the CEO shall refer the application to the Planning Board. On or before 15 calendar days after the receipt of such application the CEO shall notify the project sponsor whether or not the project application is complete. For the purposes of this Section, a "complete application" shall mean an application for a permit which is in an approved form and is determined by the CEO to be complete for the purpose of commencing review of the application but which may need to be supplemented during the course of review as to matters contained in the application in order to enable the Planning Board to make the findings and determinations required by this Section. If the CEO fails to give such notice within such 15-day period, the application shall be deemed complete. If the application is deemed not complete, the notice shall include a concise statement of the respects in which the application is incomplete. The submission by the project sponsor of the requested additional information shall commence a new 15 calendar day period for the CEO to review the additional material for the purposes of determining completeness.

All applications shall be made on forms prescribed by the Planning Board, and furnished by the CEO which forms when completed shall include such information as may be reasonably necessary to determine whether the requirements for approval set out in this Article have been satisfied. In determining the content of these application forms, the Planning Board may provide for different informational requirements for different classes or types of projects, but with each certain class or type of project, the same information shall be required of every applicant. Such information required by these various application forms may include any or all of the following: a detailed description of the natural features of the project site, a detailed description of the land use plan of the project and its components, including all proposed roads and accesses, water supply and sewage disposal systems and their relationship to natural features, an analysis with supporting data of the impact of the project on the environment both during construction and thereafter, an analysis with supporting data of the ability of the public to provide supporting services and facilities which can reasonably be anticipated or be required following the approval of the project, an analysis with supporting data of any benefits that might derive from the project, any plans the applicant may have for future development related to the project and information describing the applicant, his or its financial capacity to complete the project as planned, and any professional advisors or consultants engaged in respect to the project.

15.6 Procedure for Review and Decision Regarding Class B Regional Projects

- 1) Not later than five (5) days following notice of receipt of a complete application for a Class B Regional Project, the CEO shall notify the APA and the Planning Board of such receipt, shall furnish to each body a copy of the project application, and shall furnish the Agency such further pertinent information as the Agency may deem necessary, and shall afford each body the opportunity to comment thereupon.
- 2) Not later than 30 days following receipt by the CEO of a complete application for a Class B Regional Project, the Planning Board shall review the said application and shall hold a public hearing in regard thereto. The Planning Board shall give public notice of the

date, time and place of the hearing as provided in this Ordinance, and shall also mail a copy of the public notice to the APA. The APA shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to this Section.

3) If the Planning Board determines that a public hearing shall not be held, then the Planning Board shall approve the project or approve it subject to conditions not later than 62 days following receipt of the complete application.

4) If the Planning Board holds a public hearing pursuant to the requirements of this Ordinance, then the Planning Board shall approve, approve subject to conditions, or disapprove the project then not later than 62 days after the completion of said hearing.

5) Every Class B Regional Project decision rendered by the Planning Board shall be in writing, and shall contain such findings of fact as are required by this Ordinance. The Planning Board in conjunction with its approval of any Class B Regional Project, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in this Ordinance shall be respected, and the imposition of reasonable conditions to insure that the project will be adequately supported by service and improvements made necessary by the project and to insure that the project will be completed in accordance with the terms of the application and any permit, and including, without limitation, the requirements and conditions authorized under this Ordinance. In addition, the Planning Board may require that the CEO incorporate any such requirements and conditions in any permit issued with regard to such Class B Regional Project.

15.7 Development Objectives For Use In Class B Regional Project Review

The principal natural and public resource aspects of a project site to be considered in connection with the determination required by this Section hereof, together with representative means for avoiding undue adverse impact thereupon include the following:

15.7.1 Soils, General

OBJECTIVE: Prevent accelerated soil erosion and the potential for earth slippage.

GENERAL GUIDELINE: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

15.7.2 Agricultural Soils

OBJECTIVE: Conserve viable agriculture soils.

GENERAL GUIDELINE: Avoid activities on Class I and Class II agricultural soils presently in agricultural service, which would diminish or preclude continuing use thereof for agricultural purposes.

15.7.3 Topography

OBJECTIVE: Minimize topographic alterations.

GENERAL GUIDELINE: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result there from.

15.7.4 Surface Waters Quality and Eutrophication

OBJECTIVE: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

GENERAL GUIDELINE: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

15.7.5 Surface Drainage

OBJECTIVE: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

GENERAL GUIDELINE: Minimize alterations to existing drainage patterns and drainage courses; preserve drainage ways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water run-off if development includes a significant area of impervious surface.

15.7.6 Flood Plains

OBJECTIVE: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

GENERAL GUIDELINE: Avoid the placement of buildings intended for human habitation, commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites.

15.7.7 Ground Water

OBJECTIVE: Preserve quality, infiltration rate, and levels of ground water.

GENERAL GUIDELINE: Comply at a minimum with applicable governmental water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to more aquifers and aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

15.7.8 Shorelines

OBJECTIVE: Maintain or enhance the existing physical, biological and aesthetic characteristic of the shoreline of all lakes, ponds, rivers and streams.

GENERAL GUIDELINE: Comply at a minimum with applicable governmental shoreline restrictions, minimize construction or development of any kind near or on the shorelines; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

15.7.9 Mineral Resources

OBJECTIVE: Conserve existing known mineral resources.

GENERAL GUIDELINE: Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

15.7.10 Air Quality

OBJECTIVE: Maintain or enhance existing air quality.

GENERAL GUIDELINE: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

15.7.11 Noise Levels

OBJECTIVE: Limit additions to noise levels.

GENERAL GUIDELINE: Adhere at a minimum to applicable governmental noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

15.7.12 Wetlands

OBJECTIVE: Preserve the hydrologic, wildlife, vegetation, aesthetic, educational, open space and recreational values of wetlands.

GENERAL GUIDELINE: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in periodically inundated land.

15.7.13 Aquatic Communities

OBJECTIVE: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

GENERAL GUIDELINE: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat launching facilities, and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

15.7.14 Vegetation, General

OBJECTIVE: Preserve or quickly restore terrestrial vegetation.

GENERAL GUIDELINE: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

15.7.15 Rare and Endangered Terrestrial Plant Species

OBJECTIVE: Preserve rare and endangered terrestrial plant species.

GENERAL GUIDELINE: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

15.7.16 Productive Commercial Forest Land

OBJECTIVE: Conserve productive forestlands.

GENERAL GUIDELINES: Avoid impairment of productive forestlands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

15.7.17 Fragile Ecosystems at Higher Elevations

OBJECTIVE: Minimize disturbance of fragile ecosystems at higher elevations.

GENERAL GUIDELINE: Avoid development at elevations of 2,500 feet or more.

15.7.18 Terrestrial Wildlife, General

OBJECTIVE: Maximize the preservation of terrestrial wildlife species.

GENERAL GUIDELINE: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

15.7.19 Rare and Endangered Terrestrial Wildlife Species

OBJECTIVE: Preserve rare and endangered terrestrial wildlife species.

GENERAL GUIDELINE: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

15.7.20 Aesthetics, General

OBJECTIVE: Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

GENERAL GUIDELINE: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

15.7.21 Scenic Vistas

OBJECTIVE: Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

GENERAL GUIDELINE: Avoid visibility of buildings and other development and land use alterations generally from vistas by employment of vegetative screening, existing topography, and careful siting methods.

15.7.22 Travel Corridors

OBJECTIVE: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

GENERAL GUIDELINE: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alterations.

15.7.23 Open Space, General

OBJECTIVE: Maintain the open space character of the project site, adjacent land, and surrounding areas.

GENERAL GUIDELINE: Preserve vegetative screening and existing topography and employ clustering and careful siting methods where appropriate to minimize the impact of development activities and land use alterations on open space; and preserve undeveloped areas as large as possible in view of project objectives.

15.7.24 Outdoor Recreation

OBJECTIVE: Maintain the quality and availability of land for outdoor and open space recreational purposes

GENERAL GUIDELINE: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross-country skiing trails as well as trail bike, jeep, all-terrain-vehicle, snowmobiles, and horse trails, playgrounds, picnic areas, campgrounds, parks, beaches, and similar uses.

15.7.25 Surrounding Land Uses, General

OBJECTIVE: Minimize incompatibility of new development with the character of adjoining and nearby land uses.

GENERAL GUIDELINE: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

15.7.26 Adjacent State Land

OBJECTIVE: Preserve the wild and natural character of adjacent state lands designated as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

GENERAL GUIDELINE: Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audio impact in these wilderness-like areas, thereby insuring the continued compatibility of State and private types of ownership.

15.7.27 Wild, Scenic and Recreational Study Rivers

OBJECTIVE: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

GENERAL GUIDELINE: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and preserve the free-flowing character of such rivers.

15.7.28 Historic Sites

OBJECTIVE: Protect archeological sites, historic sites, and unique historical structures for their educational and cultural value to the area, region or state.

GENERAL GUIDELINE: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

15.7.29 Special Interest Areas

OBJECTIVE: Preserve special interest areas such as unique natural features and their surrounding environs.

GENERAL GUIDELINE: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

15.7.30 Service and Finance

OBJECTIVE: Fully explore and assure the ability of government to provide governmental services and facilities made necessary by the project.

GENERAL GUIDELINE: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible, the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of overrunning or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability of the government to provide services and facilities.

15.7.31 Regulations

OBJECTIVE: Conform development activities to all applicable governmental rules and regulations.

GENERAL GUIDELINE: Comply with all applicable Ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Department of Health and Environmental Conservation, and the APA.

15.7.32 Public Utilities and Community Resources

OBJECTIVE: Assure the adequacy of such public utility service and community resources as shall be necessary for the project.

GENERAL GUIDELINE: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; and avoid necessity for more uncompensated increases in community services and activities such as recreational facilities, social, cultural and health services, and transportation facilities.

15.8 Development Activities For Use in Class B Project Review

The principal development activities associated with a project to be considered in collection with the determination required of this Section hereof, together with representative means for avoiding undue adverse impacts include the following:

15.8.1 Streets and Roads

OBJECTIVE: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

GENERAL GUIDELINE: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and roadbed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

15.8.2 Siting and Construction of Buildings

OBJECTIVE: Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

GENERAL GUIDELINE: Blend buildings with existing topography and their surrounding environs; avoid steep slopes; minimize grade alterations; and avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

15.8.3 Sewage Disposal

OBJECTIVE: Select, design and locate sewage disposal systems to provide adequate treatment of effluent and to avoid contamination of surface or groundwater.

GENERAL GUIDELINE: Comply with all State and local health standards, adhere at a minimum to the Adirondack Park Agency Act's setback requirements for water bodies; employ proven design criteria for sewage disposal systems in proper working order.

15.8.4 Storm Drainage

OBJECTIVE: Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrologic effects.

GENERAL GUIDELINE: Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainage ways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands, bogs and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces. In all cases, all projects shall comply with NYS DEC Stormwater Management Guidelines.

15.8.5 Water Supply

OBJECTIVE: Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and sub-surface drainage, patterns.

GENERAL GUIDELINE: Comply with all State and local health standards with regard to the design, location, construction and maintenance of water supply systems.

15.8.6 Solid Waste Disposal

OBJECTIVE: Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water, and visual pollution and in a manner which will not create hazards to the health and welfare of people or wildlife.

GENERAL GUIDELINE: Comply with all applicable State and local standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well drained soils and at sufficient distances from water bodies so as to prevent contamination thereof; and avoid locating disposal areas on steep slopes.

15.8.7 Pesticides and Herbicides

OBJECTIVE: Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.

GENERAL GUIDELINE: Strictly adhere to applicable regulations regarding type, quantity and technique of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

15.8.8 Shoreline Development

OBJECTIVE: Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

GENERAL GUIDELINE: Adhere at a minimum to the shoreline restrictions of the Adirondack Park Agency Act and the provisions of the Environmental Conservation Law and all Local Laws; maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize construction of docks and boathouses on shorelines; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding area.

15.8.9 Noise

OBJECTIVE: Minimize noise insofar as practicable.

GENERAL GUIDELINE: Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

15.8.10 Signs

OBJECTIVE: Avoid signage that detracts from aesthetic and scenic qualities.

GENERAL GUIDELINE: Limit signs to the extent necessary to adequately inform viewer concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man-made travel corridors, and of signs containing moving parts or flashing lights. In all cases, signs shall comply with other requirements of this Ordinance.

15.8.11 Utilities

OBJECTIVE: Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

GENERAL GUIDELINE: Locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have adverse environmental impacts on terrestrial and aquatic ecosystems.

15.9 Class B Regional Projects

This Section includes Class B Regional Projects listed in Section 810 of the APA Act permissible within the Town of Edinburg under procedures set forth in this Ordinance. Class B Regional Projects in any land use area, other than Moderate Intensity, which is proposed to be undertaken by the Town, any other municipality, a school district, or other governmental agency or entity except the State or a state agency is to be considered a Class A Regional Project and subject to the review authority of the Adirondack Park Agency.

15.9.1. Moderate Intensity Use (Lakefront Residential District)

- 1) Residential subdivisions of 15-75 lots, parcels or sites.

15.9.2 Low Intensity Use (Low Intensity Use)

- 1)** Subdivisions of land (and all land uses and development related thereto) involving ten (10) or more but less than thirty-five (35) lots, parcels or sites, other than subdivision of land involving mobile homes.
- 2)** Subdivision of land (and all land uses and development related thereto) involving less than ten (10) lots, parcels or sites which do not meet the following criteria:
 - a.** In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least fifty thousand (50,000) square feet in size and complies with all of the provisions of the shoreline restrictions.
 - b.** In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least one hundred twenty thousand (120,000) square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine (9).

- 3)** Multiple family dwellings.
- 4)** Mobile home courts.
- 5)** Mobile home subdivisions (and all land uses and development related thereto) involving two (2) or more lots, parcels or sites.
- 6)** Public and semi-public buildings.
- 7)** Municipal roads.
- 8)** Commercial or agricultural service uses involving less than five thousand (5,000) square feet of floor space.
- 9)** Tourist accommodations.
- 10)** Marinas, boatyards and boat launching sites.
- 11)** Golf courses.
- 12)** Campgrounds.
- 13)** Group camps.
- 14)** Commercial seaplane bases.
- 15)** Commercial sand and gravel extractions.
- 16)** Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- 17)** Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses set forth in Appendix A of this Ordinance.
- 18)** An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as Wilderness, Primitive or Canoe in the Master Plan for management of State Lands.
- 19)** All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as Wild, Scenic or Recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
- 20)** Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.

15.9.3. Rural Use (Rural Use District)

- 1) Subdivisions of land (and all land uses and development related thereto) involving five (5) or more but less than 20 lots, parcels or sites, other than subdivisions of land involving mobile homes.
- 2) Subdivisions of land (and all land uses and development related thereto) involving less than five (5) lots, parcels or sites which do not meet the following criteria:
 - a. In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 80,000 square feet in size and complies with all of the provisions of the shoreline restrictions of the plan.
 - b. In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 320,000 square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four (4).

- 3) Multiple family dwellings.
- 4) Mobile home courts.
- 5) Mobile home subdivisions (and all land uses and development related thereto) involving two (2) or more lots, parcels or sites.
- 6) Public and semi-public buildings.
- 7) Municipal roads.
- 8) Marinas, boatyards and boat launching sites.
- 9) Golf courses.
- 10) Campgrounds.
- 11) Group camps.
- 12) Commercial sand and gravel extractions.
- 13) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- 14) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- 15) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses set forth in Appendix A of this Ordinance.
Number reserved for future use.
- 16) Commercial and agricultural service uses involving less than 2,500 square feet.
- 17) An individual single-family residence within one-eighth mile of tracts of forest preserve land or water described in this Ordinance or within 150 feet of a travel corridor described in such paragraph.
- 18) Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.

15.9.4. Resource Management (Resource Management District)

- 1)** Single-family dwellings.
- 2)** Individual mobile homes.
- 3)** Forestry use structures.
- 4)** Hunting and fishing cabins and hunting and fishing and other private club structures involving 500 or more square feet of floor space.
- 5)** Land use or development, except subdivision of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.
- 6)** Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses as set forth in Appendix A of this Ordinance.
- 7)** Municipal roads.
- 8)** Golf courses.
- 9)** An individual single-family dwelling within one-eighth mile of tracts of forest preserve land or waters now or hereafter classified as Wilderness, Primitive or Canoe in the master plan for management of state lands or within 300 feet of a travel corridor.
- 10)** Campgrounds involving fewer than 50 sites.
- 11)** All land uses and development, except subdivisions of land, within one-quarter mile of rivers designated to be studied as Wild, Scenic and Recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
- 12)** Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.

APPENDIX A
TOWN OF EDINBURG
COMPATIBLE USE LIST

The following compatible uses listed are excerpted from the Adirondack Park Agency Act, Section 805, for the purpose of guiding development in the Adirondack Park and considered compatible uses by the Town of Edinburg.

MODERATE INTENSITY USE (Lakefront Residential)

The list is a partial list of the compatible uses listed in Adirondack Park Agency Act, Section 805(3)(d).

Primary uses:

1. Single family dwellings.
2. Private roads.
3. Public utility uses.
4. Accessory uses and structures to any use classified as a compatible use.

Secondary uses:

1. Municipal roads.
2. Major public utility uses.

LOW INTENSITY USE (LOW INTENSITY DISTRICT)

The list is the complete list of the compatible uses listed in Adirondack Park Agency Act, Section 805(3)(e).

Primary uses:

1. Single family dwellings.
2. Individual mobile homes.
3. Open space recreation uses.
4. Agricultural uses.
5. Agricultural use structures.
6. Forestry uses.
7. Forestry use structures.
8. Hunting and fishing cabins and hunting and fishing and other private club structures.
9. Game preserves and private parks.
10. Private roads.
11. Cemeteries.
12. Private sand and gravel extractions.
13. Public utility uses.
14. Accessory uses and structures to any use classified as a compatible use.

Secondary uses:

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Agricultural service uses.
6. Commercial uses.

7. Tourist accommodations.
8. Tourist attractions.
9. Marinas, boat yards and boat launching sites.
10. Golf courses.
11. Campgrounds.
12. Group camps.
13. Ski centers.
14. Commercial seaplane bases.
15. Commercial or private airports.
16. Sawmills, chipping mills, pallet mills and similar wood using facilities.
17. Commercial sand and gravel extractions.
18. Mineral extractions.
19. Mineral extraction structures.
20. Watershed management and flood control projects.
21. Sewage treatment plants.
22. Waste disposal areas.
23. Junkyards.
24. Major public utility uses.
25. Industrial uses.

RURAL USE (RURAL USE DISTRICT)

The list is the complete list of the compatible uses listed in Adirondack Park Agency Act, Section 805(3)(f).

Primary uses:

1. Single family dwellings.
2. Individual mobile homes.
3. Open space recreation uses.
4. Agricultural uses.
5. Agricultural use structures.
6. Forestry uses.
7. Forestry use structures.
8. Hunting and fishing cabins and hunting and fishing and other private club structures.
9. Game preserves and private parks.
10. Cemeteries.
11. Private roads.
12. Private sand and gravel extractions.
13. Public utility uses.
14. Accessory uses and structures to any use classified as a compatible use.

Secondary uses:

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Agricultural service uses.
6. Commercial uses.
7. Tourist accommodations.
8. Marinas, boat yards and boat launching sites.

9. Golf courses.
10. Campgrounds.
11. Group camps.
12. Ski centers.
13. Commercial seaplane bases.
14. Commercial or private airports.
15. Sawmills, chipping mills, pallet mills and similar wood using facilities.
16. Commercial sand and gravel extractions.
17. Mineral extractions.
18. Mineral extraction structures.
19. Watershed management and flood control projects.
20. Sewage treatment plants.
21. Waste disposal areas.
22. Junkyards.
23. Major public utility uses.
24. Industrial uses.

RESOURCE MANAGEMENT (RESOURCE MANAGEMENT DISTRICT)

The list is the complete list of the compatible uses listed in Adirondack Park Agency Act, Section 805(3)(g).

Primary uses:

1. Agricultural uses.
2. Agricultural use structures.
3. Open space recreation uses.
4. Forestry uses.
5. Forestry use structures.
6. Game preserves and private parks.
7. Private roads.
8. Private sand and gravel extractions.
9. Public utility uses.
10. Hunting and fishing cabins and hunting and fishing and other private club structures involving less than five hundred square feet of floor space.
11. Accessory uses and structures to any use classified as a compatible use.

Secondary uses:

1. Single family dwellings.
2. Individual mobile homes.
3. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred square feet or more of floor space.
4. Campgrounds.
5. Group camps.
6. Ski centers and related tourist accommodations.
7. Agricultural service uses.
8. Sawmills, chipping mills, pallet mills and similar wood using facilities.
9. Commercial sand and gravel extractions.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management and flood control projects.

- 13.** Sewage treatment plants.
- 14.** Major public utility uses.
- 15.** Municipal roads.
- 16.** Golf courses.