

TOWN OF WADDINGTON DEVELOPMENT CODE

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TOWN OF WADDINGTON

LOCAL LAW NO OF THE YEAR

A local law Creating, Regulating, and Administering Development Suitability Areas
In the Town of Waddington, New York

Be it enacted by the Town Board of the Town of Waddington,
St. Lawrence County, New York as follows:

TOWN OF WADDINGTON DEVELOPMENT CODE

SECTION 1- GENERAL PROVISIONS

1.1 INTRODUCTORY PROVISIONS

- 1.11 Authority: This local law is enacted pursuant to the provisions of Municipal Home Rule Law, Section 10, and Articles 9 and 16 of Town Law.
- 1.12 Short Title: This local law shall be known and may be cited as the “Town of Waddington Development Code.”
- 1.13 Effective Date: This local law shall take effect on the tenth day after its adoption, subject to its recording and filing as prescribed by Municipal Home Rule Law and its posting and publication of an abstract thereof pursuant to Local Law No. 1 of the year 1984.
- 1.14 Purpose: The purpose of this local law is to protect and promote the public health, safety, and general welfare by:
- (a) guiding development in an orderly and efficient manner to those areas of the Town where such development will be compatible with the natural resources.
 - (b) limiting development within areas which are hazardous in to life, limb or property or which require inordinate costs to develop and
 - (c) preventing development within areas having sensitive and fragile natural resources, which would otherwise be lost to development.

1.2 DEVELOPMENT SUITABILITY PROVISIONS

- 1.21 Establishment of Development Suitability Areas: Development Suitability Areas are hereby established to classify land within the Town of Waddington according to suitability for development or land use based upon the natural community resources criteria set forth in the Town’s master plan. The specific Development Suitability Areas thus established are:
- (a) Natural Resource Area (NR)
 - (b) Limited Development Area (LD)

(c) Rural Development Areas (RD)

1.22 Development Suitability Map. The boundaries of the Development Suitability Areas established by this local law are delineated by the map entitled “Development suitability Map, Town of Waddington, NY” and dated with the effective date of this local law. This map is hereby adopted and declared to be part of this local law.

1.23 Regulation of Development Suitability Areas. Development is permitted in all Development Suitability Areas to the extent that such development complies with the following:

- (a) Development Suitability Regulations as provided under Section 2;
- (b) Supplemental Regulations as provided under Section 3;
- (c) Performance Standards and Conditions as provided under Section 4; and
- (d) Building permits as provided under Section 5 of this local law

1.3 OTHER PROVISIONS

1.31 Applicability: No land use or development shall be undertaken or continued in the Town of Waddington, exclusive of the Village of Waddington, except in conformance with the provisions, regulations, standards and procedures of the Town of Waddington’s Development Code.

1.32 Interpretation: The provisions, regulations, standards and procedures of this local law shall be held to be the minimum requirements necessary to carry out the purposes of this local law.

1.33 Conflicts with other laws: Whenever the requirements of this Local Law are at variance with the requirements of any lawfully adopted rules, regulation or ordinances, such as the New York State Uniform Fire Prevention and Building Code, the most restrictive of those imposing the highest standards shall govern.

1.34 Separability: Should any section or part of this local law be decided to be unconstitutional or otherwise invalid, such decision shall not impair the validity of this local law as a whole or the validity of any other section or part thereof.

1.35 Violations and Penalties: A violation of this local law is hereby declared to be an offense punishable by a fine not exceeding \$250.00 or imprisonment for a period not to exceed six (6) months or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week’s continued violation shall constitute a separate additional violation.

Nothing herein shall prevent the proper local authorities of the Town taking such other lawful actions or proceedings as may be necessary to restrain, correct or abate any violations of this local law.

Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, [*Certificate of Occupancy / Certificate of Compliance*], Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.

Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, [*Certificate of Occupancy / Certificate of Compliance*], Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section **382** of the Executive Law.

1.36 Non- conforming Uses, Lots, and Structures:

1.361 Intent: The intent of this provision is to recognize certain uses, lots of record and structures which legally existed at the time of enactment of this local law and which would be prohibited or unreasonably restricted by the provisions, regulations, standards or procedures herein. This section shall not, however, be construed to perpetuate or encourage the survival or expansion of such uses, lots or structures.

1.362 Non-conforming Uses: Any use of land or structures which by enactment of this local law is made non-conforming may be continued on the premises and to the extent pre-existing provided that:

- (a) no non-conforming use shall be expanded, extended or otherwise increased so as to occupy a greater area of land than was committed to the non-conforming use at the time of such enactment;
- (b) no non-conforming use shall be extended so as to displace a conforming use;
- (c) any non-conforming use of land or structures which has, for any reason, been discontinued for a period of one (1) year as recorded by the Code Enforcement Officer, shall not be reestablished and only conforming uses shall be thereafter permitted;
- (d) a non-conforming use of land or structures once changed to a conforming use shall not be permitted to change back to a non-conforming use.

1.363 Non-conforming Lots of Record: Any lot of record held under separate ownership prior to the enactment of this local law and having lot width or lot depth or both less than the minimum area requirements set forth in this local law may be developed with any compatible use listed for the Development Suitability Area in which such non-conforming lot is located without requiring a variance provided that such lot:

- (a) does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to non-conforming dimensions;
- (b) has sufficient area, width, and depth to undertake development which will:
 - (1) maintain the required minimum front setback
 - (2) meet or exceed at least two third of the required minimum side and rear setbacks,
 - (3) not exceed the maximum permitted lot coverage; and

- (c) otherwise satisfies all applicable provisions of this local law.

1.364 Non-conforming Structures: Any pre-existing structure which by the enactment of this local law is made non-conforming may be used for any compatible use listed for the Development Suitability Area in which such structure is located provided that it shall not be enlarged or extended so as to increase its non-conformance in terms of setback or lot coverage. Nothing under the provisions of this local law shall prevent the repair, restoration or reconstruction of a non-conforming structure damaged by fire or other hazard provided that:

- (a) its owner or owners can demonstrate that construction, erection, or location of a conforming structure is either:
 - (1) physically impractical due to the size, configuration, or condition of the lot; or
 - (2) a financial hardship; and
- (b) such repair, restoration or reconstruction is undertaken
 - (1) only on the premises and to the extent previously occupied by the non-conforming structure and
 - (2) within one (1) year from the date on which the damage or destruction occurred.

Should a non-conforming structure be moved any distance for any reason, such structure shall conform to the requirements of the Development Suitability Area into which it is moved.

SECTION 2- DEVELOPMENT SUITABILITY REGULATIONS

2.1 **NATURAL RESOURCE AREAS (NR):** Natural Resource Areas possess important natural resources: valuable farmlands, timber stands for forestry, mineral extraction, water for recreation, groundwater recharge, open space, scenic vistas or sensitive wildlife habitat. Such areas must be managed to maintain or improve their productive use and perpetuate their existence as community resources for future generations.

2.11 Area Requirements: The following area requirements must be satisfied except as modified for an Exceptional Development under 2.4 below:

- (a) minimum 150 ft. lot width;
- (b) minimum 300 ft. lot depth;
- (c) minimum 40 ft. setback from road right-of-way for new structures;
- (d) minimum 25 ft. setback from side and rear lot lines;
- (e) maximum 10% lot coverage; and
- (f) sufficient lot size to accommodate an individual sewage disposal system and, in absence of public water supply, a well.

2.12 Compatible Uses: The following compatible uses are permitted.

- (a) agricultural uses and accessory buildings;
- (b) park or open space recreation (except campgrounds);
- (c) timber harvesting;
- (d) single and two family dwellings and accessory buildings;
- (e) home occupations; and
- (f) clubs, lodges and camps for hunting, fishing, and other outdoor recreation for the benefit of members and not conducted as a business.

2.13 Special Uses: The following special uses are permitted upon approval from the Planning board as provided under SECTIONS 4 and 5 of this local law.

- (a) boarding or rooming houses;
- (b) public, semi-public and institutional uses including, but not limited to, schools, libraries, places of worship, charitable institutions, hospitals, medical and dental clinics and sanitariums;
- (c) commercial water-dependent recreation facilities including, but not limited to docks, boat houses, and bath houses.

2.14 Exceptional Developments: The following special uses are permitted as Exceptional Developments upon approval of the Town Board as provided under SECTIONS 4 and 5 of this local law:

- (a) multiple family dwellings provided that minimum lot size as determined under 2.11 above is increased by 10, 890 sq. ft. for the third and each successive dwelling unit;
- (b) retail business including accessory warehouse or accessory fabrication;
- (c) wholesale businesses;
- (d) office use, including banking and other administrative, non-retail business uses; and
- (e) those uses listed as Exceptional Development under 2.24 and 2.34 below.

2.2 **LIMITED DEVELOPMENT AREAS (LD):** Limited Development Areas have marginal value for either resource conservation or development. Conservation is impractical due to existing highway frontage development, relatively small lot sizes or general development pressures. Nevertheless, soil limitations in these areas impose severe limitations on development involving individual sewage disposal systems and structures with basements.

2.21 Area Requirements: The following area requirements must be satisfied, except as may be modified for an Exceptional Development under 2.4 below.

- (a) minimum 125 ft. lot width;
- (b) minimum 250 ft. lot depth;
- (c) minimum 40 ft. setback from road right-of-way for new structures;
- (d) minimum 20ft. setback from side and rear lot lines;
- (e) maximum 13.5% lot coverage; and
- (f) sufficient lot area to accommodate an individual sewage disposal system and, in absence of public water supply, a well

2.22 Compatible Uses: The following compatible uses are permitted:

- (a) those uses listed as compatible uses in Natural Resources Areas;
- (b) boarding or rooming houses; and
- (c) public, semi-public and institutional uses including, but not limited to, schools, libraries, places of worship, charitable institutions, hospitals, medical and dental clinics, and sanitariums.

2.23 Special Uses: The following special uses are permitted upon approval from the Planning Board as provided under SECTIONS 4 and 5 of this local law:

- (a) multiple family dwellings provided that minimum lot size as determined under 2.21 above is increased by 5,445 sq. ft. for the third and each successive dwelling unit;

- (b) retail business, including accessory warehouse or accessory fabrication but excluding those uses listed as Exceptional Development under 2.24 below;
- (c) wholesale businesses;
- (d) office uses, including banking and other administrative, non-retail business uses;
- (e) private water-dependent recreation facilities including, but not limited to, docks, boat houses, and bath houses.

2.24 **Exceptional Developments:** The following special uses are permitted as Exceptional Developments upon approval of the Town Board as provided under SECTIONS 4 and 5 of this local law:

- (a) mobile home courts;
- (b) bowling halls, video game centers, indoor movie theaters, marinas or other commercial recreation facilities;
- (c) gasoline filling stations and garages for the repair, maintenance, or cleaning of motor vehicles;
- (d) dealership for new or used motor vehicles, farm machinery or equipment, boats, trailers, or mobile homes including outdoor sales and display lots; and
- (e) those uses listed as Exceptional Developments under 2.34 below.

2.3 RURAL DEVELOPMENT AREAS (RD): Rural Development Areas are primarily rural areas that do not have exceptional natural resources or soils with severe limitations to development. They are areas where rural development can be encouraged.

2.31 **Area Requirements:** The following area requirements must be satisfied, except as modified for an Exceptional Development under 2.4 below:

- (a) minimum 100 ft. lot width;
- (b) minimum 200 ft. lot depth;
- (c) minimum 40 ft. setback from road right-of-way for new structures;
- (d) minimum 15 ft. setback from side and rear lot lines;
- (e) maximum 20% lot coverage; and
- (f) sufficient lot area to accommodate an individual sewage disposal system and, in absence of public water supply, a well.

2.32 **Compatible Uses:** The following compatible uses are permitted:

- (a) those uses listed as compatible uses in Limited Development Areas;
- (b) multiple family dwellings provided that the minimum lot size as determined under 2.31 above is increased by 3,630 sq. ft. for the third and each successive dwelling unit;
- (c) retail businesses including accessory warehouse or fabrication but excluding:
 - (1) those uses listed as special uses under 2.33 below and

(2) those uses listed as Exceptional Developments under 2.34 below:

- (d) wholesale businesses;
- (e) office uses, including banking and other administrative, non-retail business uses.

2.33 Special Uses: The following special uses are permitted upon approval from the Planning Board as provided under SECTIONS 4 and 5 of this local law;

- (a) mobile home courts;
- (b) bowling halls, video game centers, indoor movie theaters, marinas or other commercial recreational facility;
- (c) gasoline filling stations and garages for the repair, maintenance or cleaning of motor vehicles;
- (d) dealership for new or used motor vehicles, farm machinery or equipment, boats, trailers or mobile homes including outdoor sales or display lots;
- (e) private water-dependent recreation facilities including, but not limited to, docks, boathouses, and bath houses.

2.34 Exceptional Developments: The following special uses are permitted as Exceptional Developments upon approval of the Town Board as provided under SECTIONS 4 and 5 of this local law;

- (a) industrial uses or warehouse as a principal use;
- (b) filling other than as permitted under 3.71 and mining or excavating other than as permitted under 3.72 of this local law;
- (c) storage yards for construction materials, transient motor vehicles or equipment except temporary storage for construction projected limited to two (2) years;
- (d) campgrounds;
- (e) motel, hotel, or inn;
- (f) restaurant, tavern, grill or other eating or drinking establishment;
- (g) outdoor movie theater;
- (h) junk yard, scrap yard or other salvage operations; and
- (i) facilities or land for the handling, processing, storage or disposal of liquid, solid or hazardous wastes.

2.4 ALL DEVELOPMENT SUITABILITY AREAS: In all Development Suitability Areas, the area requirements shall be modified for a special use approved as an Exceptional Development by the Town Board, as follows:

- (a) minimum side and rear setbacks shall be doubled except where the setback is from the property line of another Exceptional Development, in which case such setback may be reduced by 50%;

- (b) minimum lot width and depth shall be increased by the amount of any increased setback required to satisfy (a) above;
- (c) minimum lot area shall be increased as determined by lot width and depth requirements in (b) above; and
- (d) maximum lot coverage by structures shall be determined by the Town Board, but in no event shall such coverage exceed 50% of the property

2.5 DEVELOPMENT SUITABILITY SCHEDULE: Area requirements, compatible uses, special uses and Exceptional Developments are summarized in the Development Suitability Schedule located on page 14.

DEVELOPMENT SUITABILITY SCHEDULE

| | NR | LD | RD |
|--------------------------|---|---|---|
| AREA REQUIREMENTS | (SEE 2.11) minimum lot size – 150'x 300 ' minimum setback- 40' from r.o.w minimum setback- 25' from side & rear maximum Lot coverage- 10% | (see 2.21) minimum lot size – 125' x 250' minimum setback – 40' from r.o.w. minimum setback – 20' side & rear maximum lot coverage- 13.5% | (see 2.31) minimum lot size- 100' x 200' minimum setback- 40' from r.o.w. minimum setback – 15' side & rear maximum lot coverage – 20% |
| Compatible Uses | (see 2.12) agricultural uses & accessory buildings timber harvesting park or open space recreation (except campgrounds) single and two family dwellings and accessory uses home occupations private clubs | (see 2.22) those uses compatible in NR boarding or rooming houses public, semi-public and institutional uses | (see 2.32) those uses compatible in LD multiple family dwellings (3,630 sq. ft. additional lot area for third and each successive unit) retail businesses, excluding those listed below as special uses or Exceptional Developments gas stations and certain garages dealerships alterations of certain watercourses private water-dependent recreation facilities |
| Special Uses | (see 2.13) boarding or rooming houses public, semipublic and institutional uses private water-dependent recreation facilities | (SEE 2.23) multiple family dwellings (5,445 sq. ft. additional lot area for third and each successive unit) retail businesses, excluding those listed below as Exceptional Developments wholesale business office uses alteration of certain watercourses private water-dependent recreation facilities | (SEE 2.33) mobile home courts commercial recreation facilities, excluding those listed below as Exceptional Developments gas stations and certain garages dealerships alteration of certain watercourses private water-dependent recreation facilities |
| Exceptional Developments | (SEE 2.14) multiple family dwellings (10,890 sq. ft. additional lot area for third and each successive unit) retail businesses wholesale businesses office uses those uses listed as Exceptional Development under LD and RD | (SEE 2.24) mobile home courts commercial recreation facilities gas stations and certain garages dealerships those uses listed as Exceptional Developments under RD | (SEE 2.34) industrial uses or warehouses certain filling and excavation storage yards campgrounds motels, hotels, and inns restaurants, taverns, grills, and other eating or drinking establishments outdoor movie theater junk yards, scrap yards or salvage operations hazardous waste facilities |

SECTION 3- SUPPLEMENTAL REGULATIONS

- 3.1 OVERLAY REGULATIONS:** In cases of conflict between the following overlay regulations and other provisions, regulations, standards or procedures of this local law, the more stringent shall prevail.

3.11 Waterfront Area:

- 3.111 Purpose: The Town recognizes the value of its coastal resources both natural and man-made to the economic, social, and environmental well-being of the community and its citizens. It is the Town Board's intent to prevent impairment or loss of these resources, while encouraging their most beneficial use for greater economic productivity, better environmental protection and improved quality of life. The purpose of the Waterfront Area Overlay Regulations is to meet this intent by ensuring that new development will be compatible with the Town's comprehensive planning processes and policies for its waterfront, including those applicable policies set forth in the Town of Waddington/Village of Waddington joint Local Waterfront Revitalization Program (JLWRP) as adopted by the Town Board and approved by the NYS Secretary of State.
- 3.112 Creation of the Waterfront Area Overlay: The Waterfront Area Overlay is hereby created to encompass all lands and waters of the Town lying within the NYS Coastal Area Boundary as identified in the aforementioned JLWRP. The Waterfront Area Overlay is shown on the Development Suitability Map.
- 3.113 Waterfront Area Overlay Regulations: For all new development proposals within the Waterfront Area, the Planning Board's approval of site plans pursuant to 4.0 of this local law shall also be based on the extent to which such development proposals are consistent with the policies and purposes of the aforementioned JLWRP.

3.12 Freshwater Wetlands:

- 3.121 Purpose: The Town recognizes that freshwater wetlands are valuable resources for flood storage, groundwater recharge, erosion protection, and removal of pollutants from surface waters, fish and wildlife habitat and open space. The Town further recognizes that development in freshwater wetlands

would cause irreparable damage to the rare and sensitive natural ecosystems in such areas. It is the Town Board's intent to maintain freshwater wetlands in their natural state. The purpose of the Freshwater Wetlands Overlay Regulations is to protect freshwater wetlands by prohibiting development therein except as provided under 3.123 below.

- 3.122 Creations of Freshwater Wetlands Overlay: A Freshwater Wetlands Overlay is hereby created to encompass all freshwater wetlands designated by the NYS Department of Environmental Conservation pursuant under Article 24, Title 7 of the NYS Environmental Conservation Law. The Freshwater Wetlands Overlay is shown on the Development Suitability Map.
- 3.123 Freshwater Wetlands Overlay Regulations: For all new development proposals within the Freshwater Wetlands Overlay, no Building permit shall be issued by the Code Enforcement Officer pursuant to SECTION 5 of this local law without a permit from the NYS Department of Environmental Conservation, if required pursuant to the aforementioned Article 24, Title 7 of the NYS Environmental Conservation Law.

3.13 Floodplains:

- 3.131 Purpose: Floodplains are low-lying lands along certain surface waters of the Town where in periodic inundation by floodwaters poses the threat of loss of life, injury or damage to property. The Town Board recognizes that development in such areas will be subject of flood hazards and future flooding damage. It is the Town Board's intent to avoid or minimize the threat of flood hazards. The purpose of the Floodplain Overlay Regulations is to meet this intent by regulating floodplain development.
- 3.132 Creations of the Floodplains Overlay: The Floodplains Overlay is hereby created to encompass all "Flood Hazard Areas" as designated on the Flood Hazard Boundary map for the Town of Waddington by the Flood Insurance Administration.
- 3.133 Floodplains Overlay Regulations: For all new development proposals within the Floodplains Overlay, no Building permit shall be issued by the Code Enforcement Officer, except in conformance with the floodplain management standards promulgated by the Federal Emergency Management Agency for development in the Flood Hazard Areas. New construction for uninhabited structures in Flood Zone A will require construction 2' above Base Flood Elevation. Construction for inhabited structures in Flood Zone A will require construction 3' above Base Flood Elevation

3.2 Manufactured Home Courts:

3.21 Site Location and Conditions: The site of a proposed manufactured home court:

- (a) shall be located where orderly development of a manufactured home court can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the site, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering;
- (b) shall have generally level to gently rolling topography over an area of sufficient size to allow development of the manufactured home court in compliance with the respective Area Requirements and Design Requirements of 3.22 and 3.23, below, without significant alteration or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shorelines, wetlands, or bedrock outcroppings; and
- (c) shall be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare or toxic or volatile substances.

3.22 Area Requirements:

3.221 Manufactured Home Lot Size: Each manufactured home court shall be divided – exclusive of internal road, open space or common areas –into mobile home lots which satisfy the following requirements:

- (a) minimum lot area of 6,000 sq. ft. except that the Planning Board may approve lot areas as small as 5,000 sq. ft. in manufactured home courts for ten (10) or more manufactured homes for innovative layouts with clustering of the manufactured homes to provide significant open space or recreation areas;
- (b) minimum 50 ft. lot width; and
- (c) minimum 100 ft. lot depth.

3.222 Maximum Density: The maximum density of a manufactured home court shall not exceed 5.5 dwelling units per gross acre of land covered by the special permit.

3.223 Setbacks and Spacing:

- (a) All manufactured homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a manufactured home court shall satisfy the following setback and spacing requirements:
 - (1) minimum setback from the road right-of-way as required for the Development Suitability Area in which the manufactured home court is located;
 - (2) minimum 20ft. setback from the edge of any roadway internal to the manufactured home court;
 - (3) minimum 25ft. from any property line in common with adjoining property external to the manufactured home court;
 - (4) minimum 10 ft. setback from side or rear manufactured home lot lines; and
 - (5) minimum 25 ft. spacing between adjacent manufactured homes and any other structures in the manufactured home court except that a detached structure accessory to and located on the same lot with an individual manufactured home shall be considered part of that manufactured home for the purpose of spacing requirements.
- (b) No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 255 ft. of a property line in common with adjoining property external to the manufactured home court.

3.23 Design Requirements:

- 3.231 Access: Each manufactured home court shall provide for safe legal means of access from one or more public roads as follows:
- (a) access roads shall meet the public roads at right angles and at compatible grades;
 - (b) entrances shall be located directly opposite or at least 200 ft. from the nearest intersection of public roads, if any, and at least 150 ft. from any other entrances to the manufactured home court, if any;
 - (c) entrances shall have sufficient width to allow reasonable turning movements of vehicles with manufactured homes attached and of service or delivery vehicles;

- (d) entrances shall be located to allow safe line of sight distances to and from their points of intersection with the public road;
- (e) at least (1) common entrance and access road shall be required to serve any manufactured home court having three (3) or more manufactured homes; and
- (f) at least to two (2) independent entrances and access roads shall be required to serve any manufactured home court having twenty (20) or more manufactured homes.

3.232 Internal Roads: Internal roads shall be privately owned and shall provide for the safe and convenient movement of vehicles, with or without manufactured homes attached, over smooth, dense and hard surfaces that are durable and well drained. Such roads shall have the following minimum widths:

- (a) at least twelve (12) ft. for one-way traffic; and
- (b) at least twenty (20) ft. for two-way traffic.

Additional road width may be required by the Planning Board when deemed appropriate for cul-de-sacs, "T" turnarounds, backing space for off-street parking or safe vehicular movements in general.

3.233 Parking

- (a) Each manufactured home shall be provided with at least two (2) off-street parking spaces adjacent to the manufactured home.
- (b) At least one (1) additional off-street parking space for each three (3) manufactured homes in the manufactured home court shall be provided to accommodate guest parking, service or delivery vehicles, boat or camp trailer storage or other parking or storage demand. Such spaces shall be in centrally located parking areas without interfering with the traffic circulation of internal roads.
- (c) Each parking space shall measure at least nine (9) ft. by twenty (20) ft.
- (d) Parking spaces or areas shall have at least eight (8) inches of crushed stone base or two (2) inches of pavement over four (4) inches of crushed stone base.

3.234 Common Areas: Centrally located and easily accessible common areas shall be provided in all manufactured home courts. Such common areas shall meet the following requirements:

- (a) total square footage of common area shall be determined on the basis of the greater of either:
 - (1) 250 sq. ft. per manufactured home or

- (2) 50% of the total of individual lot area reductions that may be granted by the Planning Board pursuant to 3.221 (a), above and
 - (c) such common areas shall be used to provide the minimum guest, delivery and storage parking specified under 3.233 (b), above with the balance of the common area not required for such parking used as follows:
 - (1) in manufactured home courts with less than twenty (20) manufactured homes—to provide open space and passive recreation areas for residents of the court or
 - (2) in manufactured home courts with twenty (20) or more manufactured homes—to provide open space and such active recreation areas and recreation buildings or facilities as may be required by the Planning Board.
- 3.235 Walkways: A four (4) ft. wide hard surfaced pedestrian walkway shall be provided along and at least five (5) ft. from each access road between the entrance to the public highway and either;
 - (a) the first manufactured home unit or
 - (b) such location within the manufactured home court as may be required by the Planning Board to assure pedestrian safety.
- 3.236 Water Supply: Where public water is available, connection shall be used exclusively, unless local authorities deem otherwise. If a public water system is not available, the development of a private water supply system shall be approved by the health authority or other authorities having jurisdiction thereof.
- 3.237 Sewage: An approved sewage system shall be provided in all manufactured home parks for the conveying, disposing and treatment of sewage from mobile homes, service buildings, and other accessory facilities. Such system must be designed, constructed and maintained in accordance with the New York State Department of Health standards and regulations or the Town of Waddington Sanitary Code, as applicable.
- 3.238 Garbage and Refuse: The site plan shall depict the location of garbage and recycling containers for each manufactured home lot. Each manufactured home lot shall be provided with at least two (2) twenty gallon metal or plastic garbage cans with tight fitting covers. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the court owner to insure that garbage and rubbish shall be collected and properly disposed of outside the manufactured home court. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.

3.239 Fuel Supply and Storage:

- (a) liquefied petroleum gas storage containers having a capacity exceeding one hundred twenty-five (125) gallons shall be located not less than twenty-five (25) ft. from the nearest manufactured home, structure, building and lot line.
- (b) Supports or standards for fuel storage tanks are to be of a non-combustible material.
- (c) All fuel oil tanks shall be placed at the rear of the manufactured home and not located less than five (5) feet from any exit.

3.240 Electrical Service

- (a) Every manufactured home court shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances, which shall be installed and maintained in accordance with local electric power companies specifications and regulations and the New York State Building Codes. All wiring fixtures must have the New York Board of fire Underwriters approval or other authority as designated by municipality.
- (b) Each manufactured home stand shall be supplied with not less than a 100-amp service.
- (c) Downcast, dark-sky compliant lighting with recessed bulbs and full cut off shields shall be provided to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum lighting level of 0.3 foot candles shall be provided.
- (d) All electrical distribution lines shall be placed underground.

3.241 Telephone Service: When telephone and/or cable service is provided to manufactured home spaces, the distribution system shall be placed underground.

3.242 Service Buildings:

- (a) service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- (b) All service buildings and the grounds of the manufactured home court shall be well lighted and maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

3.243 Fire Protection and Control

- (a) every manufactured home court shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size, and number so located within the park as to satisfy applicable regulations of the fire district within which the manufactured home court is located.
- (b) No open fires shall be permitted any place within the manufactured home court with the exception of outdoor grills used for the preparation of foods.

3.244 Mail Boxes: The site plan shall depict the location of centralized mail boxes for mobil3 home park tenants.

3.3 Signs

3.31 Requirements Applicable to All Signs:

- (a) Flashing, rotating or otherwise moving signs are prohibited.
- (b) All signs shall be securely supported or affixed to prevent injury or damage from toppling or being thrown by high winds.

3.32 Requirements Applicable to Free-Standing signs:

- (a) line of sight. No sign shall be located in such a manner as to hinder or obscure the line of sight of motorists entering a highway from any property or approaching an intersection.
- (b) Setback. Each free-standing sign shall have at least one (1) foot of setback from the highway right-of-way for each square foot of sign area up to a maximum setback of twenty (20) feet.
- (c) Entitlement. Each property shall have an entitlement to one (1) free-standing, on-premises sign as set forth in the Sign Schedule under 3.35, below. The entitlement shall be used only in conjunction with a compatible use, a special use approved by the Planning Board or an Exceptional Development approved by the Town Board.

3.33 Requirements to Building- Mounted Signs:

- (a) Roof Signs. No sign shall be mounted in such a manner as to extend above the highest elevation of the building.
- (b) Projecting Signs. No signs shall project out from a building more than five (5) feet. Where a sign with two (2) sign faces is mounted to project from an existing building into the twenty (20) foot free-standing sign setback, such projecting sign shall, if visible to two (2) or more directions of travel, be treated as a free-standing sign.

3.34 Trade-offs: On those premises having a use entitled to a free-standing sign, the entitlement sign area may be traded off for off-premises signage as set forth in the Sign Schedule under 3.35, below.

3.35 Sign Schedule: In all Development Suitability Areas signs shall be allowed according to the sign schedule herein.

3.351 Signs by Entitlement: Each property (or group of contiguous properties under the same ownership) shall be entitled to the following signage without the issuance of a Development Permit.

(a) Free-standing signs located on premises

| | Number of Signs Entitled | | Total Sign Area Entitled | |
|--|--------------------------|-----------------------|--------------------------|--------------------------|
| | Interior Lot | Multiple Frontage Lot | Internal Lot | Multiple Frontage Lot |
| (1) Single Use Property | | | | |
| Single or two family residential (if w/a customary home occupation) | 1 (1) | 1 (1) | 1 sq. ft. (4 sq.ft) | 1 sq. ft. (4 sq. ft.) |
| Agricultural or multiple family | 1 | 1 | 20 sq. ft. | 20 sq. ft. |
| Public, semi-public or institutional | 1 | 1 | 12 sq. ft. | 12 sq. ft. |
| Commercial or Industrial | 1 | 1 | 20 sq. ft. | 20 sq. ft. |
| Other Use | 1 | 1 | 12 sq. ft. | 12 sq. ft. |

(2) Two or more uses on Property

| | | | | |
|---|---|---|-----------------------------------|------------|
| | Any combination of uses in (a)(1) above | | combined areas from (a) (1) above | |
| | 1 | 2 | 30 sq. ft. | 45 sq. ft |
| (b) Temporary Signs Sale, lease or rental | | | | |
| Of property | 1 | 2 | 8 sq. ft. | 8 sq. ft. |
| Community event, fund drive or campaign | 1 | 2 | 16 sq. ft. | 16 sq. ft. |

3.352 Signs of Development Permit: Each use shall be permitted, upon the issuance of a Development Permit, the following signage:

- (a) Building Mounted signs located on premises: 1 sign per use listed under 3.351 (a) (1) above with sign area up to twice the total free-standing sign area entitled such use.
- (b) Free-standing signs located off-premises 1 sign per use listed under 3.351 (a)(1) above, excluding single or two family residential, with sign area by trade-off of 4 sq. ft. from the total free-standing sign area entitled on premises for each 1 sq. ft. off-premises.
- (c) Building-mounted signs located off-premises: 1 sign per use listed under 3.351 (a) above, excluding single or two family residential, with sign area by trade-off of 2 sq. ft. from total free-standing sign area entitled on premises for each 1 sq. ft. off-premises.

3.4 **SPECIAL SETBACK REQUIREMENTS**

- 3.41 **Waterfront Setbacks:** In all Development Suitability Areas, the minimum required setback from the shoreline of the St. Lawrence River (mean high water level) shall be one-hundred (100) feet for new buildings and structures excluding structures solely for the storage, docking, launching of other use of watercraft.
- 3.42 **Setbacks for Multiple Frontage Lots:** In all Development Suitability Areas, lots which have frontage of two (2) or more roads shall satisfy the minimum required front setback from each such road.
- 3.43 **Setback Averaging:** In all Development Suitability Areas, the minimum required front setbacks as required by SECTION 2 of this local law shall, for any proposed building or structure, be averaged with the front setbacks of existing buildings or structures on the same side of the road within three hundred (300) feet of the proposed building or structure, but in no event shall the setback averaging requirement:
- (a) permit a setback of less than twenty (20) feet from the road right-of-way or
 - (b) require a setback in excess of sixty (60) feet from the road right-of way.
- 3.44 **Setback for Visibility at Intersections:** In all Development Suitability Areas, the triangle formed by connecting points thirty (30) feet from the point of intersection of two (2) road right-of-ways measured along such right-of-ways shall be maintained free from any structures, hedges, trees, or other impediments, man-made or natural, which would obscure clear visibility at their intersections.

- 3.5 **Off-Street Parking:** In all Development Suitability Areas, the minimum number of off street parking spaces required, each space measuring nine (9) feet by twenty (20) feet, shall be as follows:
- (a) two-family or multiple-family dwellings—two (2) parking spaces for each dwelling unit;
 - (b) tourist home, boarding house, rooming house, hotel, motel or inn—one (1) parking space for each sleeping room provided for transient guests, boarders, or roomers;
 - (c) retail business, doctor’s or dentist’s office(s) – five (5) parking spaces for each one-thousand (1000) square feet of gross floor area;
 - (d) all other offices and wholesale business—three (3) parking spaces for each one-thousand (1000) square foot of gross floor area;
 - (e) restaurants, movie theaters, bowling halls, or other commercial recreation facility—one (1) parking space for each three (3) seats based on maximum seating capacity;
 - (f) industrial or warehouse—one (1) parking space for each three employees in any two (2) successive shifts combined;

- (g) public, semi-public or institutional uses, except park or open space, and any other place of public assembly—one (1) parking space for each three (3) seats based on maximum seating capacity; and
- (h) membership club—one (1) parking space for each three (3) members based on total membership.

3.6 UNLICENSED MOTOR VEHICLES: In all Development Suitability Areas, the outdoor storage of unlicensed motor vehicles shall be prohibited except:

- (a) operative motor vehicles used or designed and intended to be used for strictly off-highway purposes in conjunction with a compatible or approved special use of the property; (example “Farm”)
- (b) inoperative motor vehicles in a junk yard when such is an Exceptional Development approved as a special use by the Town Board; or
- (c) No more than 1 inoperative motor vehicle shall be stored outside.

3.7 FILLING OR EXCAVATING: No filling or excavating shall be undertaken except in strict compliance with the following regulations:

3.71 Filling

- (a) the placement, dumping, or other deposition of fill material of any type is prohibited in:
 - (1) a wetland except as may be permitted pursuant to the provisions of 3.12 of this local law;
 - (2) a floodplain except as may be permitted pursuant to provisions of 3.13 of this local law; or
- (b) no fill material shall contain organic refuse, petrochemical derivatives or any chemical substances subject to leaching and groundwater contamination;
- (c) all fill material shall have finished grades with slopes not exceeding 1 on 3 and shall, except as part of a customary agricultural use, be:
 - (1) covered with at least two (2) inches of top soil;
 - (2) seeded, and
 - (3) thatched with straw or similar material to minimize erosion;
- (d) filling shall require a Building permit as provided under SECTION 5 of this local law except where such fill:

1. Would not alter existing drainage flows to or from a wetland a floodplain or watercourse flowing for more than three (3) months of the year or change the location or volume of drainage leaving the

property or properties owned by the person or persons undertaking the activity; and

2. would not involve the use of heavy transport or earth moving equipment such as dump trucks, bulldozers, loaders, or graders other than as part of cut and fill for an

agricultural use, installing a septic system, stockpiling material excavated for the foundation of one- or two family dwelling, establishing grades for positive drainage away from one- or two- family dwelling or undertaking a development for which a site plan has been approved by the Planning Board and a Development Permit has been issued by the Code Enforcement Officer pursuant of the Provisions of sections 4 and 5 of this local law.

3.72 Excavation:

- (a) the removal, extraction or other excavation of topsoil, earth or other materials is prohibited except where such activity;
 - (1) satisfies the provisions of 3.71 (d)(1) through (2) above; or
 - (2) has, as an Exceptional Development, been approved as a special use by the Town Board and issued a Building permit by the Code Enforcement Officer.

3.73 Commercial Sand and Gravel Excavation:

Upon receipt of a notice addressed to the Town Supervisor from the Department of Environmental Conservation (DEC) regarding a complete application for a mining permit, the Town Supervisor or Town Clerk shall contact and inform the DEC of the date the notice was received, and forward copies of the notice and completed application to the Town Planning Board for review and final action. The New York State Mined Land Reclamation Law supercedes all other state and local laws related to mining and reclamation, and provides the Town to schedule a public hearing, take action, and respond within 30 days of receiving the DEC notice.

Upon taking final action, the Town Planning Board shall submit written comments to the DEC and applicant that state: whether mining is permitted at the proposed location; the Planning Board's decision; and recommended conditions of approval in the DEC mining permit regarding ingress and egress to locally controlled roads; routing on locally-controlled roads, setbacks, barriers, dust control and hours of operation.

- (a) Whether mining is permitted at the location.
- (b) Ingress and egress to locally-controlled roads: Truck access to any excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. At a minimum, there shall be 500 feet of sight distance at the entrance to the facility. In order to prevent dust, such entrances shall be kept wet, treated with chemical dust deterrents, or paved. All ingress and egress points into the site shall be secured from unauthorized access or trespass.
- (c) Routing of mineral transport vehicles on locally-controlled roads: In consultation with the Town Highway Superintendent, necessary improvements to Town roads used as haulage ways shall be based on the

width, bearing capacity and type of road surface of all Town roads that are proposed to be used by truck traffic to or from the site, and based on the number and weight of the vehicles entering and existing the property.

- (d) Comment as requested on the requirements and conditions as specified in the DEC permit concerning setbacks from property lines and right-of-way, and fabricated or natural barriers designed to restrict property access (if needed), including type, length, height, and location.
- (e) Dust Control: All dust resulting from excavation, processing or use of heavy equipment including trucks shall be controlled by using water, suitable mechanical, and approved chemical control methods identified in the DEC mining permit application. Oils or petroleum products shall not be used in the site or on any haul-road to suppress dust. Visible dust shall not be allowed to leave the permitted area.
- (f) Hours of Operation: Operation shall be limited between the hours of 6:00AM to 6:00PM, except when mitigating natural disasters or following prior approval from the Planning Board for specific projects that are restricted to night operations.
- (g) Conformance with Plans: All activities authorized by the DEC permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Mining operations shall maintain a copy of a current DEC permit at the Town Offices. Delinquency of maintaining a current DEC permit after a period of one year constitutes abandonments.
- (h) Enforcement of reclamation requirements contained in the DEC permit: A plan for restoration and rehabilitation of a commercial earth excavation area or pit shall accompany the permit and shall be in conformity with the applicable provisions of the State Mined Land and Reclamation Act.
- (i) Bond, Surety to Remain in Force: A copy of a required reclamation bond or other surety, in the amount determined by the DEC, shall be submitted to the Town, and shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the DEC in writing.

SECTION 4: SITE PLAN REVIEW REGULATIONS:

Prior to the issuance of a Building permit for any proposed use or development, excluding those uses or developments for which a plot plan may be submitted pursuant to 5.132 (b)(1) of this local law, a site plan showing the arrangement, layout and design of the proposed use or development shall be prepared and submitted by the property owner (or the owner's legal agent) for review and approval by the Planning Board.

REVIEW AND APPROVAL PROCEDURES

Section 4.10 Pre-application Conference (optional)

The applicant for site plan approval may request to meet with the Planning Board informally to discuss the preparation and submission of a formal site plan. Upon such request, the Town Clerk will advise the applicant regarding the time, place, and date of the next regularly scheduled meeting of the Planning Board. The Town Clerk will immediately notify the Chairperson of the Planning Board regarding the conference.

The intent of the conference is to enable the applicant to discuss with the Planning Board the nature of the proposal; its basic design concepts; potential problems, issues, and/or opportunities; consideration of SEQRA and policies of the Local Waterfront Revitalization Program; and the level of detailed information that will be required for formal site plan review.

Although no advance submission of an application, fees, or site plans is required, the applicant is advised to have a Simple Site Plan prepared to bring seven (7) copies of such plan to the conference. If the limited information of the Simple Site Plan is determined by the Planning Board to be adequate for formal site plan review (with or without layout adjustments), then the formal review process is likely to be shortened to the time needed for referrals (review by the St. Lawrence County Planning Board, for example) and a single meeting of the Planning Board to render a decision. If the Planning Board determines that a Standard Site Plan will be required, the Simple Site Plan will provide a ready base to which more detailed information (with or without layout changes) can be added, excluding any information the Planning Board indicates it would agree to waive.

Section 4.20 Contact with State Agencies (Advised)

Depending on the size, location, and nature of the proposed development or use, it may be subject to the review and approval or permit issuance by one or more State agencies. Early contact with the following agencies may be appropriate.

- A. NYS Department of Environmental Conservation

1. For sewage disposal systems involving a discharge of one-thousand (1,000) gallons or more per day to groundwater and any amount to surface waters, a State Pollutant Discharge Elimination System (SPEDS) permit will be required from the Department. (Reference: Environmental Conservation Law, Article 17)
2. For Development containing, or adjacent to, a stream, a stream protection permit may be required from the Department for site work such as grading, erosion and sedimentation control, and alteration of the stream itself. (Reference: Environmental Conservation Law, Article 15)
3. For development containing, or adjacent to, wetlands, a wetlands permit may be required from the Department for any activity or use that could affect such wetland. (Reference: Environmental Conservation Law, Article 24)

B. NYS Department of Health

For development involving potable water supply for public consumption, innovative or alternative septic systems, food preparations, wastes from medical facilities and other public health issues, approval or licensing by the Department may be required.

C. NYS Department of Transportation

For development along State highways, a work permit will be required for any proposed curb cut, sidewalk, sewer or water line, drainage ditch (or discharge to an existing ditch), and any other improvements or site work within the rights-of-way of such highways.

Section 4.30 Specifications for Preparing Site Plans

Site plans shall be prepared in an accurate, legible manner at a scale acceptable to the Planning Board. The specific information required on site plans is listed below:

A. Simple Site Plans for Residential Uses

1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing
2. North arrow, scale, and date.
3. Boundaries of the property plotted to scale.
4. Street, easement and other public right-of-way lines.
5. Existing bodies of water with high-water marks, if any.
6. Floodplain boundaries as determined by Federal Emergency Management Agency, if applicable.
7. State and Federal Wetlands.

8. The location of well and septic systems.
9. Exterior and street lighting.
10. Location, type of construction, proposed use, and exterior dimensions of all buildings.
11. Location, layout, type of material for all off-street parking and truck loading areas, showing ingress and egress, if proposed.
12. Layout of pedestrian access, including public and private sidewalks, if any.
13. Location, type of material and size of any proposed fences, signs, outdoor storage areas, and outdoor lighting facilities.
14. Location, type and size (at time of planting) of any proposed landscaping or vegetative buffering.
15. Supporting information:
 - a. Description of the methods of sewage disposal and water supply, showing septic systems and well location if to be installed or altered.
 - b. Estimated project construction schedule.
 - c. Identification and status of all necessary permits, approvals, or reviews required by Federal, State or County agencies and other local boards.

B. Standard Site Plans for Non- Residential Uses

1. All information required on simple site plans.
2. Grading and drainage plan, showing existing and proposed contours at a contour interval acceptable to the Planning Board.
3. Elevation sketches showing the exterior design of all proposed buildings.
4. Design and construction specifications for new internal roadways, parking and loading areas, sidewalks, drainage improvements, sanitary sewers or septic systems, water systems other than individual wells, fire hydrants, energy distribution facilities, and outdoor lighting.
5. Existing and proposed vegetative cover, including planting schedule for landscaping and buffers.
6. Identification of the location and amount of building area proposed for retail sales or other commercial activity.
7. Other elements integral to the proposed development as considered necessary by the Planning Board.

Section 4.40 Application for Formal Site Plan Approval

An application for formal site plan approval shall be made on the Standard Board Application form and submitted to the Town Clerk with the following, as applicable.

- A. Application fee.
- B. Seven (7) copies of a Simple Site Plan or Standard Site Plan.

- C. A short or long environmental assessment form for an “Unlisted” or “Type I” action, respectively.
- D. A waterfront assessment form, if required.
- E. Supporting narrative and/or other documentation not clearly covered in B, C, and/or D above.

Section 4.50 Referrals

Within five (5) days of receiving an application for formal site plan approval, the Town Clerk shall refer a copy of the application to each of the following.

- A. The Planning Board for placement on the agenda for its next regular meeting.
- B. The St. Lawrence County Planning Board for its review and recommendation, if required by Section 239-m of the General Municipal Law.
Any site plan review or special use permit that involves land that is within 500 feet of the following features shall be referred to the St. Lawrence County Planning Board:
 - A. The boundary of any city, village, or Town.
 - B. The boundary of any existing or proposed county or state park or any other recreation area.
 - C. The right of way of any existing or proposed county or state parkway, thruway, expressway, road or highway.
 - D. 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.
 - E. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated.
 - F. The boundary of a farm operation located in an agricultural district.

A map depicting land in the Town that is subject to referral to the County Planning Board is located in the Appendix.

County Planning Board Review:

The County Planning Board shall have thirty (30) days after receipt of a complete application, or longer period as mutually agreed upon by the County Planning Board and the Town Planning Board, to report its decision, accompanied by a statement of the reasons for its decision.

If the County Planning Board fails to report within such period, the Town Planning Board may take final action on the site plan or special use period with such report. However, a decision received from the County Planning Board thirty (30) days or longer as mutual action, the Town Planning Board’s decision shall not be contrary to the County Planning Board’s decision except by extraordinary vote.

Extraordinary Vote: If the County Planning Board disapproves or approves an application with condition(s), the Town Planning Board shall not act contrary to the

decision except by a vote of majority plus one of the full membership of the Town Planning Board.

- C. Other involved agencies, if the application is accompanied by a Long Environmental Assessment Form (EAF) for Type I Action.

Section 4.60 Planning Board Action

A. Environmental Review

For certain applications, a determination of environmental significance will be required pursuant to the State Environmental Quality Review Act (SEQRA) before the Planning Board's action. When the Planning Board is the lead agency and finds the Environmental Assessment Form to prove accurate information with sufficient detail, it will make a determination at its first meeting on the application. Where the Planning Board or another involved agency has, as lead agency, determined that the proposed action may involve significant environmental impacts; i.e., a "Positive Declaration"; the application shall be considered incomplete until the further environmental review procedures of SEQRA have been satisfied. Therefore, the official submission date of the application shall be the date upon which SEQRA requirements are either determined not applicable or fully satisfied.

B. Site Plan Review Considerations

The Planning Board's review of the site plan shall include but not limited to the following general considerations:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs with respect to the site and to the adjacent development.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
3. Location, arrangement, appearance, and sufficiency of off-street parking and loading.
4. Adequacy and arrangement of pedestrian traffic access and circulation walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
5. Adequacy of storm water, snow storage area and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities and any propose charges to pay a portion of the cost of the capital improvement to water and sewer facilities, whether already expended or necessitated by the extent of the new proposed development.
7. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining

lands, including the maximum retention of existing vegetation. When planting trees consider species that are not vulnerable to long term threat of invasive species.

8. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, and/or erosion.
9. The location and arrangement of structures relative to the waterfront.
10. Conformance with the applicable policies and purposes of the Town's Local Waterfront Revitalization Program.
11. Downcast, dark-sky compliant exterior lighting with recessed bulbs and full cut off shields to minimize light pollution and light trespass onto neighboring uses.

C. Decision

Within sixty- two (62) days of the official submission date of the application, the Planning Board shall either:

1. Render its decision to approve, approve with modifications, or disapprove the application, indicating the findings and conclusions upon which such decision is based.
2. Extend the time allotted for its decision by mutual consent of the Planning Board and the applicant, or
3. Determine that a public hearing is warranted and establish the date, time, and place for such hearing to be held. Legal notice will be published in the Town's official newspaper at least five (5) days prior to public hearing being held. In the event that a public hearing is thus required, the Board's decision shall be rendered within sixty-two (62) days after the hearing is closed.

D. Notification of Decision

When rendered, the decision shall be filed immediately with the Town Clerk who, within five (5) days from the date of the decision, shall:

1. Provide one (1) copy to the Code Enforcement Officer,
2. Mail one (1) copy to the applicant
3. Provide one (1) copy for projects that are referred to the County Planning Board.

E. Signing of Approved Plans

To identify an approved site plan, three (3) copies of said plan shall be marked "Approved by the Town of Waddington Planning Board on (date of decision)" and signed by the Chairperson or, in the Chairperson's absence, the Vice-Chairperson at an official meeting of the Planning Board. However, no site plan shall be thus marked and signed unless:

1. Any and all modifications required as part of the approval have been satisfactorily incorporated on the site plan, and

2. All fees and reimbursable costs due the town have been paid by the applicant.

F. Distribution of Signed Site Plans

One (1) signed copy of the site plan shall be filed by the Town Clerk. The second and third signed copies shall be provided to the Code Enforcement Officer and the applicant respectively, as authorization for issuance of a Development Permit for the proposed development or use.

G. Effect of Disapproval

In the event the Planning Board has rendered a decision to disapprove the site plan, such action and the subsequent notifications to the Code Enforcement Officer and the applicant shall include the reasons therefor. The decision to disapprove restrains the Code Enforcement Officer from issuing a Development Permit for the proposed development or use.

Section 4.70 Installation of Improvements or Posting of Performance Bond

The Planning Board may require, as a condition of site plan approval, that the developer file a performance bond in such amount as the Board determines to be in the public interest to insure that proposed landscaping, parking, lighting, walkways, and/or other appurtenant facilities will be installed in compliance with the approved site plan. No certificate of occupancy will be issued by the Code Enforcement Officer until all improvements shown on the approved site plan are installed or covered by a performance bond sufficient for improvements not yet completed.

Section 4.80 Inspection of Improvements

The Code Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board, the Town Clerk, and other officials and agencies as appropriate.

PERFORMANCE STANDARDS AND CONDITIONS

Section 4.90 STANDARDS FOR ALL COMPATIBLE USES:

In complying with other provisions, regulations, standards and procedures of this local law, each compatible use shall meet the following performance standards as a condition for issuance of a Building permit pursuant to SECTION 5 of this local law;

- (a) the disposal of sewage shall be in compliance with the provisions of the Town of Waddington Sanitary Code and requirements of the New York State Department of Health;
- (b) all new construction shall be in compliance with the current NYS Uniform Fire Prevention and Building Code;
- (c) the private supply of potable water shall be in compliance with applicable requirements of the NYS Department of Health;
- (d) each property intended for development or land use shall be provided with access right-of-way to a legal public highway, whether by fee, simple ownership, or easement;
- (e) no proposed development or land use shall prevent or impair existing agricultural activities conducted on other property or properties located within an Agricultural District. Agricultural data statement must be submitted with site plan; and
- (f) no proposed development or land use shall prevent or impair the reasonable and continued public use of parks, roads, bridges, and other facilities held and maintained in the public domain.

4.91 STANDARDS FOR ALL SPECIAL USES: In complying with other provisions, regulations, standards and procedures of this local law, each special use shall meet the following performance standards as a condition for Planning Board approval pursuant to SECTION 5 of this local law:

- (a) those standards for all compatible uses as set forth in 4.1 above;
- (b) the proposed special use shall not hinder the orderly, economic, and harmonious development of a surrounding Development Suitability Area involved in terms of traffic generation, access, internal circulation, parking, location and size of structures or outdoor uses or activities, pedestrian safety, drainage, solid and sanitary waste disposal, water supply, water quality, air quality, demand for public services, historic or archaeological features, or aesthetic treatment;
- (c) the proposed special use shall be compatible with the character of the surrounding area and shall not have significant deleterious effects on their natural, social or economic resources by reason of noise, odors, fumes, smoke, dust, hazardous or volatile substances, vibrations, glare, traffic congestion, litter, unsightliness, alteration of drainage patterns, stream courses or stream flow, blasting, filling, stripping of vegetation or

- other activities detrimental to the preservation of neighborhood character or protection of a natural resource; and
- (d) a special use shall not be approved for property having existing violations of this local law unless they are abated by the applicant or their agent.

4.92 STANDARDS FOR ALL EXCEPTIONAL DEVELOPMENTS:

In complying with other provisions, regulations, standards and procedures of this local law, each Exceptional Development shall meet the following performance standards as a condition for Planning Board and Town Board approval pursuant to SECTION 5 of this local law;

- (a) the proposed Exceptional Development shall provide:
 - (1) disproportionately greater community benefits in terms of employment opportunities, increased tax base or economic growth that those uses listed as compatible uses or special uses under a given Development Suitability Area; or
 - (2) disproportionately greater detriment to the community if located solely on the basis natural resource management rather than community character, public health or safety, aesthetics, or the general welfare of the Town's citizenry;
- (b) the proposed Exceptional Development shall meet those standards for all compatible uses and all special uses as set forth, respectively, under in 4.1 and 4.2 above; and
- (c) in addition, the proposed Exceptional Development shall meet the following:
 - (1) the proposed Exceptional Development shall not be an accessory use;
 - (2) when the proposed Exceptional Development would not occupy the entire area of an individual property for which approval is sought, a plan and estimated timetable for the remaining area of such property shall accompany the proposal;
 - (3) the full extent of side or rear setback required in 2.4 above shall be restricted to use solely as buffer and, when located within 100 ft of a residential dwelling, such buffer shall provide adequate natural or landscaped screening of the Exceptional Development from the adjacent dwelling;
 - (4) within the front setback the first 25 ft. of property wholly outside of the road right-of-way shall be provided and maintained as lawn and landscaping area extending the full width of the Exceptional Development property, except as required for access drives;
 - (5) each Exceptional Development shall be considered as a Type I Action pursuant to the environmental review provisions of the State Environmental Quality Review Act (SEQRA) and NYCRR Part

617, and shall include every reasonable measure to mitigate any identifiable impacts on the natural or community resources of the particular Development Suitability Area involved; and

- (6) if a protest against a proposed Exceptional Development is presented to the Town Board, duly signed and acknowledged by the owner of twenty (20) percent or more of the area of land immediately adjacent extending 100 ft. there from or by the owners of twenty (2) percent or more of the area of land directly opposite thereto, such Exceptional Development shall not be approved except by the favorable vote of at least three-fourths of the members of the Town Board.

4.93 CONDITIONS APPLICABLE TO ALL SPECIAL USE AND EXCEPTIONAL DEVELOPMENT APPROVALS:

- (a) Each special use approval or Exceptional Development approval shall be deemed to authorized one and only one particular special use or Exceptional Development, respectively;
- (b) The approval for a special use of Exceptional Development shall expire in the event such approved special use or Exceptional Development had either:
 - (1) not been initiated within one (1) year from the date of its approval or
 - (2) been discontinued for any reason for a period of more than one (1) year;and
- (c) the Planning Board, in approving a special use and the Planning Board and Town Board, in approving an Exceptional Development, may prescribe appropriate conditions and safeguards as conditions for the Building permit in conformity with this local law. Any violations of such conditions and safeguards shall be in violation of this local law.

Section 5- SUBDIVISIONS

A. General Provisions

5.10 Authority

This Law is adopted under the authority provided to the Town of Waddington by the New York State Town Law, Municipal Home Rule Law and the State Environmental Quality Review Act.

- a) The Town of Waddington Planning Board shall be authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks, or sites, with or without streets or highways, within the Town of Waddington, pursuant to § 276 of the New York State Town Law.
- b) The Planning Board shall be also authorized and empowered, to approve the development of those plats, filed in the office of the County Clerk prior to September 10, 1975, where twenty percent or more of the lots are unimproved unless existing conditions such as poor drainage have prevented their development.
- c) The Planning Board shall be further authorized and empowered, pursuant to § 278 of the New York State Town Law pertaining to cluster development and simultaneously with the approval of a plat or plats, to modify applicable provisions of the Town of Waddington Zoning Law, subject to the conditions set forth in §278 and later herein.
- d) The regulations which follow have been prepared by the Town of Waddington Planning Board and are approved and adopted by the Town Board of the Town of Waddington as local law pursuant to the authority of the New York State Municipal Home Rule Law. They repeal previously enacted Subdivision Regulations. Section 276.5(a) of New York State Town Law is hereby specifically superseded so as to permit exemption of certain subdivisions from the requirement to file plats for Planning Board approval, pursuant to

Section 1.3 c hereof. The definition of “subdivision” is also superseded to encompass divisions of lands for purposes of immediate or future sale, lease, partition by the court for distribution to heirs or devisee’s, transfer of ownership, building or lot development. Finally, the requirement for final plans to be submitted within six months of preliminary approval is superseded to provide for extensions of up to five years for this purpose.

- e) The Planning Board shall not review or approve the subdivision of any parcel with a pending or current violation remaining unresolved.

5.11 Purposes

This Law is adopted for the following purposes;

- a) Promoting the orderly growth and development of the Town of Waddington.
- b) Affording adequate facilities for the housing, transportation, distribution, comfort, convenience, health and safety of Town residents.
- c) Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with development of land.
- d) Conserving the Town's natural resources and protecting its attractive environment so as to maintain property values and otherwise provide for the general welfare of residents of the Town of Waddington.
- e) Maintaining and protecting the character of the community.

5.12 Jurisdiction

- a) Regardless whether or not any formal conveyance by metes and bounds shall be made, when any subdivision of land is proposed and before any offer is made to sell any part or all of a subdivision and before any permit for the erection of any structure in such subdivision shall be issued or any grading, clearing, construction or other improvements shall be undertaken, the sub-divider or his authorized agent shall first obtain the appropriate approval of the proposed subdivision in accordance with the requirements of this Law.
- b) It shall further be the obligation of each prospective purchaser or developer of a lot which forms any part of a subdivision to ensure that appropriate subdivision approval has been obtained. In the absence of such subdivision approval, a prospective purchaser

shall not commence the erection of any structure on such lot, nor commence any grading, clearing, construction or other improvements.

- c) The Planning Board shall be authorized, where requested and for legal recording purposes, to indicate in writing on any qualifying plat presented that "These plans are acknowledged by the Town of Waddington, and for recording purposes only, to represent an exempt lot improvement in accord with Section VII, C-7 of the Town of Waddington Subdivision Regulations. No subdivision approval is required or given." No plat so submitted, however, shall indicate that a subdivision is being created or approved through action of the Planning Board.

5.13 Interpretation, Conflict and Severability

- a) The provisions of this Law, in their interpretation and application, shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- b) This Law is not intended to interfere with, abrogate, or annul any other law, rule or regulation statute or provision of law. Where any of the provisions of these regulations impose restrictions different than any other law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. This Law, however, shall repeal and replace in their entirety the Subdivision Regulations approved by the Town Board on July 1974, including all amendments thereto preceding the enactment of this Law as local law.
- c) If any part or provision of these regulations is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.

5.14 Waivers and Modifications

In certain instances where a subdivision application would otherwise be returned to the applicant as incomplete, the Planning Board, consistent with good planning practices and at its discretion, may be a majority vote waive one or more of the application submission requirements listed in these regulations, with the exception of a preliminary or final plat, or submissions requiring County, State, or Federal approval.

The granting of a waiver does not apply to dimensional standards, which is subject to referral to the Town Zoning Board of Appeals.

5.2 Definitions

5.20 General

As used in this Law, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" for the purpose of this Law are defined as mandatory. For more definitions, see the Zoning Ordinance.

- a. For the purpose of this Law, the following terms shall be considered interchangeable:
 1. The words "Law," "regulation(s)" and "Law."
 2. The terms "Town" and "Town of Waddington."
 3. The terms "sub-divider" and "developer" and the terms "subdivision" and "development."
 4. The terms "State Environmental Quality Review Act" and "SEQRA."
- b. Unless otherwise expressly stated, the following definitions shall, for the purpose of this Law, have the meaning herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition, as may be defined in "The Latest Illustrated Book of Development Terms: New Expanded Edition" by Moskowitz and Lindbloom, 2004 CUPR Press.

5.21 Glossary of Terms

The following is a list of specific terms, found elsewhere in the Law, along with definitions of their intended meaning:

ALLEY – A permanent service roadway providing a means of access to abutting property and not intended for general traffic circulation

ALL-WEATHER SURFACED - The surfacing of a street, parking area, access or walkway to a dustless, mud-free and otherwise permanently passable condition during all seasons of the year

and under adverse weather conditions. Macadam, gravel, crushed stone and shale surfaces will all suffice to meet this test but the depth and installation of the material shall be subject to the approval of the Town or other qualified individual designated by the town and accepted by the Town Board.

APPLICANT - A landowner, developer or sub-divider, as hereinafter defined, who has filed an application for subdivision plat approval, including heirs, successors and assigns.

BERM – A mound of earth or the act of pushing earth into a mound.

BLOCK - A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, watercourses, bodies of water, boundary lines of the Town, or by any combination of the above.

BUILDING - A structure formed of any combination of materials which is erected on the ground and permanently affixed thereto, and designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind.

CENTRAL SEWAGE or WATER SUPPLY - A sewage system or water supply system designed to serve more than one dwelling unit or building; not including the use of a single well or disposal system for two dwellings on the same parcel of land. See "**ONSITE SEWAGE or WATER SUPPLY**" for further information.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street centerlines.

CODE ENFORCEMENT OFFICER – An individual who is appointed or hired on a consulting basis to administer and enforce local land use laws and the New York State Uniform Fire Prevention and Building Code.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water, within a subdivision, which parcel or parcels have been designed and intended for the use or enjoyment of residents of the development. It does not include streets, off-street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.

COMMON PROPERTY - All of the land and improvements part of a subdivision which is to be jointly owned and maintained by the lot owners, lessees and/or members of the subdivision and identified as such by the sub-divider on any plat offered to the Town for approval.

CONSERVATION (CLUSTER) SUBDIVISION - A form of development for single-family residential subdivisions that permits a reduction in lot area and other development standards, provided there is no increase in the number of lots permitted under a conventional subdivision, given the specific site conditions, and no less than 35% of the total land area is devoted to permanent open space.

COUNTY - The County of St. Lawrence, State of New York, and its planning agency.

CUL-DE-SAC - A minor street providing a single access to a group of lots with a turnabout area at the end of such street.

DEC - The New York State Department of Environmental Conservation

DEVELOPER - The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or any of the activities covered by this Law, particularly the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "sub-divider," even though the personnel involved in successive stages of this project may vary.

DRIVEWAY - A defined private access from an individual lot to a public or approved private right-of way.

DWELLING - A building arranged, intended, designed, or used, as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

- A. **DWELLING, SINGLE-FAMILY** - A building arranged, designed and intended, for and occupied exclusively by, one family.
- B. **DWELLING, TWO-FAMILY** - A building arranged, designed and intended for and occupied by two families living independently.
- C. **DWELLING, MULTI-FAMILY** - A building arranged, designed and intended for and occupied by three (3) or more families living independently and having no cooking or sanitary facilities in common with any other dwelling unit; including apartment houses, apartment hotels, flats and garden apartments.
- D. **DWELLING UNIT** – One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

FLAG LOT – a lot not meeting minimum frontage requirements and where access to the public road is by a private right-of way or driveway.

FRONTAGE - That side of a lot abutting on a street or way and ordinarily regarded as the front lot, but it shall not be considered as the ordinary side of a corner lot.

HOUSEHOLD – A family living together in a single dwelling unit, with common access to and common uses of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

LOT - A tract or parcel of land held in single or joint ownership, not necessarily shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed, or required. The term lot shall also mean parcel, plot, site, or any similar term.

A. **LOT AREA** - The area of land contained within the limits of the property lines bounding that lot. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

B. **LOT IMPROVEMENT** - A division or re-division of land wherein lot area is shifted from one parcel to another so to improve the shape or dimension of each. See Section 4, C-7 for further clarification.

C. **LOT WIDTH** - The average of the widths of a lot at the building setback line and the rear lot line.

D. **LOT FRONTAGE** - The length of the front lot line as measured at the street right-of-way line.

NATURAL SUBDIVISION – Any division of land where the parcels are already delimited by streets, railroads or other similar physical features, or by a natural land feature, such as a river, stream or cliff, and therefore effectively separating a parcel into different building lots.

ON-SITE SEWAGE or WATER SUPPLY - Any sewage system designed to; (1) treat sewage by subsurface means or (2) to provide water from a drilled well or spring; within the boundaries of an individual lot. See "CENTRAL SEWAGE or WATER SUPPLY" for further information.

PARENT PARCEL – The original, single area of land that is proposed to be divided to create smaller, individual lot(s).

PAVEMENT - Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards of the Town of Waddington Highway Specifications.

PERFORMANCE or COMPLETION GUARANTEE - A surety bond, certified check or other security meeting the requirements of Section 277 of New York State Town Law, and the terms of which are satisfactory to the Town Attorney, guaranteeing the sub-divider will install all required or planned improvements.

PERSON - Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

PLAT - A drawing, map, chart, plan or plotting indicating the subdivision or re-subdivision of land, which in its various stages of preparation can include the following:

A. SKETCH PLAN - A general plan, identified as such with the title "Sketch Plan" on the map, indicating existing site features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for conceptual consideration by the Town, Planning Board site inspection and, in the case of conservation subdivisions, determining allowable density.

B. PRELIMINARY PLAT - A complete plan prepared by a registered professional engineer or licensed land surveyor, identified as such with the wording "Preliminary Plat" in the title, accurately showing proposed streets and lot layout and such other information as required by this Law.

C. FINAL PLAT - A complete and exact plan, identified as such with the wording "Final Plat" in the title, with a professional engineer's or registered surveyor's seal affixed, and prepared for official recording with modifications as required during the review and approval of the Preliminary Plat.

SECRETARY - The clerk or secretary designated to accept applications, plats, fees and correspondence on behalf of the Town of Waddington Planning Board..

SEQRA – “State Environmental Quality Review Act. A State law,” 6NYCRR Part 617, that requires the examination of environmental impacts of all actions that are permitted, funded or constructed by a local government.

SHOULDER - That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

STREET - A highway or road, intended primarily for the purposes of vehicular traffic, including the following:

- A. **STREET, MINOR** - A road, the primary purpose of which is, to collect vehicular traffic from individual dwellings or places of business.
- B. **STREET, COLLECTOR** - A road, the primary purpose of which is, to collect vehicular traffic from minor streets and deliver it major traffic streets.
- C. **STREET, MAJOR** - A road, the primary purpose of which is, to collect vehicular traffic from collector streets and deliver it to destination points or arterial highways, such as State Highway 37.
- D. **STREET, MARGINAL ACCESS** - An interior street parallel to a major or Collector Street and serving abutting properties.
- E. **STREET, PUBLIC** – A road accepted, owned, and maintained by the Town.
- F. **STREET, PRIVATE** – a road that has not been accepted by the Town.

SUBDIVIDER - Same as DEVELOPER.

SUBDIVISION - The division; for purposes of immediate or future sale, lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development; of any parcel of land into two (2) or more lots, plots, sites or other divisions of land; with or without streets or highways; excepting lot improvements as defined in Section VII, C-7 of this Law.

- A. **SIMPLE SUBDIVISION** – means the division of any parcel of land into two (2), plots, sites, blocks or other division of land, for the purpose of sale, transfer of ownership or building development and shall include any alterations of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed with the Office of the Saint Lawrence County Clerk. The division of a parcel into two (2) lots shall constitute a minor subdivision if said parcel resulted from a prior division after which a period of six (6) years has not lapsed. The Code Enforcement Officer is authorized to approve simple subdivisions.

B. MINOR SUBDIVISION - Any subdivision conforming to all the following conditions:

1. Containing three (3) lots, including the original or parent parcel, but not more than five (5) lots; and
2. Not requiring any new street or road or the extension of municipal facilities; and
3. With all lots fronting on an existing approved and improved street excepting that in situations where a minor subdivision is located more than three hundred (300) feet from the nearest Town road, in which case the Planning Board may vary this requirement to allow a fifty (50) feet wide right-of-way with a twelve (12) feet wide travel way; and
4. Not adversely affecting the development of the remainder of the parcel or adjoining property; and
5. Not in conflict with any provision or portion of the Town Zoning Law or these regulations.
6. Not with standing these requirements, the Planning Board may, however, by waiver classify any subdivision as minor which does not involve new improvements.

C. MAJOR SUBDIVISION - Any subdivision or land development which is not a simple subdivision, minor subdivision or lot improvement. Any subdivision which involves the utilization of central sewage disposal systems or water supplies, the construction of any streets, or the utilization of conservation subdivision techniques shall also be considered a major subdivision, regardless of the number of lots.

OTHER QUALIFIED INDIVIDUAL DESIGNATED BY THE TOWN AND ACCEPTED BY THE TOWN BOARD - A Professional Engineer licensed and registered as such by the State of New York and appointed or hired on a consulting basis to provide engineering advice to the Town.

SURVEYOR - A land surveyor licensed and registered by the State of New York.

TOWN - Town of Waddington, St. Lawrence County, New York.

TOWN BOARD - Governing council - the Town of Waddington.

TOWN HIGHWAY SPECIFICATIONS - The standards of the Town of Waddington pertaining to the approval of streets by the Town Highway Superintendent and the acceptance of such streets for formal dedication to the Town.

TOWN LAW - The New York State Town Law which governs the operation of all Towns within the State.

WATERCOURSE - A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations including intermittent streams but excepting drainage ditches, swales or diversion terraces.

5.3 Plan Submission and Review and Review Requirements

5.30 Procedures and Requirements for Minor Subdivisions

The following procedures and requirements shall apply to minor subdivisions only (See Definitions). Classification as a minor subdivision refers to the ultimate build out of a parcel, as determined by the characteristics of the parcel and judgment of the Planning Board. This procedure may not be used to complete a larger project in stages to avoid the procedures and requirements for major subdivisions. All other subdivisions and re-subdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified herein.

- a) All applications, plans, reports and other required documentation must be submitted a minimum of ten (10) days before a regularly scheduled meeting of the Planning Board. The Planning Board is not required to review or act upon any submissions that do not meet this criteria.
- b) Sketch Plan required. Submission of a sketch plan showing existing site features and a tentative layout of the subdivision shall be required as part of the plat approval process for all minor subdivisions. The Planning Board shall use the sketch plan for determining the number of lots permitted, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District.
- c) Application. Any person proposing to create a minor subdivision shall submit along with plans required below, nine (9) copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/or be accompanied by:
 1. The name, address and telephone number of the property owner of record and those of the sub-divider, if different.
 2. If the sub divider is not the property owner, evidence that the sub-divider has written permission of the owner(s) to make such application.

3. The name or number of the road where the proposed subdivision is to be located.
 4. The name, address and telephone number of the surveyor or engineer preparing the subdivision plans.
 5. The type of water supply proposed.
 6. The type of sewer system proposed.
 7. The required fee or receipt for the same from the Town Clerk.
 8. A completed Environmental Assessment as required by SEQRA.
- d) Final Plat. The sub-divider shall submit nine (9) copies of a Final Plat and required supplementary data for the proposed subdivision. This plat shall be prepared by a Professional Engineer or Surveyor and shall show all the lots proposed to be created. Said submission must be at least ten (10) days before a regularly scheduled meeting of the Planning Board. The Final Plat shall meet the following requirements:
1. The subdivision plat shall, ordinarily, be not less than 8 1/2"(inch) X 11"(inch).
 2. The names of all abutting property owners and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
 3. The plat shall show the name of the municipality, name of the owner of record, North Point, graphic scale, and date.
 4. Soil types found on the site shall be shown unless the lots involved are lot improvements or contain existing sewage systems. Soil Conservation Service Classifications shall be used.
 5. Existing public roads shall be identified by traffic route numbers and private roads by their posted names and numbers.
 6. Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in acres or square feet. The plat shall depict the proposed subdivision as a part of the contiguous holdings of the sub-divider, and show adjacent lots already taken from the parcel.

- e) Soil tests. Documentation as may be required by the New York State Department of Health, along with a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal shall be submitted.
- f) Street encroachment permits. A completed application to the Waddington Highway Superintendent, the State Department of Transportation or County Highway Department, as the case may be, for a street encroachment permit, shall also be required.
- g) Public Hearing. The Planning Board shall, within sixty-two (62) days of the receipt of a complete Final Plat by the Planning Board Secretary, hold a public hearing, advertising such hearing at least once in a newspaper of general circulation in the Town at least five (5) days prior to the hearing and providing such other notice as it deems appropriate. The hearing shall be closed on motion of the Planning Board within one hundred-twenty (120) days after it is opened and be used to guide the Planning Board in acting upon the Environmental Assessment. Notices shall also be mailed at least five days prior to the public hearing to property owners that are adjacent to the proposed subdivision and to clerks of an adjacent municipality if a municipal boundary is within 500' of the proposed subdivision.
- h) Action on Final Plat. The Planning Board shall, by resolution, conditionally approve with or without modification, disapprove or grant final approval and authorize signing such plat within sixty-two (62) days of the close of the public hearing, provided it has first acted upon the Environmental Assessment and made a Negative Declaration with respect to environmental impacts. Should the Board be unable to make a Negative Declaration, it shall proceed in the manner provided by New York State Town Law §276.
- i) Certification, filing and signing of Final Plat. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Secretary as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Secretary's office and with the Town Clerk and shall be mailed to the sub-divider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by a duly authorized officer of the Planning Board, filed with the Secretary.
- j) Time limits on conditional approvals. A conditional approval of a final plat shall expire within one-hundred-eighty (180) days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of

ninety (90) days where particular circumstances so warrant in the judgment of the Planning Board.

- k) Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by mutual consent of the sub-divider and Planning Board, the subscriber shall be entitled to an approval by default pursuant to the New York State Town Law.
- l) Recording of final plats. All final plats shall be filed in the office of the County Clerk within sixty-two (62) days of approval, subject to the provisions of § 276 of the New York State Town Law.
- m) County Planning Board review. Applications for preliminary or final plat approval shall be subject to referral to the County Planning Board pursuant to Section 239-n of the General Municipal Law, if located within five-hundred (500) feet of:
 - 1. the Town boundaries; or
 - 2. the boundaries of any existing or proposed County or State park or other recreation area; or
 - 3. the right-of-way of any County or State highway, or
 - 4. the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
 - 5. the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
 - 6. the boundary of a farm operation in an Agricultural District.

5.31 Procedures for Major Subdivisions

Major subdivision plat submissions shall be subject to SEQRA review and be processed as follows:

- a) All applications, plans, reports and other required documentation must be submitted a minimum of ten (10) days before a regularly scheduled meeting of the Planning Board. The

Planning Board is not required to review or act upon any submissions that do not meet this criteria.

- b) Sketch plan required. Submission of a sketch plan as provided in Section 4, C-3 shall be required as part of the Preliminary Plat approval process for all major subdivisions. This plan shall be used to determine the number of lots permitted, determine whether the subdivision will involve other agencies and make a preliminary classification of the subdivision as a Type I or Unlisted SEQRA action. The Planning Board shall also use the sketch plan for purposes of determining lead agency status, arranging and conducting a site inspection of the property and establishing whether the subdivision is located in an Agricultural District. A sketch plan shall be considered filed at the first regular meeting of the Planning Board following the Secretary's receipt of the plan and all determinations with respect to the plan shall be made within twenty (20) days of said meeting.
- c) When Planning Board is not lead agency or an EIS is required. Should the Planning Board not assume lead agency responsibilities in the SEQRA review of the subdivision, or should an Environmental Impact Statement be required, the provisions contained herein pertaining to public hearings, notices and decisions shall be modified as provided in § 276 of the New York State Town Law.
- d) When Planning Board is lead agency and no EIS is required. If the Planning Board acts as lead agency and determines an Environmental Impact Statement is not required, the subdivider shall complete preparation of the Preliminary Plat as required by C-3 and provide Part 1 of the SEQRA Long Form Environmental Assessment. The Planning Board, within sixty-two (62) days of the receipt by the Secretary of a Preliminary Plat which is complete except for a negative declaration filed pursuant to SEQRA, shall hold a public hearing on this Preliminary Plat, advertising such hearing at least once in a newspaper of general circulation in the Town at least five days prior to the hearing and providing such other notice as it may deem appropriate. The hearing shall be closed on motion of the Planning Board within one-hundred twenty (120) days after it is opened and be used to guide the Planning Board in acting upon the Environmental Assessment.
- e) Action on Preliminary Plat. The Planning Board shall approve, with or without modifications, or disapprove the Preliminary Plat within sixty-two (62) days of the close of the public hearing, provided a negative declaration has first been filed pursuant to SEQRA.
- f) Grounds for action. The grounds for modification, if any or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a Preliminary

Plat the Planning Board shall state in writing any modifications it deems necessary for submission of the Final Plat.

- g) Preliminary Plat certification. Within five (5) business days of the approval of any preliminary plat, such plat shall be certified by the Chairman of the Planning Board, as approved, and a copy of the plat and approval resolution shall be filed in the office of the Town Clerk. Disapproval resolutions shall be filed and mailed in the same manner.
- h) Time to submit final plat. The sub-divider, within six (6) months of the approval of the preliminary plat, shall install or, pursuant to Section VII, C-5, financially guarantee all subdivision improvements and submit the plat in final form as provided in Section VII, C-6. The Planning Board may revoke the preliminary plat approval if a final plat is not submitted within six (6) months or grant an extension of the preliminary approval. No preliminary plat shall remain valid if a final plat has not been submitted within five (5) years from the approval date of the preliminary plat.
- i) Action on final plat. When the final plat is in substantial agreement with the preliminary plat, the Planning Board shall, by resolution, conditionally approve with or without modification, disapprove, or grant final approvals and authorize signing of such plat within sixty-two (62) days of its receipt by the Chairman of the Planning Board. No additional public hearing shall be required. When the final plat is not in substantial agreement with the preliminary plat, the preliminary plat procedures shall apply to a final plat insofar as SEQRA review, public hearing, notices and decision.
- j) Certification, filing and signing of final plats. Within five (5) business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Chairman of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed with the Town Clerk and shall be mailed to the sub-divider. In the case of a conditionally approved plat, such resolution shall include the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by a duly authorized officer of the Planning Board, filed with the Secretary.
- k) Final plats by section. The Planning Board may permit any subdivision for which preliminary plat approval has been granted to be submitted in sections for final plat approval.
- l) Time limits on conditional approvals. A conditional approval of a final plat shall expire within one-hundred-eighty (180) days unless all conditions are satisfied and certified as completed. This period may be extended for not more than two additional periods of

ninety (90) days where particular circumstances so warrant in the judgment of the Planning Board.

- m) Approvals by default. In the event the Planning Board fails to take action on a plat within the time periods prescribed herein or within such extended periods as may have been established by mutual consent of the sub-divider and Planning Board, the subscriber shall be entitled to an approval by default pursuant to the New York State Town Law.
- n) Recording of final plats. All final plats shall be filed in the office of the County Clerk within sixty-two (62) days of approval, subject to the provisions of § 276 of the New York State Town Law.
- o) County Planning Agency review. Applications for preliminary or final plat approval shall be subject to referral to the County planning agency pursuant to Section 239-n of the New York State General Municipal Law, if located within five-hundred (500) feet of:
 - 1. the Town boundaries; or
 - 2. the boundaries of any existing or proposed County or State park or other recreation area; or
 - 3. the right-of-way of any County or State highway, or
 - 4. the right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines; or
 - 5. the boundary of any existing or proposed County or State land on which a public building or institution is situated; or
 - 6. the boundary of a farm operation in an Agricultural District.

5.32 Sketch Plans for Major Subdivisions

The Sketch Plan should be at a scale sufficient to show the entire tract on one sheet, and should show or include the following:

- a) The location of that portion which is to be subdivided in relation to the entire tract.
- b) An existing and natural site features analysis which depicts all structures, wood area, stream, natural features, stone walls, wetlands, outstanding views and other aspects of the property around which a subdivision plan should be designed.

- c) The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records.
- d) All streets or roads, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
- e) The tentative layout of the remainder of the tract owned by the sub-divider.
- f) North Point, graphic scale, date and name/address of sub-divider and landowner.
- g) A location map with sufficient information to enable the locating of the property.
- h) Proposed open spaces.

5.33 Preliminary Plat Requirements for Major Subdivisions

- a) The Preliminary Plan shall be clearly and legibly drawn and ordinarily shall be not less than 11"(inches) X 17"(inches) and should, when possible, show the entire tract to be divided. Nine (9) copies of all plans and materials shall be provided.
- b) The Plat shall be based on the concepts presented in the Sketch Plan and contain the following information:
 1. Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within St. Lawrence County. The name and address of landowner and sub-divider shall also be provided.
 2. Location by Town, County and State. The plan shall also include tax map numbers for affected and adjacent parcels and a 1" = 2000' location map.
 3. North point, date and graphic scale.
 4. Boundaries of total tract and acreage contained within it. (Also see Section VII, C-3)
 5. Locations, and where appropriate, dimensions of parks and public grounds, permanent buildings in, or adjacent to, the subdivision, open space easements and other significant existing site features.
 6. Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other items above or below ground with direction of flow and pressure.

7. Names of owners of abutting properties, and lines showing where they intersect
8. Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Town reserves the right to request greater detail when the scope or nature of the development demands the same.
9. Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by the Town Road and Street Encroachment Laws, including profiles, cross-sections, and preliminary designs for bridges and culverts.
10. The proposed layout, numbering and approximate dimensions and acreage of lots.
11. Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents, shall be shown and marked as such.
12. Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
13. All drainage easements shall be shown and marked as such.
14. Approximate final grades in areas of cut or fill shall be shown.
15. Any lots designated for uses other than residential shall be indicated.
16. Proposed covenants and restrictions.
17. Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the sub-divider shall supply acceptable evidence of the availability of other potable water sources. This evidence may be in the form of drill logs from existing wells established by professional well drillers.
18. Letters from each utility servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
19. An erosion and sedimentation control plan indicating those measures to be employed during construction and as may be necessary to prevent loss of soil from erosion and to prevent resulting property damage, siltation and contamination of water courses or impoundments.
20. A storm water management plan prepared in accord with the requirements hereof and DEC guidelines and standards (see "Reducing the Impacts of Storm water Runoff from New Development").

21. Documentation as may be required by the New York State Department of Health or the Planning Board, along with a soils evaluation by the test pit method and/or other required supplemental data relating to sewage disposal.
22. All applicable zoning data.
23. Completed applications to Town of Waddington, County of St. Lawrence or the New York Department of Transportation, as the case may be, for street encroachment or highway occupancy permits.
24. Detailed landscaping plans for such common areas or improvements as may require new landscaping.

5.34 Requirements for Guarantee of Improvements

- a) After approval of the Preliminary Plat, the sub-divider, in a manner consistent with the New York State Town Law, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide usable and desirable lots). Before requesting Final Plat approval the sub-divider must:
 - 1) Install all the improvements approved on the Preliminary Plat or required by (Section VII, D) standards, or
 - 2) File with the Town Board a performance guarantee to insure installation and construction of those improvements at the standards required. Such guarantee shall meet with the approval of the Town Attorney as to form and procedure.
- b) The sub-divider shall meet with the Town or other qualified individual designated by the Town and accepted by the Town Board to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.
- c) This Section is designed to be consistent with § 277 of the New York State Town Law and the Town of Waddington hereby incorporate all authorities and requirements contained therein as part of this Law.
 - 1) Posting - The performance guarantee must be approved by the Town Board and Town Attorney, with the advice of the Town of other qualified individual designated by the Town and accepted by the Town Board, and must:
 - a) Be a corporate surety bond, irrevocable letter of credit from a bank or certified check, provided the same is satisfactory to the Town Board and

Town Attorney and meets New York State Town Law § 277 requirements.

- b) Be payable to the Town of Waddington.
- 2) Be in an amount sufficient to complete the improvements in compliance with these regulations plus any expected cost increases over the period of the guarantee. Costs shall be assumed to escalate a minimum of 10% per year for purposes of determining the amount of a guarantee.
 - 3) In the case of cash or its equivalent, be held in an escrow fund in the name of the Town of Waddington.
 - 4) Specify a satisfactory completion date for improvements which shall, unless extended by mutual consent of the sub-divider and the Planning Board, be not more than three (3) years from the date of the Final Plat approval. Should an extension be granted the amount of the guarantee shall be increased as may be required to cover further cost increases as provided in sub-section (3) above. Provisions may also be made, pursuant to the aforementioned New York State Town Law § 277, for completion of improvements in phases.
 - a. Return - When the improvements have been completed and approved for conformity with these regulations by the Planning Board and Town of other qualified individual designated by the Town and accepted by the Town Board or other qualified individual designated by the Town and accepted by the Town Board, the guarantee must be released and returned. When any of the required improvements have been completed and approved or materials for the same have been secured onsite, a portion of the security commensurate with the cost of these improvements, may be released and returned.
 - b. Default - In the event of default, the obligor and surety shall be liable thereon to the Town of Waddington for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Town Board may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the sub-divider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

- 5) Prior to the certification of any improvements or release of any guarantee, the sub-divider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in this Law. Said payment shall be made to the Town of Waddington.

- d) Where improvements are being dedicated to the Town, the sub-divider shall comply with the applicable requirements of any other Town Laws governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen (18) months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Town Board. Similar maintenance agreements may be required for private streets and nothing herein shall be deemed to require acceptance of dedication by the Town under any circumstances.

5.35 Final Plat Requirements for Major Subdivisions

The Final Plat shall be prepared on one or more sheets of a uniform size coinciding with requirements of the St. Lawrence County Clerk's office. Final Plat attachments and exhibits shall be numbered and labeled in accordance with the requirements of this Section and a "subdivision checklist" to be developed by the Town. The Final Plat shall include, in addition to the information required for the Preliminary Plat submission, the following, in nine (9) copies:

- a. Exact locations, widths and names of all streets and all crosswalks within the subdivision.

- b. Complete curve data for all curves included in the Plat.

- c. Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.

- d. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon, including all open space, conservation or drainage easements.

- e. Front building lines, shown graphically with dimensions.

- f. A final version of all restrictions and covenants, if any, the sub-divider intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.

- g. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) adjoining additional un-platted land of the sub-divider (for example, between separately submitted Final Plat sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify the placement of the monuments.
- h. The Final Plat shall contain a certificate signed by the project engineer indicating that all improvements have either been installed and approved by the proper officials or agencies, or that a guarantee in an amount satisfactory to the Town of other qualified individual designated by the Town and accepted by the Town Board and sufficient to ensure their installation has been submitted to the Town.
- i. Complete final construction plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless on-site sewage disposal systems are to be used.
- j. Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations of valves and fire hydrants, if any, unless private wells are to be used.
- k. Evidence of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.
- l. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 4000 feet or any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
- m. Blank approval blocks for the Town Planning Board stamp and signatures shall appear on every sheet of the set of plans.
- n. A statement that Erosion and Sedimentation and Storm Water Management Plans, as required, have been prepared and where appropriate approved by the St. Lawrence County Soil and Water Conservation District.

- o. Copies of street encroachment or highway occupancy permits and complete final construction plans, including agreements as may be required to ensure maintenance of private streets.
- p. Each Final Plat submission shall, in addition to the items required above, include new submissions of Preliminary Plat data in any instance where there has been a change in the plans or the circumstances surrounding them.

5.36 Lot Improvements and Natural Subdivisions

Lot improvements, and natural subdivisions where the parcels are already delimited by streets, railroads or other similar physical features effectively separating a parcel into different building lots, shall be exempt from the requirements contained herein provided nine (9) copies of a plan prepared by a licensed Land Surveyor or Professional Engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below.

To qualify as a lot improvement, the parcels shall:

- a) Involve the addition of land to an existing parcel so as to:
 - 1) Improve ability of that parcel to comply with setback or other building standards; or
 - 2) Increase suitability of the parcel for building development; or
 - 3) Add to the availability of open space; or
 - 4) Resolve a boundary line dispute or produce a corrected deed if a map reflecting the same is desired for recording purposes.
- b) Not substantially reduce the ability of the lot, from which the lot improvement parcel is taken or reconfigured, to comply with the applicable standards of this Law.
- c) Include a map restriction to the effect the improvement parcel will never be considered a separate building lot apart from the tract to which it is being added. The Planning Board shall, within thirty-one (31) days of the receipt of the lot improvement plans, determine whether they comply with the exemption criteria found above. Should the Planning Board fail to act in the provided time or make a finding that the plans do not meet the criteria; such plans shall be deemed rejected unless an extension is granted by the Planning Board. If the Planning Board finds they do qualify as a lot improvement, the Board shall sign the plans with the following notation: "These plans are acknowledged by the Town of

Waddington, and for recording purposes only, to represent an exempt lot improvement or natural subdivision in accordance with Section VII, C-7 of the Town of Waddington Subdivision Regulations. No subdivision approval is required or given." No person shall record plans for any lot improvement without so first obtaining the Planning Board's clearance.

5.37 Fees

At the time an application for subdivision approval is filed, a fee shall be paid to the Town by the sub-divider; such fee to be determined from a schedule of fees as adopted by the Town Board by resolution. Additional fees may be imposed to cover the costs of inspections, professional reviews and SEQRA compliance, as well as the expenses connected with notices and hearings.

5.4 Design Standards

5.41 Application

The design standards and requirements set forth in this Article shall be observed as minimums by the sub-divider in the design of each subdivision within the Town of Waddington. The Planning Board shall require more-restrictive standards where necessary to protect health, safety and welfare of the public, and where circumstances unique to the property so dictate.

5.42 General Site Requirements

- a. Those areas which are subject to such hazards of life, health, or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards correcting the hazards.
- b. In addition, the Town may rely upon information contained in its Comprehensive Plan and, in determining and evaluating potential hazards use historical records, soil evaluations, engineering studies, expert opinions, established standards used by licensed insurance companies or in professional practice, and Federal, State, or local policies.
- c. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, dedicated open space or other proposed uses, so that remnants and land-locked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations.

- d. In all subdivisions, care shall be taken to preserve natural features such as trees, water courses, views, and historical features which will add attractiveness and value to the remainder of the land. Where a subdivision of land is on a site that has a slope of more than 15% the Planning Board may require larger lot sizes than the minimum standards set forth herein.
- e. Damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Planning Board and, where appropriate, DEC.

5.43 Blocks and Lots

- a. Blocks shall ordinarily not exceed 1,600 feet in length or be less than 400 feet.
- b. Pedestrian interior walks or trails may be required, where necessary to assist circulation or provide access to community facilities and open space. Such walks or trails shall have a right-of-way width of not less than 10 feet.
- c. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a major street, or where it backs up to a railroad, creek, or other natural barrier un-subdivided area.
- d. Where a subdivision adjoins a major highway (one which is designated and marked for two lanes or more and carries at least 1,000 vehicles per day), the greater dimension of the block shall front along said highway, and marginal access streets may be required to minimize the number of points of access. Such streets may be required whenever topographic conditions, traffic density or lack of proper sight distance dictate for reasons of health and safety. Any subdivision of five lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement, if the Planning Board determines, after inspection, that safety demands restricting access.
- e. Cul-de-sac streets, permanently designed as such, shall not exceed one-half the length of a proposed block, and shall furnish lot frontage at a minimum ratio of 1 residential lot for every sixty (60) feet. The Planning Board shall have authority to require the use of loop streets and other alternatives to cul-de-sacs where such alternatives are available and preferable as a means of providing safe access to lots, making street connections or limiting environmental impacts.

- f. All side lines of lots shall be at approximate right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a safer layout.
- g. Double frontage lots shall ordinarily not be platted, except as specifically provided herein. In that event, a planting strip of at least 20 feet in width may be required along the back of the lot.
- h. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, unless designated as common area or dedicated to open space.
- i. Either of the two sides of a corner lot may be designated as the front, provided the rear yard shall always be opposite the frontage so designated.
- j. All lots shall front on a public street or private street designed to public street standards (existing or proposed) and the right-of-way of the principal access to any subdivision shall be a minimum of sixty (60) feet in width. However, upon written request by the subdivider, the Planning Board may grant a waiver from this and other street requirements of this Law to permit access to no more than two (2) single-family residential lots from a single private drive, provided a release has been given the Town and approved by the Town Board making clear that the Town is exempted from all responsibility for the maintenance of the same and that the lot in question is not capable of being subdivided further or is so restricted. Such private drive shall be owned and maintained by one of the lot owners. The requirement for a single private drive may be waived in instances where the front lot is already developed.
- k. Minimum lot frontage. All residential lots shall have a front lot line and meet minimum area requirements as specified in the development schedule in the Town of Waddington Development Code.
- l. Flag lots. The development of interior lots with limited lot frontage consisting of only an access right-of-way shall be permitted provided:
 - 1) The right-of-way is a minimum of fifty (50) feet in width, is improved according to the requirements of the Town Subdivision Law.
 - 2) The lot area shall be exclusive of that portion used as a right-of-way for purposes of meeting minimum lot area and all other development standards for the District.

- 3) No right of way shall be established over an existing parcel of land to reach a new lot to the rear which would reduce the length of the front lot line of the existing parcel to less than one hundred fifty (150) feet.
- 4) All flag lot access right-of-ways shall be titled in fee-simple ownership to the flag lot property owner and shall not be used to access any property not part of the original tract. Such owner shall bear responsibility for maintenance of the improvements.
- 5) No more than two additional such lots shall be created from an existing parcel, a cumulative total of three lots including the original. This restriction shall be incorporated in deed covenants and placed on the recorded plat map at the time any flag lot is created.

m. Monuments shall be placed at perimeter corners and the corner of each street, and markers set at the corner of each lot, consistent with surveyors' professional practice, to permanently and accurately define the metes and bounds of the block and lots created.

5.5 Common Open Space

Except where such area would be less than one acre or the Planning Board shall waive the requirement, not less than 10% of the gross area of the entire tract, exclusive of lakes or ponds, shall be reserved for common open space directly accessible from the lots to be created. Such open space shall be suitable for recreational use of the residents of the subdivision or the general community. The following and similar facilities shall meet this requirement: swimming pools, tennis courts, riding and cycling paths, playgrounds, community centers, and other open areas. Such areas as are designated for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use. No portion of the 10% requirement shall be met with wetlands, slopes exceeding 15% in grade or other otherwise un-developable areas. Sites so dedicated shall not be deemed to be accepted by the Town unless and until the Town Board has taken formal action to accept the same. The sub-divider and the Town may also agree to otherwise provide recreational land for the use of residents pursuant to the authority of § 277 of the New York State Town Law including fees in lieu of dedication.

5.6 Water supply

- a) Where a central water supply is available within 1,000 feet of the proposed residential development, the sub-divider shall, if legally and practically feasible, construct a system of water mains tied to such system and provide a connection for each lot.
- b) Plans and specifications for central water systems (i.e. extension of an existing system or a proposed new facility) shall be prepared by a professional engineer and shall conform to requirements of the New York State Department of Health and the local fire district(s). Suitable agreements between the developer and Town, or developer and property owners shall also be established for the ownership and maintenance of such distribution system.
- c) The applicant proposing a central water supply must demonstrate ability to provide a minimum of 100 gallons of water per capita per day (GPCD) and/or 400 gallons per day (GPD) for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall meet standards established by the American Water Works Association or insurance industry underwriting standards.
- d) New central water supply wells shall be sited, drilled, and tested under the direct supervision of a professional engineer or a professional groundwater geologist. Wells shall be so located that no potential pollution sources can exist within a 100 foot radius (200 feet if located down slope from the pollution source). Wells shall also be located on reserved parcels where development will not be permitted.

5.7 Sewage Disposal

- a) All residential lots shall contain suitable areas for on-site sewage disposal system be served by an approved central sewage disposal system. Plans and specifications for central systems, as required by the New York State Department of Environmental Conservation ("DEC"), shall be submitted with all preliminary subdivision plats and design standards shall meet DEC requirements. Formal approval of DEC shall be required prior to final plat approval.
- b) When a central sewage disposal system is located within 1,000 feet of the proposed residential development, the sub-divider shall, if legally and practically feasible, provide a system of collection lines to connect to said system. Regardless of this requirement, all subdivision and land developments shall be provided with an adequate sewage disposal system(s). Central sewage disposal systems shall also be required for all residential lots and non-residential developments where on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.

- c) Where connection to a central sewage disposal system is not required, on-site systems shall be provided in accordance with criteria set forth by the New York Department of Health. The applicant's professional engineer, subject to the approval of the Planning Board, shall determine the number and location of test pits and soil percolation tests necessary to determine the general suitability of soils throughout the subdivision for onsite subsurface sewage disposal,.
- d) Sanitary sewer and storm water infrastructure shall be used exclusively for its intended purpose. Sanitary sewers and storm water systems shall not be used to carry effluent from other sources

5.8 Erosion and Sedimentation

In the event that any sub-divider shall intend to make land changes by grading, filling, excavating or the removal or destruction of the natural topsoil or vegetative covering thereon in accordance with a subdivision plan submitted to the Town, the same shall only be approved and accomplished after the developer has submitted to the Town an Erosion and Sedimentation Control Plan. Erosion control measures shall be employed as necessary to prevent loss of soil from erosion and also to prevent resulting property damage, siltation and contamination of water courses or impoundments. Erosion control measures may include hay bales, silt fences or other provisions or combinations thereof.

5.9 Storm Drainage

- a) A storm water pollution prevention plan shall be required for subdivisions that involve construction activities that disturb one or more acres of soil. Such a plan shall be prepared using DEC guidelines and standards (see "Reducing the Impacts of Storm water Runoff from New Development"), complying with the following standards.
- b) Storm water drainage facilities shall be designed to accommodate storms of a 25 year frequency unless a more stringent standard shall be required by the Planning Board. The general performance standard shall be that the amount of uncontrolled storm water leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where storm water facilities are impractical for engineering reasons the Town may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow which can be achieved under the circumstances. The sub-divider shall provide full information, prepared by a professional engineer, regarding the pre-development storm water flows and estimates at the time of application.
- c) The following additional requirements shall apply:

- (1) Lots shall be laid out and graded to prevent cross-lot drainage away from proposed building areas. Natural drainage courses shall be maintained.
- (2) The existing points of natural drainage discharge onto adjacent property shall not be altered, nor shall the rate of water runoff be increased because of development, without the written approval of all affected land owners.
- (3) No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions.
- (4) Storm water calculations and design shall be prepared by a professional engineer, land surveyor, landscape architect or others certified to perform such work.
- (5) Storm drainage facilities should be designed to handle the anticipated peak discharge from the property being subdivided.
- (6) Drainage structures that are located on State highway rights-of-way shall be approved by the New York State Department of Transportation, and evidence of the same shall be provided to the Town prior to final plan approval.
- (7) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be 1/4" per foot away from the center line.
- (8) All proposed surface drainage structures shall be indicated on the preliminary plan.
- (9) Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
- (10) Whenever storm drains are required by the Town, such storm sewer systems shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Town Board determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.

(11) Drainage systems shall be designed in accordance with engineering practice, using hydraulic computations to show effects of the flow of water. The general standard shall be that the amount of storm water leaving the site along any property line after development shall not exceed pre-development storm water flows for that area. In no case shall any pipe system of less than 15" in diameter be used underneath a street or driveway.

(12) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided an undisturbed, vegetated drainage easement conforming substantially with the line of such water course, drainage way, channel or stream, and of such width (minimum 25 feet)....

(13) All drainage systems and structures shall be subject to the approval of the Town of other qualified individual designated by the Town and accepted by the Town Board, or any such other qualified person as may be appointed for this purpose by the Planning Board.

5.10 Street Requirements

- a) The arrangement, character, extent, width, grade and location of all streets shall conform to the provisions found herein. Every subdivision shall have access to a public right-of-way.
1. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic.
 2. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades as required by this Law.
 3. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Easements to the adjoining property lines may be required to ensure the future ability to connect such streets.
 4. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the extension of streets.
 5. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety, and suitable curbs, barriers,

signs and other devices as may be required. Streets entering opposite sides of another street shall be laid out directly opposite one another or offset a minimum of one-hundred-twenty-five feet (125').

6. Street and driveway intersections with arterial streets shall not be so numerous, nor so close to each other, as to impede the flow of traffic.
 7. Clear sight triangles shall be provided at all street intersections. Within such triangles, no structure or vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty-six (36) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the centerlines.
 8. Whenever, in connection with a major subdivision, the principal access (whether public or private) to such subdivision, by virtue of bridge weight limits of less than ten (10) tons or other comparable limitations, would restrict access to the property by emergency vehicles or school buses, the sub-divider shall so indicate in writing on the final plats to be recorded and shall provide for notification to prospective lot buyers through deed covenant provisions which shall be approved by the Planning Board as to form.
 9. Sidewalks shall be located on one side of all minor, and on both sides for major and collector streets that adhere to NYS DOT and federal ADA design standards (minimum accessible sidewalk width of three (3) feet, and a minimum distance of two and a half (2.5) feet between the curb and sidewalk to allow for snow storage. Bike lanes may also be provided on shared road ways with a minimum width of 4.92' (1.5 meters) as measured between the motor vehicle lane and curb, and should also include appropriate signing and pavement markings at intersections to reduce conflicts between users.
- b) Alleys may be permitted in residential areas under special circumstances, but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial and industrial lots, if no other provisions are made for adequate service access or for parking.
- c) Profiles: No street grade shall be less than one (1) percent or exceed the following, with due allowances for reasonable vertical curves:

| Type of Street or Way | Maximum Grade |
|-----------------------------------|----------------------|
| Major Streets | 4% |
| Collector Streets | 6% |
| Minor and Marginal Access Streets | 8% |

Streets shall have a grade not to exceed two percent (2%) for a distance within fifty (50) feet of the street right-of-way line of any intersecting street.

- d) Cross Section: The cross-section gradients of streets shall be not less than two percent (2%).
- e) Minimum vertical and horizontal visibility (measured 3.5 feet eye level to tail lights 1.5 feet above ground level), for curves.

| Type of Street or Way | Minimum Visibility Distance |
|---------------------------------|------------------------------------|
| Major Streets | 500 feet |
| Collector Streets | 300 feet |
| Minor Streets | 300 feet |
| Streets shorter than 500 feet 1 | 50 feet |

The minimum right-of-way widths for streets are as follows:

| Type of Street or Way | Minimum Right-of-Way Width |
|------------------------------|-----------------------------------|
| Major Streets | 66 feet |
| Collector Streets | 66 feet |
| Minor Streets | 60 feet |
| Alleys | 25 feet |

- f) On all dead-end roads, as allowed in (Section VII, D-9) a turn-about area with an eighty (80) foot diameter right-of-way and sixty (60) foot diameter traveled portion shall be provided.
- g) The entire width of the travel way of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving and drainage structures, in accordance with the appropriate standards for the class of street. The sub grade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The sub grade construction shall conform to minimum standards of the Town Highway Specifications.
- h) The width of pavement required shall vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are minimum street pavement widths:

| Type of Street | Minimum Shoulder Width | Minimum Clearance Beyond Shoulder | Minimum Pavement Width |
|-----------------------|-------------------------------|--|-------------------------------|
| Major Streets | 6 feet | 2 feet | 24 feet |
| Collector Streets | 6 feet | 2 feet | 24 feet |
| Minor Streets | 6 feet | 2 feet | 20 feet |
| | | | |

Pavement, in the case of minor streets permanently reserved as private by deed covenants, may consist of an all-weather surface as defined herein.

- i) Unless otherwise specified herein, pavement construction shall be in accordance with specifications and standards contained in the Town Highway Specifications.
 - 1. Street shoulders shall be constructed with materials as specified by the Town Highway Specifications. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and must be level with the top of the road paving, or as directed by the Town of other qualified individual designated by the Town and accepted by the Town Board.
 - 2. Embankments at the sides of streets and cross-sections of drainage ditches shall not exceed a maximum slope of three (3) feet horizontally to one (1) foot vertically in a cut or fill section. In special cases, the Town of other qualified individual designated by the Town and accepted by the Town Board may require more-rigid standards.

- j) In commercial or multi-family subdivisions or any other case where other similar intensive uses exist or are anticipated, curbs may be required, if such construction is deemed necessary for public safety by the Planning Board, based on consultation with the Town of other qualified individual designated by the Town and accepted by the Town Board and shall be constructed to according to good engineering practice. Curbs shall not be constructed, however, where pavements are less than 22 feet in width.

- k) Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Planning Board, and shall be sufficient to support the street or the adjacent land, as the case may be. Where the grade of the street is three (3) feet or more above the grade of the adjacent land, guards shall be built to protect travel, if required by the Town of other qualified individual designated by the Town and accepted by the Town Board.

- l) All streets, including cul-de-sacs and alleys, shall be constructed as shown on the Preliminary and Final Plat approved by the Planning Board and in conformity with the Town Highway Specifications. Where such Law does not provide a clear standard, the Town may rely upon the standards promulgated by the New York State Department of Transportation for local streets.

- m) Four-way street name signs of a design approved by the Planning Board will be installed at each street intersection by the sub-divider at his own expense. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the name of existing streets. Street names shall not be repeated within the Town and shall be subject to Planning Board approval.

- n) Street lighting is the responsibility of the applicant to provide, and the lot owners to maintain and operate. The Town of other qualified individual designated by the Town and accepted by the Town Board will determine when and if street lighting is necessary, evaluating need on the basis of safety considerations and commonly accepted standards of lighting. Whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation, upon consultation with the public service utility company involved.

- o) Shade trees and other natural buffers along any proposed street right-of-way shall be retained to the maximum extent possible and cuts and fills which would necessitate removing such cover shall be minimized. Wide swath cuts or removal of natural vegetation shall not be permitted without compelling safety reasons.

- p) No driveway, street or drainage facility or structure shall be constructed or altered within a state right-of-way, and no drainage facility of the New York State Department of Transportation shall be altered or connected onto without first obtaining a permit from the New York State Department of Transportation. No driveway, local road or drainage facility or structure shall be constructed or altered within a Town right-of-way, and no drainage facility of the Town of Waddington shall be altered or connected onto without first obtaining a permit from the Town of Waddington Highway Superintendent.

- q) Individual driveways serving only one single-family each shall not be subject to street improvement requirements of this Law or on the Town Highway Specifications.

- r) Nothing contained herein shall be construed in any way to require the Town of Waddington to accept dedication of any street. These regulations are intended, rather, to

set standards of construction and a proposed dedication of any such streets shall be subject to the specific dedication requirements of the Town Highway Specifications.

5.11 Conservation (Cluster) Subdivisions

Conservation subdivisions shall be processed pursuant to the Town of Waddington Land Use and Development Code.

5.12 Manufactured Home Subdivisions

Manufactured home subdivisions shall be processed pursuant to the Town of Waddington Land use and Development Code.

5.13 Planned Unit Developments

Planned unit developments shall be processed pursuant to the Town of Waddington Land use and Development Code.

SECTION 5B- SITE PLAN REVIEW FOR SUBDIVISION ONLY

5 SECTION 5B- SUBDIVISION REVIEW

5b1 Planning Board Review and Decision

1. **Uses Requiring Site Plan Review.** All uses requiring a special permit require site plan review. Other uses that require site plan review are indicated in Zoning Schedule A.
2. **Procedure.** Within 62 days of receipt of a complete preliminary application as defined in Article VII, Section C of this Local Law, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall approve, approve with modifications or disapprove the preliminary application within 62 days of the completion of the hearing.

In the event that the parcel boundaries are within the 500 foot threshold referenced in Article I, Section C of this Local Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General Municipal Law. If a preliminary application is approved, the applicant and the Code Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within ten (10) days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.

If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for approval according to the requirements set forth in Article VII, Section D of this Local Law.

Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and the Code Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

3. **Public Hearings.** Public hearings shall be advertised in accordance with Town law.
4. **Time Limitations.** The time periods of this Local Law within which Planning Board actions are required are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant. If the Planning Board does not complete their review within the times specified in this Local Law, this will constitute approval of the application, except where

the review period has been extended by mutual consent of the applicant and the Planning Board.

5. **Justification and Notice**

- a. The Planning Board shall apply all of the review standards described in this Local Law in reviewing site plans.
- b. Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.
- c. Decisions of the Planning Board shall be filed within five (5) days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
- d. Approval of a Site Plan by the Planning Board shall be valid for a period of one (1) year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during this one-year period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County, and State agencies are obtained and any required performance bond is filed with the Town Clerk

5B2 Sketch Plan Conference

1. **Purpose.** Prior to submission of an application as defined in Article VIII, Section C of this Local Law an applicant has the option to request an informal Sketch Plan Conference with the Planning Board. The purpose of this conference is to save time and money and to make the most of opportunities for desirable development. This conference may be used to review the basic site design concept, discuss site characteristics (advantages and limitations), determine the information to be required by the Planning Board on the preliminary site plan, and address environmental concerns as required by the New York State Environmental Quality Review Act (6 NYCRR 617) previously referred to in Article II, Section F.
2. **Sketch Plan Submission.** Prior to the Sketch Plan Conference, the applicant shall submit in as much detail as possible a written letter to the Code Enforcement Officer including, as a minimum, the following:
 - a. A statement describing the proposed use.

- b. A sketch map of the proposed activity, and adjacent property owners' boundaries, including north arrow, scale, and the locations of any easements of record.
- c. A copy of the deed for the lot.

Upon receipt of the Sketch Plan, the Code Enforcement Officer, in conjunction with the applicant, shall complete the Sketch Plan Review Questions Form as adopted by the Planning Board and shall schedule a time for the Sketch Plan Conference which is mutually convenient to the applicant and the Planning Board, but not to exceed 30 days from the date of submission of the Sketch Plan.

- 3. **Sketch Plan Conference Actions.** Upon receipt and review of the Sketch Plan Review Questions Form, the Planning Board shall take the following actions:
 - a. With regard to SEQR, determine if the applicant's proposal for site plan is a Type I, Type II, or unlisted action, and determine the lead agency for SEQR review.
 - b. Do one of the following:
 - i. Require a Preliminary Site Plan to be prepared by the applicant. The Planning Board may at this time and at its discretion, waive any preliminary requirements which are clearly not relevant to the proposed activity.
 - ii. Declare the Sketch Plan to be incomplete. The applicant may resubmit it with the addition of the indicated missing information

5B3 Preliminary Application Requirements

- 1. **Application.** An application for Preliminary Site Plan Approval shall be submitted in writing to the Code Enforcement Officer who shall then forward it to the Planning Board within 15 days after ensuring that it is complete. The application shall be accompanied by information drawn from the list in Section 2 below. The application for Site Plan approval shall be on a form adopted by the Planning Board.
- 2. **Required Documents.** The following shall be required, unless specifically waived by the Planning Board or otherwise indicated and shall constitute application for a Site Plan review:
 - a. Application form (as approved by the Planning Board and available from the Code Enforcement Officer and Town Clerk).

- b. Location map with scale, north arrow, boundaries and dimensions of the parcel of property involved, and identification of adjacent properties including ownership and roads and any known easements or rights-of-way.
- c. Map showing existing features of the site including structures, roads, and bodies of water, flood-prone areas, wooded areas, land uses, water and sewer lines, paved areas, wells, and on-site sewage disposal facilities.
- d. On the same or a separate map as in Section VII, C-3. Above, indicate the location, dimensions, and arrangement of any proposed buildings or uses on the site, including roads, pathways, etc., providing ingress and egress.
- e. Sketch of any proposed building or structure including exterior dimensions and elevations of front, side, and rear.
- f. Name and address of applicant and any professional advisors.
- g. Copy of deed to the property.
- h. Authorization of the owner to apply for a permit if the applicant is not the owner of the property in question.

5B4 Final Application

- 1. **Submission of Final Subdivision Plan.** After receiving approval with modifications from the Planning Board on a preliminary subdivision plan, the applicant shall submit a final, detailed subdivision plan to the Planning Board for approval. If more than six (6) months has elapsed since the date of the Planning Board’s action on the preliminary subdivision plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require re-submission of the preliminary subdivision plan for further review and possible revisions prior to accepting the final site plan for review.
- 2. **Final Application Requirements.** The following additional information shall accompany an application for final subdivision plan approval:
 - a. Record of application for and approval status of all necessary permits from Federal, State, and County agencies.
 - b. Detailed sizing, location, and materials specifications for all modifications specified in the initial conditional approval by the Board.
 - c. An estimated project construction schedule.

5B5 Subdivision Review Standards

1. General Standards

The proposed land use activity should not be in conflict with the Town's intent as expressed in Article II, Section B of this Local Law and community goals and objectives as expressed in the Town Plan or in future community planning documents.

2. Specific Standards

The Planning Board's review of the subdivision plan shall include and evaluate, at a minimum, each of the following criteria:

- a. Compatibility of development with natural features of the site and with surrounding land uses.
- b. Measures to prevent damage from floods.
- c. Landscaping arrangements and the retention of existing vegetation for aesthetic qualities.
- d. Buffers to protect neighboring properties against noise, glare, or other nuisances.
- e. Vehicular traffic access and circulation, including intersections, road widths, and pavement surface dividers, and other traffic controls.
- f. Parking provisions.
- g. Exterior lighting.
- h. Fire protection provisions.
- i. Erosion control methods during and after construction.
- j. Storm water and drainage facilities.
- k. Water Supply.
- l. Sewage disposal facilities.
- m. Preservation of scenic vistas.

- n. Hours of operation, as applicable

3. **Explanation of Standards**

- a. **Specific Standards.** The specific standards listed above are further described as follows:

- i. **Compatibility of development with natural features of the site and with surrounding land uses.** The proposed use should not be located in such a manner on the site so as to:

- (a) Create a traffic hazard by limiting site distance.
- (b) Be located in a poorly drained area.
- (c) Be located on soils, which according to the USDA Soil Conservation Service criteria, are unsuitable for the particular proposed use.
- (d) Substantially obstruct an existing view of a river, stream, lake, historic structure, or other identified scenic vista.
- (e) Disturb existing bodies of water that contribute to the natural beauty of the site.
- (f) Be located on slopes too steep to accommodate roads, walkways, riding trails, or bike paths, as appropriate.

On a corner lot, no fence, wall, hedge, sign, or other structure or planting more than three feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street line at points which are 30 feet distance from the point of intersection. All buildings shall be located no less than 50 feet from the edge of a pavement or road. Buildings on corner lots shall be set back 50 feet from both road edges.

- ii. **Measures to prevent damage from floods.** Uses should, insofar as possible, be located in areas outside of designated flood hazard areas. Uses should not be situated in such a manner that they would endanger life or property if carried away by a flood.
- iii. **Landscaping arrangement and the retention of existing vegetation for aesthetic qualities.** Existing stone walls, mature trees, and roads should be retained, insofar

as it is possible, to the extent that they will enhance the visual and aesthetic appeal of the site.

iv. Means to protect neighboring properties against noise, glare, or other nuisances.

If a proposed use is likely to generate noise, odor, vibration, or other emissions, the feasibility of using the following should be considered:

- (a) Berms
- (b) Fences
- (c) Mufflers
- (d) Limited hours of operation
- (e) Vegetation for screening

All berms, fences, mufflers and vegetation should fit with the character of the surrounding area. They must be constructed of quality material and maintained in good repair.

All buildings shall conform to the setback requirements of the zoning district as stated in **Zoning Schedule A**. No dwelling unit or multiple dwelling unit structure shall be located less than 30 feet from an adjacent dwelling unit or multiple dwelling unit structure.

Signs shall be designed so as not to be confused with any traffic sign or signal. Signs may be illuminated by a steady light provided the lighting does not directly illuminate the adjacent properties or road.

v. Vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and other traffic controls. Uses generating traffic should be reviewed for the following possible negative impacts:

- (a) Poor access off a State, County, or Town road.
- (b) Poorly designed parking arrangement that forces vehicles to back into a public roadway or block entrances or exits.
- (c) Unclear or confusing traffic control signs.
- (d) Traffic flow that creates hazards to pedestrians.

vi. Parking Provisions. Adequate off-street parking facilities shall be provided for the use of occupants, employees, and patrons of all structures and facilities so that

parking does not obstruct the flow of traffic. All parking lots shall be designed so that vehicles will be traveling forward when exiting onto the road. A minimum number of parking spaces is required for certain uses and structures as shown in **Zoning Schedule B: Off-Street Parking**.

- vii. Exterior lighting. Exterior lighting shall be neither too poor, nor excessively bright. Lighting should be directed at those areas where people are likely to come into contact with vehicles, machinery, etc. Site illumination should not be directed at residences adjacent to the site so as to create a nuisance.
- viii. Fire protection provisions. The New York State Uniform Fire Prevention and Building Code regulate fire protection. The Planning Board shall consult with the Code Enforcement Officer regarding Code compliance.
- ix. Erosion control methods during and after construction. Existing vegetation should be retained insofar as possible. Hay bales, netting, retaining structures, sediment ponds, and timely seeding of ground cover should be considered depending on the erodibility of the site and where applicable conform to the standards of the New York State Department of Environmental Conservation Erosion and Sediment Control
- x. Storm water and drainage facilities. Provisions for control of storm water and drainage should be consistent with requirements of the “Subdivision Regulations of the Town of Waddington” and where applicable the standards of the New York State Department of environmental Conservation Erosion and Sediment Control
- xi. Water Supply. Water supply must be clearly identified in the application and must comply with the Uniform Fire Prevention and Building Code.
- xii. Sewage disposal facilities. Sewage disposal facilities must comply with the Uniform Fire Prevention and Building Code, specifically the standards documented in Standards for Individual Water Supply and Individual Sewage Treatment Systems, 10 NYCRR Chapter II, Appendix 75A (or its replacement).
- xiii. Hours of operation. The Planning Board may reasonably limit the hours of operation for the purpose of controlling nuisance impacts to surrounding properties.
- xiv. Signs. Signs shall be permitted only according to standards listed in Article VI, Section E of this Local Law.
- xv. The Town reserves the right to designate a right-of-way in subdivision.

SECTION 6- ADMINISTRATION AND ENFORCEMENT

6.1 BUILDING PERMITS

6.11 General Requirement: No person shall undertake or cause to be undertaken any of the following development or land use activities without first having obtained a building permit application in accordance with the provisions of this section:

- (a) constructing, erecting, locating, expanding, extending, demolishing or otherwise altering a building or structure; or
- (b) commencing or changing the use of land or buildings and structures thereon for the purpose of development as regulated by this local law.

6.12 Application Procedures

6.121 Consultation (recommended). Prior to the commencement of any new land use or development activity, consultation with the Code Enforcement Officer is recommended to assist the property owner or the owner's legal agent in determining applicable provisions, regulations, performance standards, and other requirements of this local law.

6.122 Application: When it has been determined that a Building permit is required, the owner or owner's legal agent shall submit to the Code Enforcement Officer such application form and application fee as established by separate resolution of the Town Board, accompanied by the following:

- (a) proof of legal agent status when the applicant is not the owner of record of the property for which the Building permit is sought and
- (b) two (2) copies of a plan of the proposed use or development as follows:
 - (1) a plot plan drawn to scale, showing the location of the property in relation to nearby roads; existing and proposed (if any) property lines; existing and proposed buildings and structures and their dimensions, setbacks and uses; and any other information needed as a minimum to show compliance with this local law-for proposed development involving:
 - (i) solely agricultural uses and accessory buildings, single- or two-family dwellings, home occupations, or boarding or rooming houses or
 - (ii) other compatible uses or approved special uses when the proposed use or development consists of addition, demolition or other alteration to existing buildings or structures provided that such addition, demolition or other alteration does not exceed 500 sq. ft. of lot coverage and

does not otherwise alter the basic layout, arrangement or design of the site in such a manner as to circumvent Planning Board approval of site plans- OR-

- (2) a site plan reviewed and approved by the Planning Board pursuant to 3.8 and 5.3 of this local law.

6.123 Application Review: Upon receipt of a complete application for a building permit, the Code Enforcement Officer will undertake a review of the application materials, Development Code requirements, the Development Suitability Map, tax maps and other pertinent information. If deemed necessary, the Code Enforcement Officer will inspect the subject premises to complete the review. Within five (5) days the review shall be completed whereupon the Code Enforcement Officer will issue or deny the permit.

6.124 Permit Denial: In the event the proposed development fails to comply with the provisions, regulations, standards or procedures of this local law, the Code Enforcement Officer will provide the applicant with written notice of permit denial, citing the specific reasons thereof.

6.125 Permit Issuance: Having determined that the proposed development is in compliance with the provisions, regulations, standards and procedures of this local law, the Code Enforcement Officer will issue the Building permit.

6.126 Permit Expiration: The Building permit shall expire after six (6) months unless the land use or development activity for which the Building permit was issued has commenced.

6.127 Inspection: Subsequent inspection, if deemed necessary by the Code Enforcement Officer, will be made either during and at the end of the land use or development activity covered by the building permit or both.

6.2 CODE ENFORCEMENT OFFICER

6.21 Authority: The authority for administering and enforcing this local law is hereby conferred upon the Code Enforcement Officer who shall have such powers and duties as are established by this local law as necessary to achieve its stated purpose.

6.22 Powers and Duties: The Code Enforcement Officer shall have the powers and duties to:

- (a) apply the provisions, regulations, standards and procedures of this local law to determine compliance of land uses and development with this local law;

- (b) determine the specific location of Development Suitability Area boundaries from the Development Suitability Map in relation to highways, property lines and other identifiable points of reference;
- (c) review completed applications for Building permits;
- (d) review and approve plot plans in accordance with 5.132(b)(1) above as part of administrative review and approval of Building permit applications;
- (e) issue or deny Building permits depending on the compliance of the proposed developments with the provisions, regulations, standards, and procedures of this local law;
- (f) transmit written “notice of violation” to any person or persons responsible for violations of the provisions of this local law, citing therein the date, address of the property whereupon violation was found, recorded owner of the property, date or dates of violation and a description of the violations with reference to the applicable provisions of this local law;
- (g) transmit written “order to cease violation” to any person or persons responsible for violations of the provisions of this local law, requiring the following:
 - (1) discontinuance a of illegal uses of land, buildings, or structures within15 (15) days from the date of said order;
 - (2) removal of illegal buildings, structures, building additions or structural alterations within15 days from the date of said orders; or
 - (3) discontinuance of any illegal work being undertaken on buildings or structures upon receipt of such order.
- (h) take any other necessary and lawful action to prevent or remedy violations including the initiation of proceedings against the person or persons responsible for the violation through the Town Court; and
- (i) submit monthly reports to the Town Board on matters of actions taken and permits issued pursuant to this local law.
- (j) Advisor to Planning & Zoning Board of Appeals during process of site plan or variances as needed.

6.3 APPROVAL OF SPECIAL USES AND SPECIAL USES AS EXCEPTIONAL DEVELOPMENTS:

6.31 Planning Board Approval of Site Plans and Special Uses: The Planning Board is hereby authorized, pursuant to Section 274-a of New York State Town Law, to:

- (a) review, hold public hearings on, and approve, approve with modification or deny site plans submitted pursuant to the Site Plan Review Regulations as set forth under section 4 of this local law;
- (b) hold public hearings on and approve certain special uses as identified under SECTION 2, provided that such uses meet the standards for all special uses as set forth under 4.91 of this local law; and

- (c) adopt such rules, regulations, and procedures as deemed necessary and appropriate for the proper execution of its authority as set forth under 5.31(a) and (b), above;
- (d) In connection with its review of a given site plan, the Planning Board may consult with an engineer, landscape architect, or other professional advisor. To the extent the Board has determined consulting fees or other extraordinary expenses as reasonable and necessary for proper review of the site plan, such costs shall be reimbursable to the Town by the applicant.

6.32 Town Board Approvals of Special Uses as Exceptional Developments: Pursuant to general powers and duties of the Town Board as set forth under New York State Town Law, the Town Board shall hereby be authorized to:

- (a) hold public hearings on and approve, approve with modifications, or deny applications for approval of special uses as Exceptional Developments as identified under SECTION 2, provided that such uses meet the standards for all Exceptional Development as set forth under 4.3 of this local law; and the recommendations of the Planning Board.
- (b) adopt such rules, regulations and procedures as deemed necessary and appropriate for the proper execution of its authority as set forth under 6.32(a), above.

6.33 Approval Procedures: The Planning Board and Town Board procedures adopted respectively in accordance with 6.31(c) and 6.32(b), above, shall not be in conflict with any provision, regulation, standard or procedure of this local law and shall provide for the following in a timely manner;

- (a) the referrals of certain applications for approvals of site plans, special uses, or Exceptional Developments to:
 - (1) the St. Lawrence County Planning Board pursuant to Section 239-m of the General Municipal Law and/or
- (b) the placement of applications on the respective Planning Board and Town Board agendas for reviews, public hearings, determinations, findings and decisions, as may be appropriate;
- (c) designation of lead agency status, determinations of environmental significance and other environmental review procedures in accordance with the State environmental Quality Review Act (SEQRA) and Part 617 of the New York State Compilation of Rules and Regulations (NYCRR);
- (d) the scheduling of, publication of legal notices for, and holding of public hearings in accordance with New York State Town Law to consider:
 - (1) any application for site plan approval whereupon the Planning Board has determined a public hearing to be necessary and appropriate:
 - (2) any and all applications for Planning Board approval of special uses; and
 - (3) any and all applications for Town Board approval of special uses as Exceptional Developments;

- (e) the taking of minutes of the Planning Board's and Town Board's proceedings and decisions;
- (f) the rendering of decisions in accordance with the time limitations established in New York State Town Law and the immediate filing of such decisions in the Office of the Town Clerk; and
- (g) the provision of written notice to the applicant indicating the decision of the Planning Board or Town Board within five (5) working days of such decision.

6. Appeals

6.41 **Board of Appeals:** A Board of Appeals is hereby created consisting of five (5) members appointed by the Town Board as prescribed by Section 267 of Town Law. Such members shall be residents of the Town of Waddington. No person who is a member of the Town Board shall be eligible for membership on the Board of Appeals. Of the members first appointed, one shall hold office for the term of one (1) year, one for the term of two (2) years, one for the term of three (3) years, one for the term of four (4) years, and one for the term of five (5) years from and after appointment. After the expiration of these terms, successors shall be appointed for five (5) year terms except that, in case of a term vacated before its expiration, a new member shall be appointed to fill only the unexpired portion of that term. The Town Board shall annually designate a chairperson from among the membership of the Board of Appeals.

The Board of Appeals shall hear and decide appeals from, and review any order, decision or determination made by the Code Enforcement Officer. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this local law, the Board of Appeals shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions of this local law relating to the use, construction or alteration of buildings or structures, or the use of land so that the spirit of the local law shall be observed, public safety, and welfare secured and substantial justice done.

6.42 **Procedures:** The Board of Appeals shall, by separate resolution, adopt such written procedures as it may deem necessary and appropriate for the proper execution of its duties provided such procedures shall not be in conflict with, nor have the effect of waiving any provision, regulation, standard, or procedure of this local law or Section 267 of Town Law and shall provide for the following in a timely manner:

- (a) the referrals of certain variance applications to the St. Lawrence County Planning Board pursuant to the provisions of Section 239-m of the General Municipal Law.
- (b) the scheduling of, publication of legal notices for, and holding of public hearings for appeals or variance requests in accordance with New York State Town Law;
- (c) the taking of minutes of Board of Appeals proceedings and decisions; and the immediate filing of such decisions in the Office of the Town Clerk;
- (d) the rendering of decisions on any variance request or appeal in accordance with the time limitations established in New York State Town Law, and the immediate filing of such decisions in the Office of the Town Clerk; and

- (e) the provision of written notice to the applicant indicating the decision of the Board of Appeals within five (5) working days of such decision.
- 6.43 Secretary: The Town clerk or such other person as may be hired or otherwise authorized by the Town Board shall serve as Secretary of the Board of Appeals for the purposes of preparing agendas, publishing hearing notices, taking and maintaining minutes of the Board's proceedings, filing decisions and providing written notice of decisions to applicants.
- 6.44 Stay of Proceedings: An appeal stays all proceedings against the action for which appeal was made, unless the Code Enforcement Officer has certified that, by reason of facts, a stay would, in the opinion of the Code Enforcement Officer, impose an imminent threat to life or property. In the event of such certification, the proceedings shall not be stayed except by a restraining order which may be granted by the Board of Appeals or by a court of record on the basis of an application, notice to the Code Enforcement Officer and due cause submitted in writing.
- 6.45 Conditions: In granting a variance, the Board of Appeals may require such reasonable conditions and safeguards as it may deem necessary to adhere to the purposes of this local law, provided such conditions are in keeping with the solely administrative nature of that Board's authority.
- 6.46 Expiration: Any variance granted by the Board of Appeals subject to conditions as provided in 6.45 above shall automatically expire without further hearing by the Board of Appeals in the event such variance is not exercised within one (1) year from the date of its approval.

6.5 STANDARD BOARD APPLICATIONS: All applications for Planning Board approval of site plans or special uses, Town Board approval of special uses as Exceptional Developments and/or appeals to the Board of Appeals shall be made on the Standard Board Application Form provided by the Town Clerk and shall be accompanied by:

- (a) proof of legal agent status if the applicant is not the owner of record of the property for which the application is made;
- (b) any fees as may be required by separate resolution of the Town Board;
- (c) five (5) copies of either the site plan or plot plans as required pursuant to section 4 or 5.123(b) of this local law, respectively, according to the following:
 - (1) one (1) copy for lead agency and each separate Board to which application is made and
 - (2) one (1) copy for each referral required pursuant to Section 239-m of the General Municipal Law or Article 37 of the Executive Law; and
- (d) any additional maps, materials, or documents deemed pertinent by the applicant.

Section 7: Solar Energy Regulations

Solar Energy Facilities

7.1 PURPOSE

1. This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this regulation is intended to apply to free standing; ground mounted or pole mounted solar energy system installations based upon certain placement. This regulation is not intended to override agricultural exemptions that are currently in place.

7.2 Definitions

ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

BUILDING-INTERGRADED PHOTOVOLTAIC (BIPV): The incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

COLLECTIVE SOLAR: Installations of Solar Energy Systems that are owned collectively or leased through a homeowner's association, community or municipal system, "adopt-a-solar-panel" programs, or other similar arrangements.

GLARE: A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

GLINT: A momentary flash of light that may be produced as a direct reflection of the sun on a solar collection system.

GROUND-MOUNTED SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

MAJOR SOLAR COLLECTION SYSTEM or SOLAR FARM: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding GROUND-MOUNTED or ROOF-MOUNTED solar collector devices, Solar energy systems producing 25MW or more are permitted by the New York State Board on Electric Generation Siting and the Environment (siting board) under Article 10 of the New York State Public Service Law. The Siting Board is responsible for issuing Certificates of Environmental Compatibility and Public need, authorizing the construction and operation of major electric generating facilities.

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM: A solar photovoltaic cell, panel, array, solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, Minor solar collection systems may consist of BUILDING-INTERGRADED PHOTOVOLTAICS, GROUND-MOUNTED or ROOF-MOUNTED solar collector devices. A system that generates no more than 125% of the power consumption needed on site and/or a total surface area of all solar panels on the lot of up to 4,000 square feet. Farm operations in an Agricultural District may construct a minor or accessory solar collection system that does not exceed 110% of the farm's energy needs.

ROOF-MOUNTED SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ACCESS: Space that is open to the sun and clear of overhangs or shade. Structures constructed on private property will not infringe on the rights of adjacent properties.

SOLAR ENERGY EQUIPMENT and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY EQUIPMENT/SYSTEMS: Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.

SOLAR PANEL: A device capable of collecting and converting solar energy into electrical energy.

COMMERCIAL SOLAR: A solar energy system which is intended to be used for any purpose, other than private, or residential, or agricultural use, including community based systems.

7.3: APPLICABILITY

1. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.
2. All Solar energy system installations require a building permit.
3. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Codes and the Town Code.
4. Nothing contained in this provision shall be construed to prohibit “Collective Solar” installations or the sale of excess power through a “net billing” or “net metering” arrangement in accordance with New York State Public Service Law §sixty-six- j (§ 66-j) or similar New York State or federal law or regulation.
5. All solar energy systems shall be designed, erected, and installed so as to prevent undue glare from falling on adjoining properties or creating traffic safety issues.
6. It is the discretion of the Code Enforcement Officer to approve installation of minor solar systems. All Major solar installations must be approved by the Waddington Town Planning Board.

7.4 SOLAR COLLECTORS AND INSTALLATIONS FOR MINOR SYSTEMS

1. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:
 - a) The distance between the roof and highest edge of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
 - b) Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.
2. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:
 - a) The location of the solar collectors is not permitted in front yards and must be twenty (20) feet from side and twenty (20) feet from rear dimensions.
 - b) The height of the solar collectors and any mounts shall not exceed twelve (12) feet height restriction and oriented at a maximum tilt.
 - c) The solar collectors may not be located closer to a front lot line than the principal building on a property. If the side or rear yard is visible from adjacent

properties and roads, a solid fence, berm or vegetative screening that conforms to local requirements **MUST** be installed along shared lot lines to minimize visual impact to neighboring properties.

- d) Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.
3. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by an appropriate electrical inspection person or agency and the Code Enforcement Officer as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
4. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of St. Lawrence County and other applicable laws and regulations
5. Decommissioning. Small scale solar. Decommissioning Requirements for Small Scale Solar Energy Systems and Solar Energy Systems Designed for Subdivision Use Using Free-Standing or Ground Mounted Solar Collectors. If a Free-Standing or Ground Mounted solar collector(s) ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than ninety (90) days after the end of the twelve-month period. In the event that the property owner fails to remove the aforesaid non-functioning system within the time prescribed herein, the Town may enter upon the land where such system has been installed and remove same. All expenses incurred by the Town in connection with the removal of the non-functioning system shall be assessed against the land on which such free-standing or Ground Mounted solar collector(s) is located and shall be levied and collected in the same manner as provided in Article fifteen (15) of the N.Y. Town Law for the levy and collection of a special ad valorem levy.

7.5 MAJOR SOLAR SYSTEMS

1. **Major Solar Systems** are permitted **through** the issuance of a special use permit in all zoning districts except the waterfront overlay district and site plan review in accordance with this chapter. In addition, Major Solar Systems must meet the criteria set forth below.
2. A **Major Solar System** may be permitted when authorized by site plan review and

special use permit from the Town Planning Board subject to the following terms and conditions.

- a) Height and setback restrictions.
 - i. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed twenty (20) feet in height above the ground.
 - ii. The minimum setback from property lines shall be twenty-five (25) feet, unless adjacent to residential neighbor.
 - iii. Fencing and/or a berm of vegetative screening shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads. Fencing shall not be barbed wire. When fencing will enclose the perimeter of the site or facility, wildlife friendly fencing that allows the passage of small mammals and reptiles and is designed to minimize wildlife injury and death due to entanglement or strangulation shall be used on sites having a solar facility footprint greater than five (5) acres. Exceptions can be made by the planning Board for sites that have limited surrounding wildlife habitat.
 - iv. For adjoining arrays, the number of features installed for the facility should be kept to a minimum, such as the use of shared access roads and fencing.
- b) Design standards.
 - i. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
 - ii. Removal of any prime agricultural soil from the subject parcel is prohibited.
 - iii. Proposed major solar systems shall minimize the displacement of prime soils that are in active agricultural production. The site plan shall depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel(s) is/are receiving an agricultural valuation. The site plan shall also depict the location and extent of current agricultural uses on the land (e. g rotational crops, hay land, unimproved pasture, support lands, and fallow lands) the location of diversions and ditches, and areas where tile drainage has been installed.
 - iv. Roadways within the site shall be built along field edges and along elevation contours where practical, constructed at grade and have a maximum width of sixteen (16) feet. Roadways shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
 - v. All on-site utility and transmission lines shall, to the extent feasible, be placed underground. Any above ground transmission lines that are used to accommodate the facility shall require utility

poles that are tall enough and installed at widths able to accommodate farm machinery and equipment. All utility poles shall provide 20' of clearance as measured from the shortest distance between the lowest electrical/utility lines and final grade. The installation of guy wires to utility poles is discouraged.

- vi. Solar collectors and other facilities shall be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.
 - vii. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six (6)foot-high fence with a self- locking gate.
 - viii. Major systems or solar farms shall not obstruct solar access to adjacent properties.
 - ix. Any exterior lighting installed within the facility shall be downcast and dark sky compliant with recessed bulbs and full cut off shields.
- c) Signs.
- i. A sign not to exceed twelve (12) square feet shall be displayed on or near the main access point and shall list the facility name, owner and emergency phone number.
 - ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad- mounted transformers and substations not to exceed four square feet.
- d) Safety.
- i. The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the Fire Chief of the Waddington Fire Department. All means of shutting down the photovoltaic solar energy system shall be clearly marked on the site plan and building permit applications.

3. A piece of equipment meets the definition of oil-filled operational equipment at forty (40) CFR part112.2 (e.g. transformers, capacitors and electrical switches) shall comply with the secondary containment procedures of that regulation.

4. Decommissioning. Prior to removal of a Large Scale Solar Energy System, a demolition permit for removal activities shall be obtained from the Town of Waddington.

(a) Decommissioning Bond.

Prior to issuance of a building permit for a Large Scale Solar Energy System, the owner or operator of the Solar Energy System shall post a surety in an amount and form acceptable to the Town for the purposes of removal in the event the Large Scale Solar Energy System is abandoned. The amount of the surety required under this section shall be 125% of the projected cost of removal of the Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. Acceptable forms shall include, in order of preference: cash; irrevocable letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the Large Scale Solar Energy System should the system be abandoned. In such case, the Town Building Inspector/Code Enforcement Officer shall then provide written notice to the owner or operator to remove the Large Scale Solar Energy System, and the owner or operator shall have one (1) year from written notice to remove the Solar Energy System including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, operator applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Board, all costs of the Town incurred to enforce or comply with this condition shall be paid using the surety provided by the applicant.

(b) Decommissioning Plan. An application for a Large Scale Solar Energy System shall include a Decommissioning Plan. Removal of a Large Scale Solar Energy System must be completed in accordance with the Decommissioning Plan. The Decommissioning Plan shall:

- i. Specify that after the Large Scale Solar Energy System will no longer be used, it shall be removed by the owner and/or operator or any subsequent owner/operator and shall include a signed statement from the applicant acknowledging such responsibility. The application shall disclose the lease start date, length of the original lease, and number of options and timeframes if the lease is renewed. Within thirty (30) days of changing ownership, notice shall be provided to Town with the name of the new owner and contact information.
- ii. Demonstrate how the removal of all infrastructures (including but not limited to aboveground and below ground equipment, structures and foundations) and the remediation of soil and

vegetation shall be conducted to return the parcel to its original state prior to construction. For the decommissioning of solar systems on farmland, all equipment above grade and to a depth of four (4) feet below grade shall be removed from the site. The soils should also be de-compacted to a depth of two (2) feet, regraded and reseeded with native plants and seed mixes and exclude any invasive species.

- iii. Include photographs or archival color images of the proposed site plan area. For the Large Scale Solar Energy System. Such information must, in aggregate, adequately portray the entire property for the purpose of future reference when soil and vegetation remediation of the property occurs.
- iv. State that disposal of all solid and hazardous waste shall be in accordance with local, state and federal waste disposal regulations.
- v. Provide an expected timeline for decommissioning within the one-hundred day (180) period set forth below.
- vi. Provide a cost estimate detailing the projected cost of executing the Decommissioning Plan.

5. Abandonment and Removal.

- (a) A Large Scale Solar Energy System is considered abandoned after one (1) year of not performing all normal functions associated with electrical energy generation on a continuous basis.
- (b) Upon cessation of activity of a fully constructed Large Scale Solar Energy System for a period of one (1) year, the Town may notify the owner and/or operator of the facility to implement the Decommissioning Plan. Within one-hundred and eighty (180) days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity, or implement the Decommissioning Plan.
- (c) In the event that construction of the Large Scale Solar Energy System has been started but is not completed and functioning within eighteen (18) months of the issuance of the final Site Plan, the Town may notify the operator and/or the owner to complete construction and installation of the facility within one-hundred and eighty (180) days. If the owner and/or operator fail to perform, the Town may require the owner and/or operator to implement the Decommissioning Plan. The decommissioning plan must be

completed within one-hundred and eighty (180) days of notification by the Town to implement the Decommissioning Plan.

- (d) Applications for extensions of the time periods set forth in this subsection of no greater than one-hundred and eighty (180) days shall be reviewed by the Town Board.
- (e) Upon recommendation of the Building Inspector/Code Enforcement Officer, the Town Board may waive or defer the requirement that a Large Scale Solar Energy System be removed if it determines that retention of such facility is in the best interest of the Town.
- (f) If the owner and/or operator fails to fully implement the Decommissioning Plan within the prescribed time period and restore the site as required, the Town may use the financial surety posted by the owner and/or operator to decommission the site, or it may proceed with decommissioning at its own expense and recover all expenses incurred for such activities from the defaulted owner and/or operator. Any costs incurred by the Town shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

7.6 SPECIAL USE PERMIT REQUIREMENTS

1. In addition to the other special use permit requirements of this Code, the following shall be provided to the Town
 - a) Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
 - b) Name, address, and contact information of the applicant, property owner(s), and agent submitting the project. In the event ownership of the facility changes hands, or if the lease is terminated, notification shall be sent to the Town within thirty days of the transfer or termination date. The notice shall include the name and contact information of the new owner(s). The new owner shall then be bound by the terms of the original agreement.
 - c) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

- d) Site Plan: Site plan approval is required.
- e) Blueprints signed by a New York State registered Professional Engineer or Registered Architect of the solar installation showing the layout of the system.
- f) Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc. Any such plan shall propose that the property maintain a neat and orderly appearance consistent with surrounding properties. The property shall at all times be maintained in a manner consistent with all properties within the Town of Waddington. If the array will be sited on farmland located in an Agricultural District, a completed Agricultural Data statement must be completed.
- g) The Town of Waddington has established that there shall be a Community Benefit to maximize the benefits of a solar project to the Town of Waddington and its residents. The benefit shall be determined, through an agreement negotiated between the Town and the developer/owner.

Section #8- Definitions

8.1 GENERAL. For the purpose of this Local Law, certain terms or words used herein shall be interpreted as follows:

1. Words used in the present tense shall include the future.
2. The singular number includes the plural and the plural the singular.
3. The word "lot" includes the word "plot" or "parcel".
4. The word "person" includes a corporation, partnership, association or organization as well as an individual.
5. The word "building" includes the word "structure".
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built", "arranged" or "designed" to be used or occupied".
7. The word "shall" is mandatory.

8.2 DEFINITIONS

ACCESSORY BUILDING OR STRUCTURE: A building or structure which is used for a purpose clearly incidental or subordinate to, and customarily in connection with the principal building, structure, or use on the same lot.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ADDITION: An extension or increase in floor area, number or stories or height of a building or structure, an increase in conditioned space or the extension of a building system or subsystem.

AGRICULTURAL: The raising or production of crops, farm animals and livestock which may include the use or sale of their derived products for commercial purposes.

ALLEY: A narrow street of passageway which affords public means of vehicular access to abutting property.

ALTERATION: A change or rearrangement in the structural parts, or in the entrance and exit facilities. Any construction or renovation to an existing building or structure other than repair or addition. A change to a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation.

AUTO WASH: A structure designed or intended primarily for the washing of automobiles, including conveyor, drive-through and self-service types.

BANKING: An industry that handles cash, credit, and other financial transactions.

BASEMENT: That portion of a building that is partly or completely below grade.

BATH-HOUSE: A building containing showers and changing or dressing rooms for bathers.

BED AND BREAKFAST: An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers and containing not more than five bedrooms for such lodgers.

BOARDING HOUSE – a single, detached residential structure used for dwelling purposes by at least five (5) but not more than ten (10) persons unrelated by blood or marriage as in a rooming house except meals are provided therein through common kitchen and dining facilities. A boarding house shall not be deemed to include a group home and may not be operated as a home occupation.

BOATHOUSE: A building located on open water especially designed for the storage of boats, normally smaller craft for sports or leisure use.

BOWLING ALLEY: A facility where the sport of bowling is played.

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

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

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

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

BUILDING, FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, HEIGHT OF: The vertical distance measured from the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: A line parallel with the front, side or rear property lines, respectively, beyond which a structure may not extend as determined by these regulations.

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

BUSINESS – business includes the purchase or sale or any other transactions involving the handling, servicing, or disposition of any article, substance, service or commodity, except as a customary part of an agricultural use or a home occupation, together with offices, recreational and amusement enterprises, accessory storage and display facilities when conducted for a profit.

CAMP: Any one or more of the following: A tent, trailer, shelter, or other accommodation for seasonal or other more or less temporary living accommodations, regardless of whether such structure or accommodation is actually used seasonally or otherwise; OR
A parcel of land on which is located two or more shelters, recreational vehicles, tents or other accommodation for seasonal or other more or less temporary living arrangements; OR
A parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as “day camp” purposes; OR
A parcel of land, including buildings and facilities thereon, used for overnight, weekend or longer periods of camping by organized groups.

CAMPGROUND: A lot used for the parking and use on individual camping sites by travel trailers, tent-trailers, tents or similar transportable accommodations, together with all yards, sanitary facilities, roadways, open space and other requirements as defined by this Local Law. A campground shall not include use by mobile homes or other residential appurtenances on a permanent year-round basis, except where required for operation, maintenance or security of the campground.

CHARITABLE INSTITUTION: An organization or business that falls under the category of NPO or non-profit organization. It can be run privately or publicly. This type of organization is often called a foundation or charity. It can be based on educational, religious, or public interest activities.

CHURCH: See place of worship

CLINIC: A building, often part of a hospital, to which people can go for medical care or advice relating to a particular condition.

CLUB, MEMBERSHIP -- an organization catering exclusively to members and their guests, or premises, and buildings for recreational, educational, cultural or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending,

merchandising or commercial activities or uses except as required generally for the membership and purposes of the club.

COMMERCIAL USE – any business activity conducted on or involving a property or properties except the sale or lease of such property or properties.

DEALERSHIP: An establishment authorized to buy and sell motor vehicles including ATV's, boats, RV's, cars, trucks, and farm equipment.

DECK: An exterior floor system supported on at least two opposing sides by an adjoining structure and /or post, piers, or other independent supports.

DEVELOPMENT CODE: Means the Town of Waddington Development Code

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DWELLING, ONE-FAMILY: A detached building designed for year-round occupancy by one family only, including a sectional dwelling or a modular home located on a permanent continuous masonry foundation, other than a recreational vehicle, camp or any temporary structure.

DWELLING, TWO-FAMILY: A detached building, designed for year-round occupancy by two families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, camps and rooming houses.

DWELLING, CONDOMINIUM: Any apartment, town house or other residential building portion thereof, involving a combination of two kinds of ownership of real property:
Fee simple ownership of the individual dwelling unit; and
Undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management thereof controlled by a property owners' association.

DWELLING, TOWN HOUSE: Three or more attached dwelling units designed for year-round occupancy and containing separate dwelling units for occupancy by one family per unit.

DWELLING, GUEST HOUSE: An accessory dwelling unit build on the same lot with the principal dwelling.

DWELLING UNIT: A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

EXCEPTIONAL USE – a particular type of special use which warrants flexible location requirements and specialized performance standards due to the potential impact of their beneficial or detrimental characteristics on the community. Such special uses might otherwise be excluded from or inappropriately restricted within the Town due to location based upon natural resource considerations alone.

FAMILY: One or more persons occupying the premises, living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or commune.

FARM: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a ‘commercial horse boarding operation’ as defined in AML §301, subd. 13. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FENCE : A structure serving as an enclosure, a barrier or a boundary. Usually made of posts or stakes joined by boards wire or rails.

GARAGE, PRIVATE: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.

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

GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term Gasoline Station shall be deemed to include filling station and service station.

HEDGE ROW: A row of closely planted shrubs or trees forming a boundary.

HEDGE: A row of closely planted shrubs or trees forming a fence or barrier.

HIGHWAY LEGAL – Roads under government control and management, the legal width of which are on record at St. Lawrence County.

HOLDING AREA: A farm where cattle or other livestock are held and bulk fed commercially in a restricted area as distinguished from a pasture and other parts of an operating farm.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or its accessory buildings and operated only by a resident of the premises and in which no non-residents are employed or engaged, which use is clearly incidental to the use of the dwelling as a place of residence; and further provided that no article is sold or offered for sale except such as may be produced by a resident of the premises.

In particular, a home occupation includes, but is not limited to, the following:
Professional office of a physician, dentist, lawyer, engineer, architect, and other similar professions
Art or photographic studio
Dressmaker or seamstress
Barber or beauty shop.

However, a home occupation shall not be interpreted to include a commercial stable or kennel, animal hospital, restaurant, tourist or boarding house, convalescent home, funeral home, nor stores, trades or businesses of the kind herein excepted.

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

HOSPITAL, ANIMAL: A building or structure for the diagnosis and medical or surgical care of sick or injured animals.

HOTEL OR MOTEL: A building or group of buildings where transient guests are lodged for hire.

INDOOR MOVIE THEATER: A place where people go to see movies or performances.

INDUSTRIAL USE-- any activity involving the manufacture, production, fabrication or assembly of commodities, components, or products involving the addition of value through labor and/or capital and including storage and warehousing but excluding fabrication and warehouse as an accessory use to a commercial use and further excluding agricultural uses and home occupations.

INSTITUTIONAL- a use which is operated as a private, non-profit facility for health, safety, education, or religions, charitable or cultural activities and is generally open to the public.

JUNK YARD: A lot, land, or structure, or part thereof, used for the collecting storage and/or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling,

storage and salvaging of machinery or vehicles, and for the sale of the parts thereof. It shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or second-hand vehicles, no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts there from; or reclaiming for use of some or all of the materials therein, whether metal, glass, fabric or otherwise; or disposing of the same; or for any other purpose. Such term shall include any place of storage or deposit of any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk, two or more such vehicles.

KENNEL: A commercial establishment for the keeping, breeding, boarding or training of four or more mature dogs, cats or other domestic animals, excluding common farm animals (horses, cows, pigs, goats, sheep, etc.).

LAUNDERETTE: A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential resort hotel or club.

LEGAL AGENT – the representative of the property owner having authorization by contract, lease agreement or other legal document (s) to represent such owner in applying for Building permits or approvals from the Town.

LIBRARY: A place where there is a collection of books and various other resources that are made accessible for reading and reference purposes.

LIVING SPACE: Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

LODGE: A building where people stay overnight for the purpose of hunting, fishing, or recreational purposes.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as required by this Local Law, and having its principal frontage on a public street or an officially approved place.

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

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

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

LOT, LINES: The property lines bounding the lot.

Lot Line, Front- The lot line separating the lot from the street right-of-way.

Lot Line, Rear- The lot line opposite and most distant from the front lot line.

Lot Line Side- Any lot line other than a front or rear lot line.

LOT OF RECORD: a lot which is part of a subdivision recorded in the Office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, THROUGH: A lot having frontage on two approximately parallel or converging streets other than a corner lot.

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

MANUFACTURED HOME: A factory-manufactured dwelling unit built on or after June 15, 1976 and conforming to the requirements of the Department of Housing and Urban Development (HUD). Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192mm) or more in length, or when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein. 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.

MANUFACTURED HOME CLASS A: A manufactured home nineteen feet or more in width.

MANUFACTURED HOME CLASS B: A manufactured home less than nineteen feet in width.

MARINA: A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

MOBILE HOME: A factory manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard,

transportable in one or more sections, which in the traveling mode, is 8 feet (2438mm) or more in width or 40 feet (12192mm) or more in length, or when erected on site, is 320 square feet (29.7m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term “mobile home” shall not include travel trailers of any self-propelled recreational vehicle.

MODULAR HOME: A factory-manufactured dwelling unit, conforming to applicable provisions of this code and bearing insignia of approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation.

MOBILE HOME COURT: A parcel of land, which has been planned and improved for the placement of two or more mobile homes or class B Manufactured homes for dwelling purposes. The term shall include Mobile Home Park or other area planned and/or improved for two or more mobile homes or class B manufactured homes.

NEIGHBORHOOD GROCERY OR CONVENIENCE STORE: A retail commercial establishment that supplies groceries and other daily household necessities to the immediate surrounding area.

NON-CONFORMING LOT: Any zone lot in single ownership, which does not conform with the minimum area and/or dimensions required in the district in which it is situated or for any special use as the case may be and where the owner of said lot does not own any adjoining property, the subdivision of which could create one (1) or more conforming lots.

NON-CONFORMING USE: Use of a building or of land that does not comply with the regulations for the district in which it is situated and where such use existed and/or was used legally at the time of adoption of these regulations.

NURSING HOME: A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

NURSERY SCHOOL: Facilities for the daytime care or instruction of two or more children from two to five years old inclusive, and operated on a regular basis, for pay.

OFFICE: A room or other area where an organization’s employees perform administrative work or provide a professional service to clients, such as CPA’s, mental health counselors, architect/engineer, etc.

OFFICIAL SUBMISSION DATE: Means the date on which an application for site plan approval, complete and accompanied by site plans, fees, and any other required information, has been filed with the Planning Board.

OUTDOOR MOVIE THEATER: A drive in theater or cinema is a form of cinema structure consisting of a large outdoor movie screen, a projection booth, a concession stand, and a large parking area for automobiles. Customers can view movies from the privacy and comfort of their cars.

PARK: A park is a public area of land with grass and trees, usually in a town, where people go in order to relax and enjoy themselves.

PARKING SPACE: A space designated for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

PERSONAL SERVICE SHOP: A business where professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles or things is only accessory to the provision of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, Laundromats, shoe repair shops, etc.

PLACE OF WORSHIP: A specially designed structure or consecrated space where individuals or group of people such as a congregation come to perform acts of devotion, veneration, or religious study. Temples, churches, synagogues and mosques are examples of structures created for worship.

PLANNED DEVELOPMENT DISTRICT: A tract of land in single ownership, or controlled by an individual, partnership, cooperative or corporation designed for and capable of being used for one or more residential, commercial, industrial or recreational uses which have certain facilities in common and which have been designed as an integrated unit.

PLANNING BOARD – The Town of Waddington Planning Board.

PREAPPLICATION CONFERENCE: Means an informal conference between a prospective applicant and the Planning Board to discuss a proposed development or use in relation to Site Plan Review Rules and Procedures.

PREMISES: A lot, plot or parcel of land, including any structure thereon.

PRIVATE CLUB OR LODGE: Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

PUBLIC USE: any activity conducted by a federal, state, or local government in the Town for the public benefit or use.

RECREATIONAL VEHICLE: A mobile recreational unit including travel trailer, pickup, camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.

REPAIR: The restoration to good or sound condition of any part of an existing building or structure for the purpose of its maintenance.

RESTAURANT: A building where food and beverages are offered for sale to the public for consumption at tables or counter either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.

RETAIL: The business of selling products directly to customers for their own use.

RIDING STABLE: A farm where land and buildings are used to house horses and for their exercise and training, which may include a school, boarding stables, tack shop or other related uses.

ROADSIDE STAND: A semi-permanent structure, stand or location for the sale of any product or material on a temporary, part-time or seasonal basis.

ROOMING HOUSE – a single, detached residential structure used for dwelling purposes by at least five (5) but not more than ten (10) persons unrelated by blood or marriage. A rooming house shall not be deemed to include a group home and may not be operated as a home occupation.

SCHOOL: An educational institution designed to provide learning spaces and learning environments for the teaching of students or “pupils” under the direction of teachers.

SETBACK: The shortest distance from the highway right-of-way or a property line to part of a building or structure measured at right angles to such a right-of-way or property line, not including cornices, at or below grade structures; but including vestibules, decks (attached or unattached) and porches. When the highway right-of-way fronts a lot on an angle or curve, the “setback” line is a continuation of the “setback” line of the adjoining lots extended to conform to the angle of such right-of-way.

SIGN: Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. (These regulations shall not apply to any flag insignia of a

government or government agency, school or religious group, or any official traffic control device.) Each display surface shall be considered to be a “sign”.

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed and only incidentally on the premises, if at all. A commercial billboard shall be construed to be an advertising sign.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A “For Sale” or “To Let” sign relating to the lot on which it is displayed shall be deemed to be a business sign.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of these regulations, any revolving illuminated sign shall be considered a “flashing sign”.

SIMPLE SITE PLAN: Means a site plan containing limited information as set forth under Article 3, Section 330, herein. A Simple Site Plan is appropriate for preapplication conferences and review of proposed developments or uses which do not involve significant physical changes to an existing property in terms of grading, drainage patterns, means of water supply and sanitary waste disposal, or other improvements which warrant detailed design and construction specifications.

SPECIAL USE—a use that would not be appropriate generally or without restriction through a Development Suitability Area but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such Development Suitability Areas as special uses, if specific provision for such is made in this local law.

STANDARD SITE PLAN: Means a site plan containing substantial information as set forth under Article 3, Section 330, of these Rules and Procedures, excepting any required information waived by the Planning Board. The standard site plan is appropriate for new or significantly expanded development where an existing site will be substantially affected.

STORAGE YARD: An outdoor area where vehicles, equipment, merchandise, raw materials, or other items are accumulated and stored for an indefinite period until needed. Storage yards

are often used in conjunction with a warehouse, storage buildings, sheds, or other structures and may be public or private.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STORY ABOVE GRADE: Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is;

1-More than 6 feet (1829mm) above grade plane.

2-More than 6 feet (1829mm) above the finished ground level for more than 50 percent of the total building perimeter.

3-More than 12 feet (3658mm) above the finished ground level at any point.

STORY, HALF: That portion of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

STREET: A public or private way, which affords the principal means of access to abutting property.

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

STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

TAVERN: A building or part thereof where, in consideration of payment therefor, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

THEATRE, OUTDOOR: An open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis.

TIMBER HARVESTING: Commercial forestry focused primarily on economic gain. Trees in a forested area are cleared down to small diameter such as 6 inches.

TOURIST HOME—a dwelling in which overnight accommodations are provided for transient guests for compensation as a customary home occupation limited to no more than four (4) such transient guests at any time.

TOWN BOARD- the Town Board of the Town of Waddington.

TOWNHOUSE: A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

TRUCK TERMINAL: The use of land, buildings or structure for the purpose of maintenance, servicing, storage or repair of commercial vehicles, but does not include automobile service stations or transportation sales or rental outlets.

VARIANCE: An authorized departure by the Board of Appeals from the terms of this Local Law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

VIDEO ARCADE: An amusement arcade is a venue where people play arcade games such as video games.

WAREHOUSE: A building where raw materials or manufactured goods are stored.

WHOLESALE BUSINESS: A business who wholesales or distributes the sale of goods or merchandise to retailers; industrial, commercial, institutional, or other professional business users.

YACHT CLUB: A building and lot used as the meeting place for an association of persons united by a common interest in boating, and shall include provisions for the land and water storage, servicing, fueling, berthing, securing and launching, and the sale of fuel and incidental supplies for use by members and guests.

YARD, FRONT: Required open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way. Covered porches or decks, attached or unattached, whether enclosed or unenclosed shall be considered as part of the main building and shall not project into the required front yard.

YARD, REAR: An open space extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof. Covered porches or decks, attached or unattached whether enclosed or unenclosed shall be considered as part of the main building and shall not

project into the required rear yard. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: An open space from the front yard to the rear yard between the principal building and the nearest side lot line unobstructed from the ground upward. Covered porches or decks, attached or unattached whether enclosed or unenclosed shall be considered as part of the principal building and shall not project into the required side yard.

