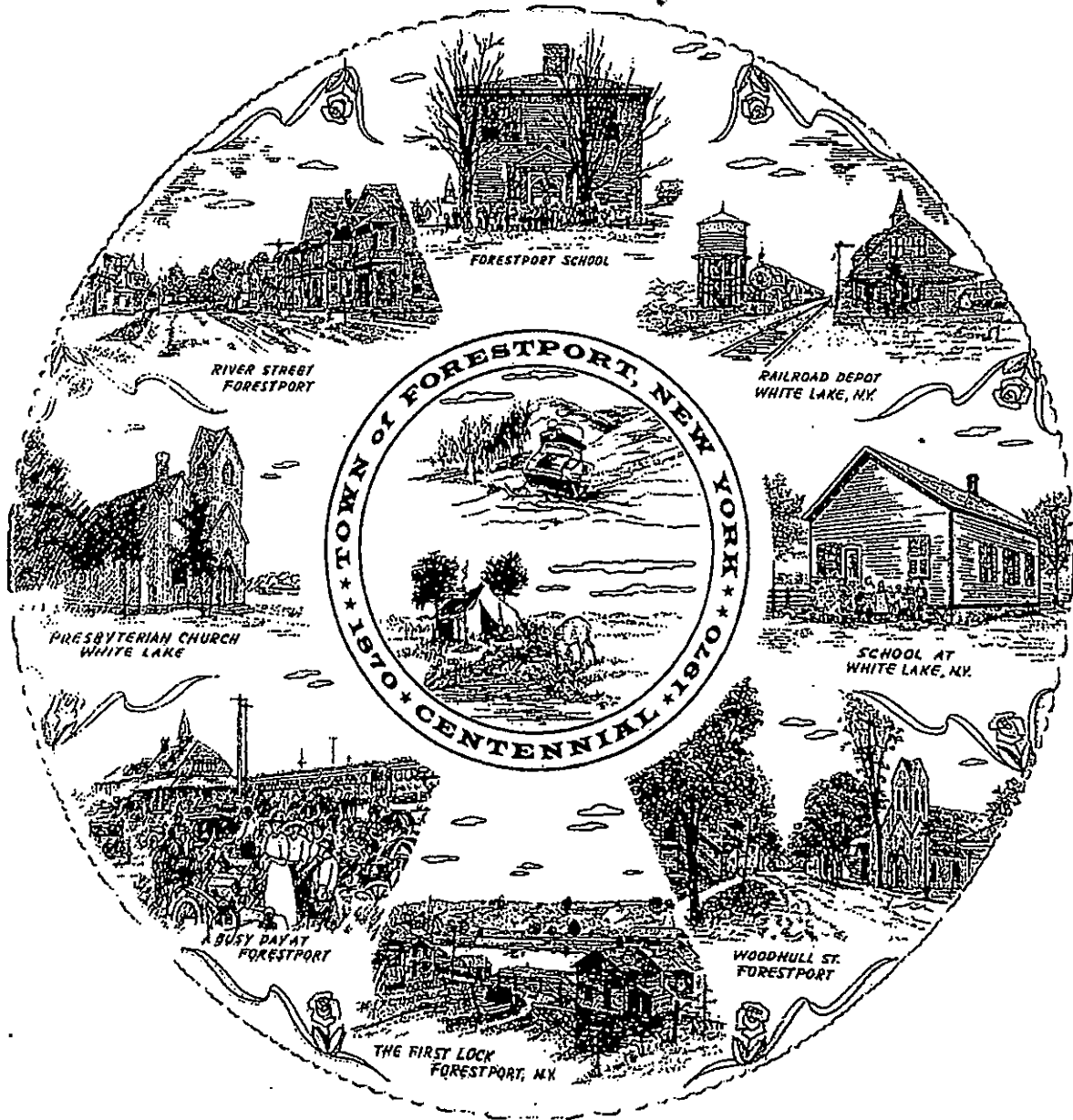


# Town of Forestport

## Site Review Law

1986 EST.





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## TOWN OF FORESTPORT SITE REVIEW LAW

### ARTICLE 1 – TITLE

The official title of this law shall be known and may be cited as the Town of Forestport Site Review Law.

### ARTICLE 2 – PURPOSE

The purpose of this local law is to:

1. Provides for the controlled growth of residential, commercial and industrial uses of land consistent with the economic and social needs of the community, and provide for the continuation of existing land use.
2. Protect the unique character of the community's natural resources.
3. Promote the health, safety and general welfare of the Town.
4. Be aware of and consistent with the goals and policies common to adjacent communities.

### ARTICLE 3 – SCOPE

This law shall apply to any and all development in the Town of Forestport.

### ARTICLE 4 – DEFINITIONS

The words and terms used in this law shall be defined as in Appendix "A", which is hereby made a part of this law. Any term used in this local law which is not defined herein shall carry its customary meaning unless the context otherwise dictates.



## ARTICLE 5 – USE REGULATIONS

### Section 5.1 – Permitted Uses

Permits for the following uses, located outside of the Special Flood Hazard Areas established and designated by the Federal Emergency Management Agency (FEMA), shall be issued by the Codes Official when the applicant has satisfactorily met the requirements of this local law:

1. Single family and two-family residences
2. Individual mobile homes and seasonal camps
3. Agricultural structures
4. Secondary and Accessory structures
5. Signage

### Section 5.2 – Uses Requiring Site Plan Review

- A. Authority: Pursuant to the authority delegated in accordance with Section 274-a of the Town Law of the State of New York, the Town Board hereby authorizes the Town Planning Board to review and approve site plans.
- B. Applicability: Before starting development of structures or uses included in the following list, an applicant shall submit a site plan together with any supporting data for review and approval in accordance with the standards and procedures set forth in this local law and any applicable administrative regulations. No permit shall be issued by the Codes Official, except upon authorization by and in conformity with an approved site plan after review and approval by the Town Planning Board.



C. Activities Requiring Site Plan Approval: All land use activities included on the following list shall require a public hearing and site plan approval by the Town Planning Board:

1. Any use involving the alteration of three (3) or more acres of land excluding customary agricultural uses such as pasturing and crop raising.
2. Mobile Home Parks
3. Recreational Vehicle Parks
4. Campgrounds
5. All commercial/non-residential uses
6. Conversion of any building into a three or more family dwelling
7. Any Type 1 action as defined under Article 8 of the Environmental Conservation Law, "State Environmental Quality Review Act", Part 617 of Title 6.
8. Any development within a designated floodplain or wetland.
9. Any subdivision as defined by this local law
10. Home Occupations
11. Professional Residence Offices
12. Sign(s)
13. Motels/Hotels/Rental Units/Tourist Accommodations
14. Change or expansion of Commercial Use
15. Solid Waste Management Facility
16. Junkyards

D. General Procedures for Planning Board Review and Approval: All applications for site plan approval shall be filed with the Town, Planning Board on a form provided by the Town. The Planning Board will schedule a public hearing on the application to be held within sixty-two (62) days from the date it is filed. Public notice of all such



hearings shall be published in the official newspaper of the Town at least 5 days prior to the hearing date. A final decision shall be made within sixty-two (62) days of the hearing unless extended by mutual consent of the applicant and the Planning Board. All decisions shall be filed in the office of the Planning Board Clerk and a copy mailed to the applicant. Appeals from any determination of the Planning Board under this section shall be made within 30 days and in accordance with the provisions of ARTICLE 78 OF THE CIVIL PRACTICE LAW AND RULES OF THE STATE OF NEW YORK.

1. Application Requirements: Application form and fee as established by the Town. Applications shall include the following, unless specifically waived by the Planning Board:
  - a. Construction of new structures or expansion of existing structures will require (3) three signed and sealed surveys prepared by a registered land surveyor, acceptable to the Planning Board, and shall include the following information:
    - 1) North arrow, scale and date;
    - 2) Dimensions and bearings of all property lines;
    - 3) Land elevations, including the centerline elevation(s) of all private or public road(s) adjacent to the property;
    - 4) Existing features on the lot including the delineation of all buildings or accessory structures on-site with dimensions to property lines; land, water, wetlands and forested areas; and, potable water and wastewater systems on or adjacent to the lot;



.



- 5) The location of all public or franchised utilities on or adjacent to the site including water and wastewater facilities, electric, gas and solar energy, if any;
  - 6) Identification of all easements and/or rights-of-way on or adjacent to the lot and/or;
- b. Three copies of a site plan, drawn to scale, to include where applicable:
- 1) Location map showing boundaries and dimensions of the parcel or tract involved, identification of contiguous properties, and any easements or rights-of-way.
  - 2) Existing features of the site including existing land and water areas, existing buildings and water or wastewater systems on or immediately adjacent to the site.
  - 3) The proposed location and arrangement of buildings or installation on the site.
  - 4) Grading and drainage plan, showing existing and proposed contours and limits of clearing.
  - 5) Location and design of all parking and truck loading areas, showing ingress and egress.
  - 6) Sketch of any proposed building or structure, including exterior dimensions and elevations of front, side and rear view.
  - 7) Provisions for pedestrian access.
  - 7) Location of outdoor storage, dumpster facilities and proposed screening.
  - 8) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
  - 9) Location of fire and other emergency zones, including the location of any fire hydrants.



- 10) Location, size, design and construction details of all proposed signs.
- 11) Location and proposed development of all buffer areas, including existing vegetative cover, landscaping plan and planting schedule.
- 12) Location and design of outdoor lighting facilities.
- 13) Designation of the amount of building area proposed for retail sales or similar commercial activity.
- 14) Description of the methods of securing water, and wastewater treatment and the location, design and construction materials of such facilities.
- 15) For sites disturbing more than one ( 1 ) acre of land, an erosion and sediment control plan meeting the current requirements of the NYS DEC.
- 16) Location and design of all energy distribution facilities, including electrical, gas and solar energy, if any.
- 17) Traffic impact analysis.

c. Accompanying data, to include the following:

- 1) Name and address of applicant and any professional advisors.
- 2) Authorization of owner if applicant is not the owner of the property in question.
- 3) Results of any required on-site investigation including deep hole test pit(s) and percolation test(s), where applicable.
- 4) For all new or substantially improved structures within the flood hazard area, the elevation in relation to sea level of the lowest habitable floor (including basement), and the elevation to which



the structure is flood proofed if it has been or will be flood proofed.

5) General landscaping plan.

6) Estimated project construction schedule.

7) Completed Environmental Assessment Form (EAF) in compliance with the State Environmental Quality Review Act (SEQR).

- d. Any additional information as the Planning Board may reasonably require to assess the proposed project, consistent with the intent and purpose as stated in these pages and sections of the law, including identification of any state or county permits required for the project's execution.

Any and all costs incurred by the Town for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be paid by the applicant.

## ARTICLE 6 – GEOMETRIC REGULATIONS

### Section 6.1 – Lot Development

All lots and structures shall be developed in accordance with the standards set forth herein. Unless specifically authorized by the Planning Board under the provisions of this local law pertaining to site plan approval, no individual lot will be improved with more than one principal structure together with such accessory and secondary structures as are necessary and incidental to the use and enjoyment of such property. No part of any yard or other open space required for the purpose of complying with the provisions of this local law shall be included as part of a yard or open space



required for any other structure. If these standards cannot be met, an area variance must be obtained from the Town Board.

### Section 6.2 – Minimum Lot Area

The minimum lot area for all uses within the town shall be as follows:

1. For uses with public water and sewer – 15,000 sq. ft.
2. For uses with either public water or public sewer – 20,000 sq. ft.
3. For uses with neither public water or public sewer – 1 acre.

### Section 6.3 – Frontage Requirements

1. For lots served by either or both public water or public sewers, minimum frontage shall be 100 feet.
2. For lots with neither public water or sewer, minimum frontage shall be 200 feet.

### Section 6.4 – Setback Requirements

In order to provide for fire and traffic safety, all principal, accessory and secondary buildings/structures shall be set back the following distances:

1. The front setback shall be 50 feet from the centerline of any current traveled roadway, public or private, per survey, which abuts or bisects the property.
2. from side lot lines – 10 feet
3. from rear lot lines – 10 feet



4. All components of a new wastewater treatment system for any subdivided lot approved by the Planning Board after the enactment of the 1986 Town of Forestport Site Review Law, shall be located a minimum of 50 feet from all lot lines. The Enforcement Officer may reduce the separation distance. If the design professional demonstrates the proposed location will not adversely affect development on the adjoining lot(s) and the design complies with all separation distance requirements of Appendix 75A of the New York State Health Code. This demonstration must include appropriate notification, by certified mail, to all adjacent property owners. The wastewater treatment system for any lot established prior to the enactment of the 1986 Town of Forestport Site Review Law shall meet the Appendix 75A minimum separation distance requirement of 10 feet to all property lines.

#### Section 6.5 – Driveway Standards

The purpose of this section is to establish uniform standards for the construction, number and location of driveways in the Town of Forestport in order to provide for the safety and convenience of the Town's citizens and visitors.

- a. The maximum number of driveways onto any public or private lands shall be two.
- b. Driveways in rights-of-way shall be constructed of asphalt, crushed rock or other hard surface material and shall be compacted to ensure safe and convenient access to the property served.
- c. Driveways shall be constructed and maintained so as to provide for access by emergency and service vehicles.
- d. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles.
- e. Driveways shall be combined wherever possible to minimize the number of access points onto a right-of-way.



f. Driveway Width

|               |         |         |
|---------------|---------|---------|
| Single-family | 10 feet |         |
|               | One-way | Two-way |
| Multi-family  | 11 feet | 22 feet |
| Commercial    | 11 feet | 22 feet |

Driveways of a greater dimension may be approved by the Planning Board.

- g. Driveways shall not be constructed closer than 10 feet to any side property line.
- h. Driveways shall be constructed to intersect with a right-of-way as close as possible to 90 degrees but in no instance shall a driveway intersect with a right-of-way at less than 70 degrees.
- i. Driveways shall be located in a manner that affords the public the greatest amount of safety, particularly on curved roads, high volume roadways and proximity to rights-of-way intersections.
- j. Sight Distance Preservation  
A sight distance triangle shall be provided at the intersection of a driveway and a right-of-way. The Planning Board is hereby authorized to increase the dimensions of the sight triangle if posted highway speeds exceed 30 miles per hour.
- k. No parking, fence, wall, sign, or other structure or object, or bush, tree or other vegetation which would impede the view of a driver entering or exiting a driveway or intersecting road shall be allowed within the sight distance triangle.
- l. Fences, walls, signage and trees, bushes, shrubbery and other vegetation in the sight distance triangle shall be maintained by the property owner so as to preserve sight distance for drivers entering the road.
- m. In the instance where a lot of record spans a right-of-way, the property on each side of the right-of-way shall be treated separately for the purposes of these driveway standards.



- n. Approval of a driveway(s) pursuant to these standards shall be conditioned upon receiving any necessary curb-cut permits from any applicable jurisdictional authority.

#### Section 6.6 – Stream Setbacks

All buildings/structures shall be setback one hundred (100) feet from the bank of any creek or stream designated by the NYS Department of Environmental Conservation as being better than “D” quality. In the event that compliance with this requirement would result in a hardship, the Town Board, following a public hearing, may permit a variance of this setback requirement. Such variance shall be the minimum necessary to permit a reasonable utilization of the site. However, the Town Board shall not allow any variance of this requirement until such time as the applicant receives the necessary permits required by the NYS Department of Environmental Conservation.

### ARTICLE 7 – OFF STREET PARKING AND LOADING

#### Section 7.1 – New Land Use Activities

Uses established after the effective date of this local law shall provide off-street parking and loading in accordance with the following standards:

|                                                      |                                                 |
|------------------------------------------------------|-------------------------------------------------|
| Dwellings                                            | 2 spaces for each dwelling unit                 |
| Motel, Hotel, Rooming House<br>Tourist Accommodation | 1 space for each guest room                     |
| Retail store or bank                                 | 1 space for every 300 sq. ft. of<br>floor space |



|                                      |                                                                                                                                |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Club or restaurant                   | 1 space for every 100 sq. ft. of floor space                                                                                   |
| Office                               | 1 space for every 400 sq. ft. of floor space                                                                                   |
| Church or Temple                     | 1 space for every 3 seating spaces in main assembly room                                                                       |
| Theatre or other place of assembly   | 1 space for every 5 seating positions                                                                                          |
| Industrial/manufacturing use         | 1 space for each 3 employees on the working shift                                                                              |
| Wholesale, storage, freight terminal | 1 space for each employee on maximum working shift. Parking area shall not be less than 25 percent of the building floor area. |
| Home Occupation                      | 1 space for every 300 sq. ft. of floor space devoted to the home occupation                                                    |
| Funeral Home                         | 10 spaces for each reposing room                                                                                               |
| School Elementary                    | 2 spaces for each classroom                                                                                                    |
| School Secondary                     | 4 spaces for each classroom                                                                                                    |

## Section 7.2 – Existing Land Use Activities

Existing uses are subject to the following:

1. Existing spaces shall not be reduced below the minimum requirements of this Article.
2. Change in existing uses shall require more or fewer spaces as follows:
  - a. if the use requires more spaces than the original, spaces equal to the difference shall be provided.



- b. if such change results in a reduction, existing spaces may not be reduced below the number required for the new one.
  - c. In order to promote the redevelopment of the Forestport, Forestport Station, Woodgate, White Lake and Otter Lake hamlets, existing buildings may be redeveloped and occupied by new uses, regardless of the requirement for additional parking, provided the applicant demonstrates to the satisfaction of the Planning Board that sufficient, safe and convenient parking will be provided to serve the new use.
3. Existing uses which do not comply with the provisions of this Article shall not be considered nonconforming because of such noncompliance.

#### Section 7.3 – Location

Parking spaces accessory to a principal use shall be located on the same lot as the principal use, except as provided for by Section 7.5.

#### Section 7.4 – Parking Space Setbacks

No parking spaces shall be located within ten (10) feet of any side or rear lot line.

#### Section 7.5 – Joint Use of Parking Facilities (Commercial Use)

Parking spaces for use may be jointly utilized by any other use provided that:

1. There will exist no substantial conflict in principal hours or periods of peak demand of the uses for which the joint space is provided.
2. A parking covenant is executed.



### Section 7.6 – Off-Street Loading Facilities

On-premises loading spaces shall be provided in accordance with the provisions set forth in this Section:

1. Off-street loading facilities shall be provided for each commercial or industrial establishment with a minimum of 5000 sq. ft.
2. Each loading berth shall be at least 10 feet by 50 feet in size and have a minimum clear height providing access to the street of 14 feet.
3. Off-street loading facilities shall otherwise be subject to the provisions applicable to parking spaces.

## ARTICLE 8 – NONCONFORMING STRUCTURES

### Section 8.1 – General Restrictions

Existing structures which would not comply with the provisions of this local law may continue to be used, altered, repaired, and maintained, except where the following change occurs.

1. Enlargement or expansion of any structure which results in additional floor space, lot area, cubic feet, or the use of additional air space or sub-surface space. Single family home structures may be added to or altered in floor space, cubic feet or additional air space provided that such expansion does not increase the extent to which the structure is non-conforming.

### Section 8.2 – Lots of Less Than Required Dimensions (Lots of Record)



The Codes Official may issue a building permit for any lot with an area and/or road frontage less than that required by Sections 6.2 and 6.3 of this Local Law, provided that the lot complies with Section 6.4 of this Local Law and Section 75A of the New York State Public Health Law and further provided that said lot was held under separate ownership at the time of the adoption of this Local Law, and the owner thereof owned no adjoining land which could be combined with said lot to meet the dimensional requirements.

## ARTICLE 9 – SUPPLEMENTARY REGULATIONS

### Section 9.1 – Signs

The following regulations shall apply to all signs:

- a. No sign or sign structure shall be erected, altered, displayed, or changed until a permit has been approved by the planning board, then issued by the Enforcement Officer.
- b. All signs must preserve and enhance the town as an esthetically attractive environment that promotes residential and business activities.
- c. Exemptions.

The following types of signs shall be exempt from the requirement of obtaining a permit subject to the terms and conditions contained herein:

1. Patriotic Flags. The flying of national, state and armed forces flags, provided that such flags shall not be used in such a way as to attract the attention of the public for commercial purposes.
2. Temporary political signs-put up no sooner than 60 days and must be removed 14 days after election.
3. Special event and temporary seasonal/holiday signs, provided that their removal shall take place within 7 days after the holiday/event. Maximum duration being 30 days.
4. Real estate signs.



5. Non-illuminated numerical address signs
6. Two banner sign announcing that a business is open.
7. Home Occupation sign limited to a maximum of two (2) square feet in area per sign face.
8. Town associations, Not for Profit ( fire, fish & game, churches, snowmobile clubs etc.) historical monuments.

d. Prohibited Signs.

1. Off-premises signs are hereby determined to be non-conforming and are subject to Section 9.e.2, below.
2. Snipe signs.
3. Banner signs except as provided above.
4. Pennants.
5. Any sign that does not comply with the provisions of these regulations.

e. Signs Permitted and Regulated

Commercial and industrial use signs

1. Each commercial and/or industrial use site shall be permitted a freestanding, wall sign and off premise sign, provided however, the total area of square feet of all permitted signs shall not exceed ninety-six (96) square feet:

Freestanding signs:

- a. Freestanding signs are not to exceed two (2) sides and are not to exceed thirty two (32) square feet per sign face;
- b. Wording shall be limited to the identified establishment, its principal purpose or service;
- c. No sign may project into the right-of-way or violate the sight triangle.
- d. Signs that have flashing or moving parts shall be approved by the Planning Board.

Wall signs:

- a. Wording shall be limited to the identified establishment, its principal purpose or service;



- b. Signs that have flashing or moving parts shall be approved by the Planning Board.

Off Premise signs:

- a. Off-premises signs are hereby determined to be non-conforming and are subject to Section 9.1.d,
- b. Wording shall be limited to the identified establishment, its principal purpose or service.
- c. No sign may project into the right -of -way or violate the sight triangle.
- d. Signs that have flashing or moving parts shall be approved by the Planning Board.
- e. Size of sign should be regulated as in 9.1 d and shall not exceed the 96 sq. ft. of all off premise signs.
- f. Signs should be placed within 10 miles of the establishment to which they relate and spaced no closer than ½ mile or the closest intersection.
- g. The applicant may appeal to the Town Board in unique circumstances, for the authority to exceed the total area limitation

Temporary political signs.

- 1. Temporary political signs shall not exceed two (2) sides and are not to exceed 16 square feet per sign face, 32 square feet in total.



Directional signs.

1. No sign shall project into the public right-of-way;
2. Signs that have flashing lights or moving parts shall be approved by the Planning Board;
3. Directional signs shall not exceed two (2) sides and are not to exceed 16 square feet per sign face, 32 square feet in total.

f. Non Conforming Signs.

Signs or sign structures existing as of the date of adoption of these regulations may continue and shall be governed by the following regulations;

1. A sign existing within the Town on or before the effective date of these regulations which, because of its height, square foot area, location or other characteristic, does not conform to these regulations is hereby declared to be a nonconforming sign.
  - a. A nonconforming sign under this subsection must be removed within 90 days of the receipt of a citation by the Enforcement Official if the sign or its structure are no longer structurally sound or identify a use that no longer exists. Should a sign be replaced for any purpose, the new sign must meet the requirements of Section 9.1.
  - b. Non-conforming signs as provided in e.1 above that remain structurally sound and continue to identify an existing use are determined to be legal and non-conforming.
2. Prohibited signs as provided in subsection 9.c.1. above existing as of the date of adoption of these regulations may continue and shall be governed by the following regulations;



- a. A nonconforming sign under this subsection must be removed on or before the expiration of 2 years of the effective date of this regulation.
- b. Snipe signs, mobile signs and banner signs, except as provided in Section b.8 above, are hereby determined to be a public nuisance and are to be removed upon the adoption of this regulation.
- c. Non-conforming illegal signs must be removed and are subject to violations and penalties, see Section 10.4.

**All signs are permitted at the discretion of the Planning Board. A variance may be filed with the Town Board.**

#### Section 9.2 – Disposal of Solid Waste

##### **A. General Requirements:**

1. No site or facility for the management of solid waste shall be established or permitted hereafter that does not meet the design and operation requirements of 6 NYCRR Part 360, Solid Waste Management Facilities.
2. Prior to the establishment of any solid waste management facility, as defined herein, the owner/operator of such a use must obtain site plan approval from the Town Planning Board.
3. No solid waste management facility shall be sited within 1,000 feet of any existing residential structure, school, hospital, church or similar type of use.



### Section 9.3 – Establishment of a Junkyard

#### A. General Requirements:

1. Prior to the establishment of any junkyards, as defined herein, the owner/operator of such a use must obtain a site plan approval by the Town Planning Board.
2. All applications for permits to operate a junkyard shall be subject to the provisions of Section 136, General Municipal Law, Local Junkyard Licensing Procedures.

### Section 9.4 – Individual Mobile Homes and Mobile Home Parks

#### Mobile Homes:

- A. All mobile homes located or installed after the effective date of this regulation or its amendment shall comply with the State Code for Construction and Installation and Standards, Rules and Regulations for Mobile Homes, effective January 15, 1974 and as it may be amended and the age of the mobile home shall be no older than 10 years from the current date.
- B. A permit shall be required for any addition or alteration to the mobile home and such permit shall include a provision for removing any structural addition, unless a Certificate of Compliance is granted therefore, at such time as the mobile home is removed or relocated.
- C. An approved metal, wood or other suitable skirting or framing, properly ventilated and attached shall enclose that area from the bottom of the floor line of the mobile home to the ground. In addition, to provide safety from fire and wind



hazard, all mobile homes not placed upon a permanent closed foundation set below the frost line, shall be anchored. Anchors shall be of such design as to withstand 120 mile per hour winds.

Mobile Home Parks:

- A. All proposed mobile home parks shall be developed according to Section 5.2 Site Plan Review Procedure of this regulation.
- B. All existing mobile home parks of record shall comply with the provisions of this regulation whenever any addition, expansion or alteration of the use or operation is proposed. Existing parks shall comply in every regard with minimum standards for health, sanitation and cleanliness set forth in 10NYCRR Part 17.
- C. A mobile home park shall have a minimum lot size of five (5) acres.
- D. Within the mobile home court the minimum distance between individual mobile homes shall be forty (40) feet. This minimum distance shall be maintained with regard to any additions, and/or structures, and/or any projection from the main building, except for unenclosed steps, awnings and one storage building not to exceed ten (10) feet wide by ten (10) feet long by eight (8) feet high per mobile home which are exempt from this forty-foot (40) minimum requirement.
- E. Replacement of mobile homes in existing parks will only be permitted where existing clearance limits are maintained or not to exceed the forty (40) foot minimum requirement, whichever is less.



#### F. Sanitary Facilities:

1. Water and Sewer – All water supply and wastewater treatment systems will comply with those standards set forth, in Section 9.7 and the plans shall be approved by, the State Department of Health and/or Department of Environmental Conservation as applicable.
2. The following shall comply in every regard with those standards set forth in Section 9.7 of this Law.
  - a. Storm and Surface Drainage
  - b. Garbage and Refuse Disposal

#### G. Utility and Fuel Installations

1. All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulations of the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground.
2. Liquefied petroleum gas systems designed and installed in conformity with NFPA 58, Storage and Handling of Liquefied Petroleum Bases, are deemed to meet the requirements of this Ordinance.
3. Equipment for flammable liquids designed and installed in conformity with NFPA 30, Flammable and Combustible Liquids Code, is deemed to meet the requirements of this Ordinance.



## H. Roadways

1. All internal roadways within a mobile home park shall have a paved or stone surface maintained in a dust free manor, the minimum width of which shall be twenty-two (22) feet for two-way traffic and fifteen (15) feet for one-way traffic.
2. No mobile home shall be located within twenty (20) feet of any internal roadway or within fifty (50) feet from the boundaries of any public street or highway.

## I. Off-Street Parking

1. A minimum of two off-street parking spaces shall be provided for each mobile home lot in the mobile home park outside the required road and shoulder area.

## J. Recreation Area

1. An open space area of at least ten (10) percent of the total land area suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed mobile home park. No such open space area shall be placed in any designated floodplain or wetland.

## K. Improvements

1. Each mobile home owner-tenant shall be required to screen the area between the ground and the bottom of the mobile home with a suitable "skirt", properly ventilated, within ninety (90) days after location in



the mobile home park. Notification of such requirement shall be the responsibility of the mobile home park operator.

L. Records

1. Each mobile home within the mobile home park shall bear a readily identifiable number. The Park Owner/Agent shall provide to the Town Codes Office current contact information.
2. The park owner or his agent shall notify the Codes Official or Assessor in writing when a mobile home is moved from its location in the park.

M. Permits

1. No mobile home park shall be established in the Town until a Site Plan has been approved by the Town Planning Board.

Section 9.5 – Recreational Vehicles not in approved Recreational Vehicle Parks

- A. No recreational vehicle shall be occupied or used as a residence for more than a thirty (30) day period in any calendar year.
- B. The Owner of the lot or property shall not rent or lease the lot or property for the placement of a recreational vehicle to others.
- C. No recreational vehicle shall be occupied or used as a residence unless all wastewater, water and electrical connections are approved by the Codes Official by the issuance of a permit as required in this section. Portable



electrical generators are only allowed for emergency power, and shall not be used as the normal source of electrical power.

D. The placement of all recreational vehicles shall meet all required town yard setback requirements.

E. Permit fees shall be fixed by the Town Board.

#### Section 9.6 – Recreational Vehicle Parks/Campgrounds

A. Recreational Vehicle Parks or Campgrounds shall be subject to and developed according to the Site Plan Review procedures set forth in Section 5.2 of this regulation.

B. All existing recreational vehicle parks or campgrounds of record shall comply with the provisions of this regulation whenever any addition, expansion or alteration of the use or operation is proposed. In addition, existing recreational vehicle parks and campgrounds shall comply in every regard with minimum standards for health, sanitation and cleanliness, pursuant to 10NYCRR.

C. A recreational vehicle park or campground shall have a minimum lot size of five (5) acres.

D. Sanitary Facilities

1. Water and sewer – All water supply and wastewater treatment systems will comply with those standards set forth in Section 9.7 and the plans shall be approved by the County or State Health Department or NYSDEC, whichever is applicable.



2. The following shall comply in every regard with those standards set forth in Section 9.7.

- a. Storm and Surface Drainage
- b. Garbage and Refuse Disposal

#### E. Roadways and Parking

1. Access roads shall have a minimum of eighteen (18) feet wide for two-way traffic and twelve (12) feet for one-way traffic.

#### F. Improvements

1. An open space area of up to ten (10) percent of the total land area suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed recreational vehicle park or campground. No such open space area shall be placed in any designated floodplain or wetland.

#### G. Failure to Comply

1. Revocation – If the Codes Official, upon inspection finds that such Recreational Vehicle Park or campground is not being maintained in a clean and sanitary condition or that such recreational vehicle park or campground is not being conducted in accordance with the provisions of this regulation, it shall serve upon the person in charge of such recreational vehicle park or campground an order in writing directing that corrective action with regard to the conditions therein specified be started within five (5) days after the service of such order and



completed within thirty (30) days. If after the expiration of such period such conditions remain unchanged, or are not corrected, appropriate legal action will be taken.

#### Section 9.7 – Sanitation

A. General – The requirements and standards set forth in this Section are minimum criteria and wherever any applicable State or County standard shall make additional requirements or establish a higher or more restrictive standard, such additional or more restrictive standard shall govern.

#### B. Water Supply

1. Potable water from an approved source shall be available at all times in any residential building or dwelling unit and in every building in which plumbing fixtures are installed. Water supply systems shall be installed and maintained so as to provide a supply of water to plumbing fixtures and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily and in a manner that will preclude the possibility of contamination.
2. All new construction containing plumbing fixtures shall be connected to a public water supply system wherever possible and when such connection may be made lawfully thereto.

C. Wastewater Treatment shall be in accordance with Section 10NYCRR (Department of Health) Appendix 75A for individual systems and 6NYCRR (Department of



Environmental Conservation) for discharges subject to NYSDEC regulations.

#### D. Surface Drainage

1. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools.
2. Storm drainage shall be conveyed to an adequate and approved system of storm water disposal where available. Storm drains shall not discharge onto the sidewalk, street or adjacent property in such a manner as to create a nuisance or hazard.

#### Section 9.8 – Flood Hazard Areas

All activity in those areas shown on the Flood Hazard Boundary map for the Town of Forestport, published by the Federal Emergency Management Agency (FEMA), shall conform to the revised regulations of the National Flood Insurance Program published in 44 CRF Section 60.3, which are adopted herein by reference.

#### Section 9.9 – Wetlands

All activities in or adjacent to those areas shown on the NYS Department of Environmental Conservation or the Adirondack Park Agency Wetlands Map shall be required to be reviewed and approved by the NYS Department of Environmental Conservation or the Adirondack Park Agency prior to the issuance of any permit by the Town.

#### Section 9.10 – SEQR



Certain activities occurring within the Town and subject to the provisions of this Local Law may be subject to the State Environmental Quality Review process (SEQR). The Town Planning Board should identify the type of action an activity is according to the SEQR regulations. Depending on a number of factors the activity may be classified a TYPE I or an UNLISTED action. In making this determination, the Planning Board should consult Part 617 of Article 8 of the Environmental Conservation Law (New York). The Planning Board should review the Environmental Assessment Form (EAF) submitted by the applicant and make a determination of environmental significance.

If it is determined that an environmental impact statement will be prepared for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed with the Planning Board. An application is not complete, and therefore, the review clock does not start, until a determination of no significance has been made or until a final environmental impact statement has been completed.

#### Section 9.11 – Mining

No person shall mine more than one thousand (1000) tons of material from the earth within one calendar year without applying for a permit from the Department of Environmental Conservation, as required by Title 27 of Article 23 of the Environmental Conservation Law.

#### Section 9.12 – Storage and Handling of Hazardous Materials

No use for any period of time shall discharge across the boundaries of the lot wherein it is located toxic or noxious matters in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property of others. No person shall engage in storage, transportation,



treatment or disposal, including storage at the site of generation, of hazardous wastes without obtaining a permit from the Department of Environmental Conservation and complying with the requirements of Article 27, Title 9 of the Environmental Conservation Law.

## ARTICLE 10 – ADMINISTRATION AND ENFORCEMENT

### Section 10.1 – Permit Required

No building or structure shall be erected, moved, structurally altered, added to, enlarged, or a change in its use effected, or a change in the use of a property and no excavation for any building shall be begun unless and until a Building Permit for such action has been issued by the Codes Official.

Applications for Building Permits shall be submitted on a form or forms provided by the Codes Official. Each application shall set forth the purpose for which the building is intended to be used and a general description of the structure to be erected, and shall be accompanied by a plot plan showing the dimensions of required yards, floor elevations and street and lot grades. The Codes Official may require such additional information, other than that called for on the application form, as may reasonably be needed for him to determine if the proposed building, its use, and the use of the land are in conformity with the provisions of this Law.

The building permit when signed and issued by the Codes Official shall be posted conspicuously on the premises facing the street or road where the permit authorizes the work to be done.

A building permit for a conforming use shall expire in twelve (12) months unless the construction authorized by such permit shall have been started and vigorously prosecuted during that time. The



Codes Official may extend the building permit upon request, if in his judgment, the facts in the particular situation warrant such extension. Construction shall be initiated within six (6) months of the date of issuance of the permit. Failure to do so shall nullify the permit.

The Codes Official shall inspect the site at the commencement of the initial site work. This inspection should always precede completion of any major foundation work which would effectively commit the construction to a precise location. At this time, the Codes Official shall substantiate full compliance with the building permit application and Law.

#### Section 10.2 – Codes Official

This law shall be enforced by the Codes Official, who shall be appointed, contracted with or shared with another municipality by the Town Board. He shall issue permits only in strict compliance with this law. Where there is a disagreement with any determination made by the Codes Official as herein-above referred to, an application may be filed by either the Codes Official or other interested party with the Town Board. It shall be the mutual responsibility of the permit applicant and the Codes Official to arrange for inspection of the premises prior to issuing of permits. The Codes Official shall issue or refuse to issue such permits all within a reasonable time.

No building permit shall be issued except in compliance with the provisions of this Law and any amendment thereto. Application for Building Permits shall be filed in the office of the Planning Board.

The office of Codes Official is hereby established. The Codes Official shall be appointed, contracted with or shared with another municipality by the Town Board to serve at its pleasure. It shall be his duty to enforce the provisions of this Law and of all rules,



conditions and requirements adopted or specified pursuant to the same. The Town Board may appoint one (1) or more Deputy Codes Official to exercise any or all of the duties of the Codes Official.

The Planning and Codes offices shall maintain files, open to the public, of all applications for building permits along with plans submitted therewith.

The Planning and Codes offices shall also maintain records, open to the public, of every complaint of a violation of the provisions of this Law as well as action taken as a result of such complaints.

#### Section 10.3 – Fees

The Town Board, Town of Forestport shall have the authority to establish or amend the Fee Structure annually, following a public hearing.

#### Section 10.4 – Violations and Penalties

Whenever a violation of this Law occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Codes Official. Upon the receipt of a written complaint, the Codes Official shall record the complaint in his files, conduct an investigation, and issue his findings in writing. If the Codes Official finds that any of the provisions of this Law are being violated, he shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

Any person or corporation, whether as owner, or lessee, agent or employee, who shall violate any of the provisions of this Law or who fails to comply with any order or regulation made hereunder;



or who erects, alters, moves or uses any building or uses any land in violation of any detailed statement of plans submitted by him and approved under the provisions of this Law, shall be guilty of an offense and upon conviction shall be punished by a mandatory fine of \$250.00 or imprisonment not exceeding six (6) months, or both, in accordance with the provisions of Article 16 of the Town Law and any amendments thereto and any other statutes relating thereto.

In case any building or structure is erected, constructed, reconstructed, altered, added to, converted or maintained, or any building, structure or land is used in violation of this Law, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, addition, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct business or use in or about such building, structure or land.

The building permit when signed and issued by the Codes Official shall be posted conspicuously on the premises facing the street or road where the permit authorizes the work to be done.

The Codes Official shall inspect the site at the commencement of the initial site work. This inspection should always precede completion of any major foundation work which would effectively commit the construction to a precise location. At this time, the Codes Official shall substantiate full compliance with the building permit application and the ordinance.

#### Section 10.5 – Authority of Town Officials and Boards

The general administration of this local law shall be divided among the Codes Official, Planning Board and Town Board. Such bodies



may adopt regulations designed to govern the procedures to be followed for the submission of all applications within their respective authority, including the development of administrative forms and submissions of documents.

#### Section 10.6 – County Referrals

Pursuant to Section 239-l and 239-m of the General Municipal Law of the State of New York, any proposal requiring Site Plan approval for real property within a distance of 500 feet from:

1. Any municipal boundary, or
2. The boundary of any existing or proposed county or state park or other recreation area, or
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or
4. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated shall be referred to the Oneida County Planning Department, which shall have 30 days in which to report its recommendations to the Planning Board. Failure of the County Planning Department to report within 30 days may be construed to be approval by the Department. If the County Planning Department disapproves the proposal, the Planning Board shall not act contrary except by a vote of a majority plus one of its full membership and after adoption of a resolution fully setting forth the reasons for such contrary action. The Planning Board must report its action to the County Planning Department within seven (7) days of such action.

#### ARTICLE 11 – AMENDMENTS



1. The Town Board may on its own motion from time to time amend, supplement, repeal or change the requirements established by this Local Law.

Amendment of the SITE REVIEW LAW may be subject to the State Environmental Quality Review Process (SEQR). The Town Board should identify the type of action the activity may be. To make a decision, the Board should consult "Planning Board Technical Memo 6" and if necessary Part 617 of Article 8 of Environmental Conservation Law (New York).

If it is determined that an environmental impact statement is required for the proposal in question, all time frames and deadlines are delayed until a draft environmental impact statement has been filed. An application is not complete, and therefore the review clock does not start, until a determination of no significance has been made or until a draft environmental impact statement is completed.

2. The Planning Board may, by resolution, propose amendments to the Town Board suggesting a change or repeal of specific portions of the regulation. Within forty-five (45) days from the time such resolution is filed with the Town Clerk, it shall be the duty of the Town Board to hold a public hearing on such proposed amendment.
3. Referral of Proposed Amendments to the Town Planning Board – All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required



time shall be deemed to be approval of the proposed amendment.

4. Hearing on Proposed Amendment -- Before any amendment, supplement or change in the regulation occurs, there shall be a public notice and hearing thereon as provided by law. Such hearing shall be held by the Town Board.
5. Adoption of Amendment -- After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the SITE REVIEW LAW, except as described below.
6. Whenever 5% of the registered voters of the municipality shall present a petition duly signed and acknowledged to the Town Board requesting an amendment, supplement, or change of the regulations in this local law, it shall be the duty of the Town board to vote upon such petition within 90 days after the filing of the same by the petitioners with the Town Clerk. Such amendment shall not be passed except by the favorable vote of three-fourths of such Board.

## ARTICLE 12 -- INTERPRETATION

1. A conflict between the requirements of this law and those of any other law, ordinance, rule, regulation, statute or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirement or higher standard.
2. In particular, nothing herein shall obviate the necessity of complying with any and all regulations of the Adirondack Park Agency with respect to those lands within the Town of Forestport which lie within the boundaries of the Adirondack Park.



## ARTICLE 13 – CONFLICTING PROVISIONS REPEALED

1. All Town ordinances, laws, or parts of ordinances or laws in conflict with the provisions of this law are repealed, rescinded and annulled.

## ARTICLE 14 - VALIDITY

1. Should any section, clause, or provision of this local law be declared by the courts to be invalid, the same shall not affect the validity of this law as a whole or any part thereof other than the part so declared to be invalid and only to the extent of such invalidity.

## ARTICLE 15 – EFFECTIVE DATE

This law shall be effective upon filing with the Secretary of State.

## ARTICLE 16 – VARIANCES

### A. Planning Board of Appeals:

May affirm or deny, wholly or partly or may modify the order, requirement, decision, interpretation or determination of the Planning Board by granting a variance from the provisions of Article 6 of this Site Review Law. The PBA's authority for granting such variances is set forth in New York State Town Law.



- . B. Time of Appeal: An appeal shall be taken within 30 days from an order, requirement, decision or interpretation or determination of the PBA with respect to the application of the standards of Article 6 by filing with the Planning Board of Appeals and the Town Board a Notice of Appeal specifying the grounds thereof and the relief sought. The Planning Board of Appeals shall forthwith transmit to the Town Board all of the papers constituting the record upon which the appeal was taken.
- C. Hearing on Appeal: The Town Board shall fix a reasonable time for the hearing of the appeal and give public notice of such hearing by publication in a paper of general circulation in the town at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such an appeal shall be borne by the appealing party and shall be paid to the Town Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person or by agent or attorney.
- D. Stay Upon Appeal: An appeal shall stay all proceedings in furtherance of the action appealed from.
- E. Decision: In making its decision, the PBA/Town Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by



such grant. In making such determination, the Boards shall also consider:

- (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.
- (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance.
- (c) Whether the requested variance is substantial.
- (d) Whether the requested Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Boards but shall not necessarily preclude the granting of the variance.

In the granting of a variance the PBA shall grant the minimum variance that it shall deem necessary and adequate and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

F. Imposition of conditions: The PBA shall, in granting a variance, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property and/or the period of time such variance will be in effect. Such conditions shall be consistent with the spirit and intent of this Site Plan Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.



## APPENDIX A – DEFINITIONS

Accessory Structure - A detached building or structure which is of secondary importance to the principal structure on the parcel, and which is not used for human occupancy and must be compatible in design and construction materials with the principal structure.

Accessory Use - A use customarily incidental and subordinate to the principal use, and located on the same lot with such principal use.

Agriculture - The raising of crops, animals or animal products, limited forestry, the selling of products grown on premises, and other commonly accepted agricultural operations which have a gross annual sales greater than \$10,000. Incidental mechanical processing and sale of products grown on the premises are included in the definition.

Alteration - Any construction or renovation to an existing structure other than repair, or any change which would:

- a) Enlarge or diminish the livable floor area of the structure or any part thereof;
- b) Change the number of dwelling units contained in any structure;
- c) Cause a change in the location or height of the exterior walls or roof of the structure;
- d) Move the structure from one position to another;
- e) Change any exit or entry facilities; or



- f) Change or rearrange the structural parts of the structure such as, bearing walls, beams, girders, or columns.

Appeals - The process whereby an Applicant, denied under this law, applies for a Variance from the Town Board.

Basement - That portion of a building that is partly or completely below grade.

Building - Any principal, secondary or accessory structure, whether residential or commercial having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

Building Area - The total ground area of principal, secondary and accessory structures.

Building Coverage - The portion of the plot or lot area covered by a building/structure.

Building Height - Vertical distance from the mean natural grade at the foundation to the highest peak of the roof.

Building Line - A line parallel with the front, side and rear property lines, respectively, beyond which a building/structure may not extend as determined by this ordinance.

Codes Official - The Official or other designated authority, designated by the Town Board, charged with the administration and enforcement of all local laws and applicable codes.

Commercial Use - Any use involving the sale, rental, or distribution of goods or services, either retail or wholesale.



Conservation – The protection or management of open land in a natural state. The definition may include management practices such as supplementary clearing and replanting, stream channel maintenance and erosion control.

Construction and Demolition Debris – Wastes resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes including but not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, paving material and tree and brush stumps.

Debris Landfill – A disposal site utilized exclusively for the deposition of construction and demolition debris as defined herein. At no time, however, shall anything of a hazardous nature, as defined herein, be allowed.

Development – Any activity other than agriculture or conservation activity which materially affects the existing condition of land or improvements, including but not limited to:

- a) Excavation or deposit of earth or other fill, in the banks of any stream or body of water.
- b) Construction, reconstruction, alteration or demolition of any improvements.
- c) Dumping or storing any objects or materials whether mobile, liquid, or solid.
- d) Starting any use of land, or improvements, and every change in land use type or intensity.
- e) Starting any noise, light, smoke or other emission and every change in its type or intensity.

Directional Signs – Off-site signs for the sole purpose of indicating directions to businesses and other establishments within the Town.



Driveway – That space or area of a lot which is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street. Such space or area shall be a minimum of ten (10) feet in width.

Dwelling – A building or portion thereof, but not a Mobile Home, designed or used for residential occupancy. The term “dwelling” shall not be construed to mean a motel/hotel, tourist accommodation, rooming house, hospital or other accommodation used for more or less transient occupancy.

Dwelling Unit – One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use as a complete, independent living facility for one (1) family and which includes permanent provisions for sleeping, eating, cooking and sanitation.

Dwelling, Multi-Family – A residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground.

Dwelling, Single Family – A residential building containing only one (1) dwelling unit not occupied by more than (1) family.

Dwelling, Single Family Attached – A group of two (2) or more single family dwelling units which are generally joined to one another by a common party wall, a common floor-ceiling and/or connecting permanent structure such as breezeways, carports, garages, or screening, fences or wall, whether or not such group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one group of units to another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one (1) feet.



Dwelling, Single Family Detached – A single family dwelling unit which is entirely surrounded by open space or yards on the same lot.

Family – One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Floodplain – Any area adjacent to a water body which is subject to inundation from high water and/or wave action, and subject at a minimum to a one percent chance of flooding in any given year. All areas designated a "Special Flood Hazard" zones by the Federal Insurance Administrations Official Map for the Town shall be considered as floodplain area. Further determination of the extent or existence of floodplains shall be based on the best available information including but not limited to: U.S. Army Corps of Engineers floodplain studies, USDA Soil Conservation Service studies, soils, vegetation, hydrologic and geologic data.

Garbage – Putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared and served.

Habitable Space – Human Occupancy of a building requires a space in a building for living, sleeping, eating, cooking or used as a home occupation. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Hazardous Waste – A solid waste which appears on the State list or satisfies the criteria promulgated by the Commissioner of the Department of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law and, until, but



not after, the promulgation of such list and criteria, a solid waste or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or biological characteristics may:

- a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. The department shall make the final determination as to whether or not a solid waste is hazardous in accordance with its regulations and guidelines.

Home Occupation – An occupation or a profession which:

- a) is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and
- b) is carried on by a member of the family residing in the dwelling unit; and
- c) is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
- d) which conforms to the following additional conditions:
  - The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
  - No more than three persons shall be employed in the Home Occupation.



- There shall be no exterior display, no exterior sign (except a sign not over two (2) square feet in area), no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.
- No offensive noise, glare, vibration, smoke, dust, odors, heat or traffic congestion shall occur either directly or indirectly.

Hotel or Motel – A building or group of buildings where transient guests are lodged for hire, but excluding rooming houses.

Industrial Use – Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity.

Junkyard – Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered and inoperative motor vehicles, no longer in condition for legal use on the public highways, are held for a period of more than thirty days, whether metal, glass, fabric or otherwise, for the purposes of disposing of the same or for any other purposes. Such term shall also be applied to any operation which involves otherwise handling or arranging, for sale, resale, storage, or disposal or otherwise of bodies, engines, or part of motor vehicles, or of any other secondhand or used property, which, taken together, equal in bulk two or more motor vehicles, of whatever material it is composed, including but not limited to household appliances, farm equipment, and other machinery not intended for future use.

Junk Vehicle – Any motor vehicle, trailer or semi-trailer which is inoperable and which by virtue of its condition cannot be



economically restored. In addition any vehicle may be presumed to be a junk vehicle when:

- a) Valid license plates are not displayed or license plates have been expired for more than sixty (60) days; or
- b) The vehicle remains in an inoperable condition for more than ninety (90) days.

Lot – A defined parcel of land occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses.

Lot Area – The total horizontal area included within the lot lines. No part of any area within a public right-of-way may be included in the computation of the lot area.

Lot-of-Record – A lot which is part of a subdivision recorded in the office of the County Clerk, or is a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Frontage – That portion of the lot abutting the road right-of-way. In the case of a lot that abuts more than one road, the owner may designate either road right-of-way as the lot frontage.

In the case where a lot does not have existing road frontage and the lot adjoins a body of water, the lot frontage shall be the portion of the lot abutting the water body.

Mobile Home – A dwelling unit with all of the following characteristics:

- a) Designed for long-term occupancy, and containing sleeping accommodations, flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside system;



- b) Designed to be transportable after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels;
- c) Arriving at the site where it is to be occupied as a dwelling unit, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.
- d) Designed for removal to and installation or erection on other sites.

A mobile home may include one (1) or more units, separately towable, which when joined together shall have the characteristics as described above. For the purpose of this regulation, a mobile home shall not be deemed a single family detached dwelling unit.

Mobile Home Park – Any plot of ground which has been planned or improved for placement of mobile homes for non-transient use and upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

Modular Home – A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing, or other prefabricated sub-elements incorporated into a structure at the site. For the purpose of this regulation, a Modular Home shall not be deemed a Mobile Home.



Non-Conforming Lot – A tract of land lawfully existing at the time of enactment or amendment of this local law which does not conform to the dimensional regulations of this law.

Non-Conforming Use – Use of a building or of land that does not comply with the regulations contained in this law, but which existed legally on the effective date of this law.

Person – Any individual, corporation, partnership, association, trustee, or other legal non-government entity.

Permit – Written authorization issued by the enforcement officer for the establishment of any land use or structure.

Parking Space – The minimum area required for parking one automobile, which in this law is held to be an area ten feet wide and twenty feet long, not including the driveway.

Public Notice – Notice of a scheduled public hearing published in the official town newspaper once at least five (5) days prior to the date of such hearing.

Principal Structure – is the primary structure on a lot which is used for human occupancy.

Principal Use – An activity which is conducted, which is the primary intended or designed use of the land.

Recreational Vehicle (RV) – A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel or recreational uses whether self propelled or towed.

Recreational Vehicle Park/Campgrounds – Any plot of ground upon which two or more travel trailers, pickup coaches or similar



recreational vehicles and/or tents occupied for dwelling or sleeping purposes are located.

Road – A public or private way for vehicular traffic which affords the principal means of access to abutting properties or sites.

Secondary Structure – A detached building or structure which is of secondary importance to the principal structure on the parcel and which is used for human occupancy but not considered a "dwelling".

Setback – The distance from lot lines to the nearest drip edge of the principal or accessory structure.

Sight Distance Triangle - An area of unobstructed vision at the intersection of a public or private road and driveway extending along the road twenty (20) feet in both directions from the center of the driveway intersection to a point on the driveway centerline, ten (10) feet from its intersection with the road right of way line.

Sign – Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

"Banner" shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

"Freestanding sign" shall mean a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.



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"Height of sign" shall mean the vertical distance measured from the adjacent average grade to the top of the sign face or sign structure.

"Off-premises sign" shall mean a stationary or mobile sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment or activity which is located, sold, rented, based, produced, manufactured or taking place at a location other than on the premises on which the sign is located. For purposes of this chapter, noncommercial messages are never off-premises and are specifically allowed.

"Pennant" shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

"Real estate sign" shall mean a sign erected by the owner or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.

"Sign" shall mean any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others which is affixed or attached to premises, real property, fixtures on real property, or a currently registered vehicle.

"Sign, area of" shall mean the square foot area of the rectangles enclosing all elements of the sign face.

"Sign face" shall mean the part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public



for any purpose. "Sign face" includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.

"Sign structure" shall mean a supporting structure erected or intended for the purpose of identification, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied; however, this definition shall not include a building or perimeter wall.

"Snipe sign" shall mean a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

"Special event sign" shall mean a sign erected on the premises of the event which carries a message regarding a special event or function which is of general interest to the community. Special events shall not include for-profit business promotional activities or activities strictly commercial in nature.

"Wall sign" shall mean a sign erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached and supported throughout its entire length by the facade and not extending above the building.

Solid Waste – All putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection,



including but not limited to garbage, refuse, industrial and commercial waste, sludges from air to water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, and offal but not including sewage and other highly diluted water carried or substances and those in gaseous form.

Solid Waste Management Facility – Any facility employed beyond the initial solid waste collection process and managing solid waste, including but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; disposal facilities; solid waste incinerators; refuse-derived fuel processing facilities; pyrolysis facilities; C&D debris processing facilities; land application facilities; composting facilities; surface impoundments; used oil storage, reprocessing, and redefining facilities; recyclables handling and recovery facilities; waste tire storage facilities; and regulated medical waste treatment facilities. The term includes all structures, appurtenances, and improvements on the land used for the management or disposal of solid waste.

Special Use- Applies to signs most often in commercial areas whereby the Town Board is asked to permit a sign inconsistent with the Sign Ordinance.

Structure – Anything constructed or erected, with a fixed location on the ground, or attached to something having a fixed location on the ground. A movable structure without a foundation, attached to skids or other means to assist movement, shall be considered as having a fixed location on the ground if it is in place for six months or more.

Subdivision – The division of any parcel of land into two (2) or more lots, blocks or sites, with or without roads, including resubdivisions.

Subdivision, Minor – a division of land into four (4) or fewer lots.



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Subdivision, Major – a division of land into five (5) or more lots.

Tourist Accommodation – A structure containing room(s) other than a “dwelling” intended to be rented to guests as living quarters on a temporary basis.

Transient – Somebody who stays in a place only briefly, not permanently settled.

Variance – The Authorization by the Town Board for any use which is not allowed by the dimensional standards set forth in the Site Review Law.

Yard, Front – An open space on the same lot with the principal structure between the front line of the building and the lot frontage extending the full width of the lot at the road.

Yard, Rear – An open space on the same lot with the principal structure between the rear line of the building and the rear lot line extending the full width of the lot.

Yard, Side – An open space on the same lot with the principal structure between the side line of the building and the adjacent side line of the lot and extending from the front yard to the rear yard.

Wetland – Any area where water is at or near the surface of the ground each year, thus promoting the formation of hydric soils or hydrophytes (plants).



## Amendments

Adopted – 1986

Revised – Local Law #1 of 2004

Revised – Local Law #1 Of 2007

Revised – Local Law #2 of 2008

Revised – Local Law #4 of 2008

Revised – Local Law #2 of 2013

Revised – Local Law #1 Of 2014

Revised – Local Law #1 of 2015

Revised – Local Law #1 of 2016

Revised – Local Law #7 of 2018

Revised – Local Law #1 of 2020

Revised – Local Law #2 of 2020

Revised – Local Law #1 of 2023



**TOWN OF FORESTPORT**  
FORESTPORT, NEW YORK - 13338

Harold Entwistle  
Forestport Supervisor  
10275 Rt. 28  
P.O. Box 137  
Forestport, NY 13338  
315-392-2801 ext. 2 Fax 315-392-2802

**Local Law No. 3 for 2023**

**An Amendment to Local Law No. 1 of 1986 – Town of Forestport Site Review Law**

Be it enacted by the Town Board of the Town of Forestport as follows:

**Section 1 Legislative Intent**

It is the intent of this local law to create a "Planning Board of Appeals" for the purpose of reviewing and having final authority on use and area variances as defined in New York State Town Law as well as the Town of Forestport Site Review and Subdivision Laws.

**Section 2 Authority**

This local law is adopted pursuant to New York State Town Law Section 267 which authorizes the Town Board to adopt a local law empowering a Board of Appeals.

**Section 3 Severability**

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, or corporation or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

**Section 4 Effective date**

This law shall take effect immediately upon filing with the Secretary of State

