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**ARTICLE I: ENACTMENT, AUTHORIZATION, PURPOSE, VARIANCE**

Pursuant to Section 1.70 of Local Law #2 of 1994, the Town Board for the Town of New Haven hereby adopts this ordinance as a part of local law.

**SECTION 1.10 - ENACTMENT AND AUTHORIZATION**

By authority of the resolution of the Town Board of the Town of New Haven adopted on the \_\_\_ day of \_\_\_, 2001, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the New Haven Planning Board is authorized and empowered to:

- A. Regulate the arrangement, layout and design of certain proposed uses of parcels of land located within the Town of New Haven in accordance with the regulations set forth in this local law.
- B. Approve, approve with modifications or disapprove site plans prepared to specifications set forth in this local law.
- C. Condition the issuance of a building permit upon site plan approval in accordance with the regulations set forth in this local law.

**SECTION 1.20 - TITLE**

This amendment of the local law shall be known as the "Site Plan Regulations of the Town of New Haven."

**SECTION 1.30 - EFFECTIVE DATE**

These amendments having been recommended by the Planning Board, and having been adopted by the Town Board, are effective 10 days after being filed in the Office of the Secretary of State of the State of New York.

**SECTION 1.40 - PURPOSE**

It is declared to be the policy of the Town of New Haven to regulate the arrangement, layout and design of certain proposed uses of parcels of land within the Town of New Haven in furtherance of its intention to establish a plan for the orderly development of the Town. This shall be interpreted to include the following objectives, which shall guide the Planning Board's decisions:

- A. Proper provision shall be made for the site development of residential and non-residential projects including, but not limited to, commercial and industrial uses;
- B. All projects developed in accordance with this local law will be built in a safe, efficient and orderly manner that is in keeping with the character of the area;
- C. Particular attention shall be given to site plan elements that include, but are not limited to, water supply, draining, sewage, parking, means of access, fire protection access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses and other necessary improvements and utilities.

## **SECTION 1.50 - ADMINISTRATION**

These Site Plan Review Regulations shall be administered by the Planning Board.

## **SECTION 1.60 - SEPARABILITY**

The invalidity of any provision of these regulations shall not invalidate any other provision.

## **SECTION 1.70 - AMENDMENT**

The Town Board may amend, supplement or change these regulations, after a public hearing, in accordance with the Municipal Home Rule Law. The Town Board may request the Planning Board to review any proposed amendments prior to taking any such action.

## **SECTION 1.80 - WAIVER/VARIANCE**

When, in the opinion of the Planning Board, undue individual hardship may result from strict compliance with these regulations, the Planning Board may modify or waive these regulations so that substantial justice may be done and the public interest secured; provided that such modification or waiver will not have the effect of nullifying the intent and purpose of these regulations.

## **SECTION 1.90 - APPLICABILITY**

- A. This local law shall apply to all proposed residential and non-residential uses of property covered by these regulations located within the Town of New Haven, after the effective date of this local law.
- B. The following uses are not permitted within the Town of New Haven after the effective date of this local law:
  1. Junkyards, machinery-wrecking yards, dumps, manufacturing fuels and explosives, unenclosed manufacturing or processing of goods and materials. Storage of toxic chemicals in a manner that could be injurious to human, animal and biological life are not permitted. Exempted are New York State licensed applicators and junkyards complying with Local Law No. 1 of 1999.
- C. This local law is intended to apply to owners of one and two family dwellings; however, an application for site plan review is not required for the placement and construction of single-family dwellings.
- D. Compliance with all other applicable laws, rules and regulations is required.

## ***ARTICLE II: DEFINITIONS***

## SECTION 2.10 - WORD USAGE

For the purpose of this law, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this article. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; words used in the plural number include the singular; the word "herein" means "in this law," and the word "shall" means "mandatory compliance."

## SECTION 2.20 - SPECIFIC TERMS

For the purpose of these regulations, words and terms used herein are defined as follows:

**"Agricultural Use or Activity"** shall mean the use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, Christmas tree farms, the growing of fruits and vegetables and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**"Amusement Center"** shall mean any use of land for the purpose of amusement, whether for profit or non-profit, including, but not limited to, church bazaars, firemen field days, motorized go-carts, golf courses, miniature golf courses, theme parks and similar entertainment facilities.

**"Arterial Road"** shall mean a highway or thoroughfare of which the primary function is to provide a way to move people, goods and services from one state to another, or from one part of a state or region to another part of a state or region, without interruption.

**"Automotive Repair"** shall mean buildings and premises where the primary use is the maintenance or repair of a motor vehicle.

**"Automotive Sales"** shall mean the retail sale of new or used automobiles, trucks, vans, motorcycles, recreational vehicles, etc.

**"Banner and Pennant"** shall mean a piece of cloth or similar material used as a flag, sign or advertisement, typically a rectangle or tapered to a point, attached to one edge of a staff and displayed, stretched across an entranceway or street.

**"Bed and Breakfast Inn"** shall mean a building designed to provide overnight accommodations, with or without meals, for transient guests for profit, but where the use is secondary to the occupancy of the dwelling by a family, and provided that no more than five (5) rooms are for hire. Each room shall have an interior entrance from the house. No room for hire shall have an exterior entrance.

**"Buffer"** shall mean a landscaped area intended to separate and partially obstruct the view of adjacent land uses or properties from one another. The buffer area shall consist of a mixture of deciduous and/or evergreen trees, hedges and plantings. A wood, stone or masonry fence in addition to vegetation planted on the perimeter of the fence facing the adjacent property owner is also considered a buffer.

**"Camp Ground"** shall mean an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and recreational vehicles, and which is primarily used for recreational purposes and retains an open-air or natural character.

**"Car Wash"** shall mean an area of land and/or structure with machine or hand operated facilities used primarily for the cleaning, washing and polishing or waxing of motor vehicles.

**"Charter Boat"** shall mean a boat of any kind for hire, rent or lease for exclusive and temporary use including, but not limited to, fishing, sailing and scuba diving.

**"Collector"** shall mean a roadway that links communities or feeds traffic to arterial roads.

**"Convenience Store"** shall mean a retail sales operation (see Gasoline Sales).

**"Convalescent Uses"** shall mean an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available at a Hospital.

**"Commercial Uses"** shall mean land used for the selling of goods or services usually for a profit, but not excluding a not for profit use.

**"Community Sewer"** shall mean a shared disposal system designed to carry off waste and/or waste water which is privately owned and operated and serves at least five service connections over twenty-five (25) users (contact the Oswego County Health Department for more information).

**"Community Water"** shall mean a share water delivery system designed to serve more than five households which is privately owned and operated and serves more than twenty-five (25) people (contact the Oswego County Health Department for more information).

**"Development"** shall mean any activity other than agriculture, forestry or conservation activity, which materially affects the existing condition of land or improvements, including but not limited to:

1. Evacuation or deposit of earth or other fill, including alteration of the banks of any stream or body of water.
2. Construction, reconstruction, alteration or demolition of any improvement.
3. Dumping or storing any objects or materials whether mobile, liquid or solid.
4. Commencement of any use of the land or improvements and every change in its type or intensity.
5. Commencement of any noise, light, smoke or other emission and every change in its intensity.

**"Density"** shall mean the number of dwelling units permitted per acre of land.

**"Drinking Water"** shall mean water provided for or used for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.

**"Dwelling, Single Family"** shall mean a site built or manufactured building which is designed to house one family.

"**Dwelling, Two Family**" shall mean a site built or manufactured building which is designed to house two families.

"**Dwelling Unit**" shall mean a building or portion thereof providing complete housekeeping facilities for one family.

"**Egress**" shall mean a way out to exit.

"**Enforcement Officer**" shall mean the Enforcement Officer of the Town of New Haven.

"**Fast Food Restaurant**" shall mean an establishment that offers quick food service, which is accomplished through a limited menu, usually prepared and held for service, fried or microwaved for quick service. Orders are not generally taken at a customer's table and the food is served in disposable wrapping or containers.

"**Forestry**" shall mean the planting, care, management and sustained yield harvesting of trees and timbers.

"**Furniture Store**" shall mean a building which is primarily used to sell home furnishings such as, among, other things, tables, chairs and sofas.

"**Gasoline Sales**" shall mean buildings and premises where the use is the supply and dispensing at retail of motor fuels, lubricants, batteries and motor vehicle accessories only.

"**Generally Accepted Standards**" shall mean those referenced in the New York State Uniform Fire Prevention & Building Code (9 NYCRR), or its successor(s), or any other standards filed with the Secretary of State of New York State.

"**Hazardous Radioactive Material**" shall mean any material or product that contains radioactive components which expose one to risk.

"**Health Care Facility**" shall mean an institution providing health services primarily for human out-patient, medical training facilities and central services operations.

"**Hospital**" shall mean an institution licensed by the State and specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons.

"**Hotel**" shall mean a facility offering transient lodging accommodations on a daily rate to the general public.

"**Indoor Recreation**" shall mean an enclosed structure, area or complex utilized for sports, amusement, performances or play.

"**Industrial Use**" shall mean land used for the production, development, manufacturing, wholesaling and warehousing of goods.

"**Ingress**" shall mean entrance.

**"Landscaping"** shall mean grounds keeping and similar activities that may later or temporarily disturb the surface of the land, but which ultimately returns the land to substantially the same or better condition, such as minor soil grading, seeding or planting.

**"Land Use"** shall describe the current use of a parcel of land, for example: vacant, agricultural, forested, commercial, residential, industrial, recreational or open space preservation.

**"Library"** shall mean a room or building, which houses a collection of books.

**"Light Industrial"** shall mean a use engaged in the manufacturer predominantly from previously prepared materials, or finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products but excluding industrial processing.

**"Modular Home"** shall mean any structure or component thereof designed primarily for residential occupancy, which is wholly or in substantial part manufactured in manufacturing facilities located away from the building site for installation, or assembly and installation, on the building site.

**"Marina"** shall mean a facility for storing, servicing, fueling, berthing, securing and launching charter boats and private pleasure boats, and that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

**"Mooring, Private"** shall mean arrangement for securing a boat to a mooring buoy or pier located on private property.

**"Motel"** shall mean a building or group of detached or connected buildings designed or used primarily for sleeping accommodations for automobile travelers.

**"Manufactured Home"** shall mean a moveable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Manufactured Home shall mean units designed to be used exclusively for residential purposes, excluding travel trailers or recreational vehicles.

**"Manufactured Home Park"** shall mean land on which two or more manufactured homes are parked, or which is used for the purpose of supplying to the public a parking space for two or more manufactured homes.

**"Multi-Family Dwelling"** shall mean a building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

**"Museum"** shall mean a building or room primarily used for the exhibiting of artistic, historical or scientific objects.

**"Office"** shall mean a building or portion thereof wherein services are performed.

**"Outdoor Recreation"** shall mean activities designed as leisure, amusement, sport or entertainment and which are primarily done outside.

**"Person"** shall mean an individual, group of individuals, partnership, firm, corporation, political subdivision, government agency, municipality, industry, estate or any legal entity whatsoever.

**"Professional Office"** shall mean a building or portion thereof wherein services are performed which are predominantly administrative, artistic, clerical or legal in nature, where no more than three persons are employed and which does not create excessive traffic.

**"Public Access Road"** shall mean all streets, roadways and thoroughfares within the Town of New Haven designed to accommodate access by motor vehicles, including but not limited to, emergency vehicles, sewage disposal vehicles and passenger vehicles.

**"Public Facility or Assembly"** shall mean a place designed for large gatherings for meetings, concerts, sport activities, productions or other special events.

**"Public Utility Facility"** shall mean any facility owned and/or operated by an agency, company or corporation for public service as further defined in Section 2 of the Public Service Law of the State of New York, as amended from time to time.

**"Private Road"** shall mean all streets, roadways and thoroughfares within the Town of New Haven used by motor vehicles that are maintained by, and on behalf of, the owner of private property.

**"Public Road"** shall mean all streets, roadways and thoroughfares within the Town of New Haven, used by motor vehicles, which are maintained by and on behalf of the Town of New Haven as a dedicated road, pursuant to the Town Law of the State of New York.

**"Refuse and Waste Material"** shall mean all putrescible and nonputrescible solid waste including, but not limited to, garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial wastes.

**"Religious Facility"** shall mean an institution that people regularly attend to participate in or hold religious services, meetings and other activities.

**"Residential Use"** shall mean a building used to live in; either a single family dwelling, two family dwelling, multi-family dwelling, mobile or manufactured home.

**"Restaurant"** shall mean an establishment that serves food or beverages primarily to persons seated within the building. This includes cafes, tearooms, outdoor cafes and drive-through food service establishments.

**"Retail Business"** shall mean the direct on-premises sale of goods and services to the consumer, including incidental and customary on-premises manufacturing, processing, servicing and preparation.

**"Right of Way"** shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles, infrastructure and/or pedestrian travel.

**"Sewage"** shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine or the water-carried waste from any other fixture or equipment or machine.

**"Slope"** shall describe landforms and topography. Slopes are expressed as percentages, indicating the amount of vertical fall over a specific horizontal distance. Slope can be divided into four categories for the purpose of discussing their general characteristics:

1. **0-3% Slopes:** Nearly level land with 0-3% slopes, suitable for many land uses if its soils have good drainage. If the area is poorly drained, expanses of standing or slowly moving water may accumulate, especially in wet seasons. This may cause flooding for buildings with basements, or can prevent the proper leaching of effluent into the ground.
2. **3-8% Slopes:** Areas in the 3-8% slope class, on which a distinct slope is visible, are frequently well suited for many land uses; excess water can easily run off and slopes do not interfere with the use of heavy equipment.
3. **8-15% Slopes:** Slopes greater than 8% are increasingly prone to erosion when stripped of vegetation. The use of heavy machinery on such slopes becomes more difficult. The operation of conventional septic systems becomes inadequate without special installation practices. Construction projects on these slopes are therefore more costly.
4. **Slope 15% or Greater:** On slopes greater than 15%, heavy machinery, used on the contour, is prone to slipping. Soils on these slopes are designated by the US Soil Conservation Service to have severe limitations for the disposal of effluents from septic systems. This is because effluents may flow onto land surfaces downslope without being absorbed by the soil. The bacteria that are found in this effluent become a health hazard when exposed to people. If direct human contact is made with effluent, illnesses such as hepatitis and giardia may be contracted.

**"Warehousing"** shall mean a parcel of land or a building used primarily for the storage of goods and materials.

**"Wetland"** shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**"Yard"** shall mean any open space located in the same lot with a building unoccupied and unobstructed from the ground up, except for accessory buildings. The minimum depth or width of yard shall consist of horizontal distance between the nearest point of the building or structure and the lot line.

### ***ARTICLE III: APPLICATION AND REVIEW PROCEDURES***

#### **SECTION 3.10 - SITE PLAN REVIEW AND APPROVAL**

The Planning Board, at a regular public meeting of the Board, shall review and approve, or approve with modifications, all permitted uses listed as requiring site plan approval, before a building permit is issued.

### **SECTION 3.15 - PERMIT AND APPLICATION REQUIRED**

- A. No person shall construct or expand a use covered in these regulations without first obtaining a permit from the Planning Board after site plan review.
- B. Application for a permit shall be made to the Planning Board, and shall be accompanied by a site plan in accordance with the provisions of this local law. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, unless otherwise granted permission by the Planning Board.
- C. The Planning Board may approve the plans, approve the plans with changes, or disapprove the plans.

### **SECTION 3.20 - SKETCH PLAN CONFERENCE**

- A. The sketch plan conference serves as a pre-submission meeting to discuss the proposed plan. The sketch plan conference is optional, but waiver of any submission requirements will be considered only if the applicant takes advantage of this option.
- B. At the sketch plan conference, the applicant shall present a sketch plan showing major features of the proposed development, such as:
  - 1. Location of all proposed and existing structures;
  - 2. Ingress and egress;
  - 3. Proposed parking;
  - 4. Location of existing natural and manmade features including, but not limited to, wetlands, watercourses, vegetation and land formations; and
  - 5. Description of intended site use.
  - 6. An understanding that the adjacent neighbors know where the assumed property boundary is located.

### **SECTION 3.25 - TIME FRAME FOR SUBMISSION OF APPLICATIONS**

The applicant shall have 180 days after the sketch plan conference to formally submit the site plan. After 180 days, the sketch plan will be considered void. An extension may be granted as long as the applicant requests the extension within the 180 day period.

### **SECTION 3.30 - SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW**

- A. The applicant shall submit, in triplicate, a site plan and supporting data prepared by an architect, engineer, land surveyor or planner, and shall include the following information presented in drawn form and accompanied by a written text:

1. Survey of the property to scale with north arrow and date, showing existing features of the property, including contours, large trees, buildings, structures, streets, utility easements, rights of way, land use and ownership of surrounding property.
2. Site plan showing proposed lots, blocks, building locations and land use areas.
3. Traffic circulation, parking and loading spaces and pedestrian walks.
4. Landscaping plans, including site grading, landscape design and open areas.
5. Preliminary architectural drawings for buildings to be constructed.
6. Preliminary engineering plans, including street improvements, storm drainage system, public utility extensions, water supply and sanitary sewer facilities.
7. Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the Planning Board.
8. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.
9. A description of the proposed uses, including hours of operation, number of employees, expected volume of business, type and volume of traffic expected to be generated, and a description of any hazardous materials, fumes, noise to be generated and/or stored on site.
10. A completed short form environmental assessment form as provided in part 617 of the State Environmental Quality Review Regulations, part 617 of title six of the official Compilation of Codes, Rules and Regulations of the State of New York.
11. A list of all federal, state, county and local permits required for the proposed use, including, but not limited to, SPEDES permit for storm water discharge.

### **SECTION 3.35 - PLANNING BOARD REVIEW**

- A. All site plan review applications shall be acted upon only after a public hearing by the Planning Board. The Planning Board shall review the site plan and support data before it approves, approves with modifications or disapproves the application. The Planning Board shall take into consideration the following:
  1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road width, 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 and drainage facilities.
  6. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicants and adjoining lands, including maximum retention of existing vegetation, and other similar environmental considerations.
  7. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

8. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
  9. Cumulative impact upon the area.
  10. Any other factors that the Planning Board may deem relevant for review and consideration.
- B. Should changes or additional facilities be required by the Planning Board, final approval of the site plan shall be conditional upon the satisfactory compliance by the owner to the changes or additions.
  - C. Any owner wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

### **SECTION 3.36 - PERFORMANCE BOND REQUIREMENTS**

The Planning Board may require as a condition of site plan approval that the owner file a performance bond in such amount as they determine to be in the public interest, to insure that the proposed development will be built in compliance with the accepted plans.

### **SECTION 3.37 - REIMBURSABLE COSTS**

Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site may be charged to the applicant in an amount to be set by the Planning Board.

### **SECTION 3.38 - FEE SCHEDULE**

All fees required to be paid in accordance with this local law shall be contained in a fee schedule, to be set by the Town Board.

### **SECTION 3.40 - PUBLIC NOTIFICATIONS**

- A. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five (5) days before the hearing. Notice of the hearing shall be sent by certified mail, return receipt requested, to the owners of all adjoining properties within one thousand (1,000) feet of the subdivided property and at least five (5) days before the hearing.
- B. The property may also have a sign posted on it indicating that the property is undergoing site plan review. The sign will be provided by the Town and shall be posted at least five (5) days before the public hearing, and shall remain posted until the Planning Board has reached its decision.
- C. The applicant shall be responsible for all costs incurred for the public notification as set forth in this section, the costs for which shall be paid from the application fee.

### **SECTION 3.45 - TIME FRAMES FOR A DECISION**

The Planning Board shall have 62 days after the receipt of a complete application to hold a public hearing on the application, and a maximum of 62 days after the public hearing to render its decision. If the Planning Board fails to act, the application is automatically granted, unless the timeframe for review is extended by mutual agreement with the applicant or by application and compliance with the federal, state or county review procedures.

### **SECTION 3.50 - FILING OF THE DECISION**

The decision of the Planning Board shall be filed in the office of the Town Clerk and a copy mailed to the applicant within seven (7) days of such decision.

### **SECTION 3.55 - COORDINATION WITH OTHER PERMIT PROCESSES**

- A. SEQR. The Planning Board and applicant shall comply with the provisions of the State Environmental Quality Review Act pursuant to Article 8 of the Environmental Conservation Law and its implementing regulations.
- B. County Planning Board Review. In accordance with General Municipal Law §239 (l & m), any site plan which is located within five hundred (500) feet of any of the following must be referred for review by the Oswego County Planning Board:
  - 1. The boundary of any city, village or town;
  - 2. County or State park or recreation area;
  - 3. Right of way of any existing or proposed County or State park, thruway, expressway, road or highway;
  - 4. The existing or proposed right of way of any stream or drainage channel owned by the County or for which the County has established lines;
  - 5. The existing or proposed boundary of any County or State owned land on which a public building or institution is situated;
  - 6. The boundary of a farm operation within an agricultural district as defined by Article 25AA of the Agriculture and Markets Law.
- C. Coordination with the other required permitting processes should be done concurrently whenever possible.

### **SECTION 3.60 - RENEWAL OF SITE PLAN APPROVAL**

The applicant shall have twelve (12) months from the date of the site plan approval to obtain a building permit. The Planning Board shall be entitled to extend such site plan approval for an additional period of time not to exceed six (6) months. In the event the applicant fails to obtain a building permit within the time prescribed or extended, he must resubmit his site plan to the Planning Board for review and approval. The resubmitted site plan must comply with the provisions of these regulations then in effect at the time of such resubmission. Thereafter, the site plan approval will be considered abandoned.

### ***ARTICLE IV: SITE PLAN STANDARDS***

The following standards shall be considered, when deemed applicable by the Planning Board, in addition to the other requirements set forth in this local law:

#### **SECTION 4.10 - PARKING DESIGN STANDARDS**

- A. Parking spaces shall be at least 9' x 18'.
- B. Handicapped spaces shall be 12' x 18', or as required by New York State Uniform Fire Prevention & Building Code.
- C. Aisle width for two-way traffic with 90 degree parking shall be 24 feet.
- D. Other parking arrangements shall be in accordance with diagrams as may be developed for use by the Planning Board.
- E. Parking spaces shall not extend into the right of way of any public road or into any required buffer area.
- F. All parking spaces shall be located on the same parcel of land as the use they support, unless otherwise permitted by the Planning Board.

#### **SECTION 4.11 - PARKING SPACE REQUIREMENTS ACCORDING TO USE**

- A. For every building hereafter erected, altered or changed in use, there shall be provided a minimum number of off-street parking spaces as set forth below:
  - 1. Residential Uses:
    - a. One and two family dwellings and conversions: two parking spaces for every dwelling unit.
    - b. Multi-family dwellings: five parking spaces for every three dwelling units.
    - c. Professional residence-office: three parking spaces, plus one additional parking space for every two hundred square feet of office area.
  - 2. Hotel, Motel, Tourist Home, Boarding House: three parking spaces plus one space for every guest room.
  - 3. Dormitory, Fraternity, Sorority, Nurse's Home Hospital: three parking spaces, plus one space for every two beds.
  - 4. Places of Public Assembly: one parking space for every five seats, or one parking space for every one hundred square feet of floor area.
  - 5. Business, Professional and Medical Offices: three parking spaces, plus one space for every two hundred feet of office area.
  - 6. Commercial and Business, in groups of over 20,000 square feet of business floor area (excepting commercial marina, boat launch, fisherman's access, automobile or trailer sales): one parking space for every one hundred square feet of business area.
  - 7. Commercial and Business, individual establishments on separate lots (excepting commercial marina boat launch, fisherman's access, automobile or trailer sales): one parking space for every motor vehicle used directly in the business, plus one parking space for every two hundred square feet of business area.
  - 8. Restaurant, Eating, and Drinking Establishments: one parking space for every motor vehicle used directly in the business, plus additional parking as required by the Planning Board.
  - 9. Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses: one parking space for every vehicle, based upon vehicle load.

10. Unspecified Uses (commercial marina boat launch, fisherman's access, automobile or trailer sales): a number of parking spaces as required by the Planning Board, based upon use intensity, turnover, customers, employees and vehicles used, including recreational vehicle parking space.

#### **SECTION 4.12 - LOADING AREAS**

- A. Loading Areas shall be provided for retail, wholesale and warehousing activities. Loading areas shall be a minimum of 12' x 46' and shall be identified on the site plan, and shall comply with all applicable regulations promulgated by the NYSDOT.
- B. All loading areas must be accessed from an off-street location.

#### **SECTION 4.13 - MODIFICATION OF PARKING AND LOADING REQUIREMENTS**

The Planning Board shall have the authority to modify any of the above-referenced parking and loading area requirements, provided that the applicant provides sufficient evidence that the standard is excessive. The modification shall be by resolution, and must be approved by a majority of the Board. When modification is granted, the Planning Board may require the applicant to designate on the site plan future parking areas, which could be developed if needed.

#### **SECTION 4.14 - INGRESS AND EGRESS**

Ingress and egress onto public streets or roads relate to site access and safety. In order to maintain the function of public roads:

- A. Ingress and egress drives shall be located the minimum safe distance from an intersection as required by regulations promulgated by the NYSDOT, or any other municipal body;
- B. Site development plans shall address pedestrian and public transportation as well as vehicular access; and
- C. The turning radius of the access drive shall be based upon road classification and speed limit standards, after consultation with the appropriate State, County or Town highway officials.

#### **SECTION 4.20 - SIGNS**

- A. In addition to regulating signs for business, commercial and industrial uses as set forth in Subsection B, this section permits the following signs:
  1. One professional residence office or home occupation sign not exceeding eight square feet.
  2. One "for rent" and/or "for sale" sign not exceeding two feet by two feet in residential areas, and two of said signs not exceeding two feet by three feet in other areas.
  3. Directional or informational signs not exceeding one and one-half feet by four feet.

4. Signs necessary for public safety or welfare.
  5. Signs identifying a construction project, and the specialists concerned, not exceeding three feet by three feet for a house, and four feet by four feet for other buildings.
- B. Each business shall be permitted building signs and one ground sign as indicated below. Where more than one business is located on the same parcel or land, the area allotted for each business may be combined on a single ground sign. The following types of signs are permitted:
1. Building signs: total areas shall not exceed one (1) square foot for each one (1) linear foot of building frontage. The sign shall not project more than one (1) foot beyond the building line, and shall not extend above the roofline. A horizontal sign format shall not exceed two feet in height and no lettering shall exceed 12 inches in height or width. In no case shall the length of the sign exceed 75% of the building façade width. Vertical format signs shall not exceed eight square feet in area.
  2. Ground signs: the top of the sign shall not exceed twenty (20) feet in height above the average grade. The sign shall not exceed one hundred (100) square feet in area (this includes both sides). No more than two (2) posts shall be employed in the construction.
  3. Illuminated and flashing signs: commercial and industrial signs may be illuminated by a steady light, provided that such lighting does not illuminate adjacent property. Flashing and oscillating signs are not permitted, unless necessary for public safety or welfare.
  4. Traffic hazard, safety and construction: every sign shall be designed and located in such a manner as to:
    - a. Not impair public safety.
    - b. Not be closer than fifteen (15) feet from the side of the road, and in no case restrict clear vision between a sidewalk and a street,
    - c. Not be confused with any traffic sign or signal.
    - d. Not prevent free access to any door, window or fire escape.
    - e. All signs shall be structurally sound and able to withstand adverse weather conditions.
  5. Banner and pennants:
    - a. Banners, pennants and similar devices are prohibited, except non-permanent banners and pennants displayed for the occasion of a special event. Such banners and pennants shall be displayed for no longer than a four-week period.
    - b. No banner shall exceed thirty (30) square feet in area.

#### **SECTION 4.25 - NONCONFORMING SIGNS**

- A. Any nonconforming sign existing at the time of enactment or amendment of this local law may be continued although such use does not conform with this local law except as hereinafter provided.
- B. Nonconforming signs may not be enlarged, extended, relocated or altered in any way, except to make them conform to the standards of this ordinance.

- C. This provision shall not restrict the routine maintenance of nonconforming signs involving replacement of electrical parts and repainting.
- D. The provisions set forth in this section shall supplement the provisions for nonconforming uses set forth in Section 4.60. The provisions contained in the section shall supercede any conflicting provisions of Section 4.60.

## **SECTION 4.26 - SETBACK REQUIREMENTS**

Any sign erected after the effective date of this ordinance, shall be located outside the right of way for any private road, public road or highway within the Town of New Haven.

## **SECTION 4.30 - LANDSCAPING AND BUFFERING**

- A. Where any commercial land use or multiple-family land use abuts a residential use, a landscaped buffer area of at least thirty (30) feet in width shall be maintained by the owner in side and rear yards which adjoin those residential districts or land uses. No parking or driveway shall be permitted in a buffer area.
- B. Where any industrial land use abuts any residential land use, a landscaped buffer area of thirty-five (35) feet in width shall be maintained in side or rear yards. No parking or driveway shall be permitted in a buffer area or required yard.
- C. For commercial uses, each use shall have a buffer area of at least thirty (30) feet in width in any required front yard. Planting in such buffer areas shall be such that vision in the ingress/egress drive is not obstructed.
- D. For industrial uses, each use shall have a buffer area of at least thirty-five (35) feet in width in any required front yard. Planting in such buffer areas shall be such that vision in the ingress/egress drive is not obstructed.
- E. Landscaping required under this section shall be installed and maintained in a healthy growing condition in front, side and rear yards and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover. Where natural vegetation can be retained, it may be permitted to serve as the required landscaping. All landscaping shall be kept in a healthy growing condition for the life of the development. Any dead plants shall be replaced with plants of a comparable type and size.
- F. Landscaping of parking areas:
  - 1. For parking areas with five or more spaces, a minimum five-foot landscaped buffer area around the perimeter of the parking lot is required.
  - 2. For parking areas with 50 or more spaces, interior landscaping covering 10% of the parking area, including circulation medians, is required.
  - 3. Additional landscaping may be required by the Planning Board if it is determined to be necessary to adhere to the purpose of this law.
- G. Fences and Walls: Commercial and industrial property that is adjacent to a residential property shall be provided along such property lines with a wall, fence, compact evergreen hedge or a landscaped strip of shrubs and trees so designed as to form a visual screen of not less than six (6) feet high at the time of planting or installation.

## **SECTION 4.40 - PROTECTION OF ENVIRONMENT AND COMMUNITY**

- A. In order to maintain the quality of surface and groundwater resources and to maintain the aesthetic quality of the community, buffers shall be required along lakes, rivers, streams and wetlands as follows:
  - 1. A 100 foot building setback from Class I wetlands and the major waterways located in the Town of New Haven, such as Lake Ontario, with 50 feet of this setback area maintained as a vegetative buffer.
  - 2. A 25 foot building setback and vegetative buffer along Class II and III wetlands, and other regulated rivers and streams located in the Town of New Haven.
- B. Lights shall be placed on a premises in such a manner so as not to interfere with enjoyment of one's neighboring property.

## **SECTION 4.50 - PROTECTION OF HIGHWAY SYSTEM**

In order to maintain the quality of the Town and County highway system, additional setback requirements are necessary. A building setback of 75 feet from arterial roads and 50 feet from major collectors shall be maintained.

## **SECTION 4.60 - NONCONFORMING USES**

- A. The lawful use if any building or land existing at the time of enactment or amendment of this local law may be continued although such use does not conform with this local law, except whereas provided in this section.
- B. When a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with this local law; provided, however, that within two years of such discontinuance the Planning Board may allow resumption of the nonconforming use, upon good cause shown.
- C. A nonconforming use shall not be changed to a use other than a conforming use in accordance with this local law.
- D. A nonconforming structure or part thereof may be:
  - 1. Restored to a safe condition.
  - 2. Repaired, if damaged by fire, flood or other causes, provided that the construction starts within a period of two years from the time of the damage.
  - 3. Structurally altered only to the extent of its prior nonconformity.
- E. A nonconforming use shall not be extended. The extension of a lawful use to any part of a nonconforming building shall not be deemed an extension of such nonconforming use.

## ***ARTICLE V: SUPPLEMENTARY REGULATIONS***

## **SECTION 5.00 - PURPOSE**

This section provides additional information regarding criteria for specific developments or uses, which present special design considerations.

## **SECTION 5.10 - GENERAL STANDARDS**

The following general standards are hereby adopted for the control of uses for any commercial and industrial uses, and no such use shall be expanded, permitted, established, maintained or conducted which shall be likely to cause:

- A. Excessive smoke, fumes, gas, dust, odor or any other atmospheric pollutant beyond the boundaries of the lot whereon such use is located. Smoke is excessive when the shade or appearance of such smoke is darker than No. 2 on the Ringleman Smoke Chart, published by the US Bureau of Mines.
- B. Noise, perceptible beyond the boundaries of the lot occupied by such use causing the same.
- C. Any pollution or discharge of any waste material whatsoever into any watercourse, open ditch or land surface.
- D. Discharge of any waste material whatsoever into any sanitary disposal system or sewage system, except only in accordance with the rules and under the control of the public health authorities or public body controlling such sewage system. Any chemical or industrial waste, which places undue loads, as determined by the Town of New Haven or Oswego County Health Department, shall not be discharged into any municipal system and must be treated by the commercial or industrial use.
- E. Storage or stocking of any waste materials that will be hazardous to the health, safety and welfare of the community without appropriate safeguards in place, as determined by the Planning Board.
- F. Glare or vibration perceptible beyond the lot lines whereon such use is conducted.
- G. Hazard to person or property by reason of fire, explosion, radiation or other cause.
- H. Any other nuisance harmful to persons or property.

## **SECTION 5.15 - SPECIFIC STANDARDS**

The specific standards enumerated below are hereby adopted and must be complied with, for and by any commercial or industrial use before the same be extended, permitted, established, maintained or conducted in the Town of New Haven.

## **SECTION 5.20 - TRAVEL TRAILER PARK AND CAMPSITE AREA STANDARDS**

- A. The following regulations shall apply to travel trailer parks and campsite areas:
  - 1. Regulations set forth in Chapter 1 of the State Sanitary Code dealing with temporary residence travel vehicle parks and campsites.
  - 2. Travel trailer parks and campsites shall be at least three acres in area and shall provide individual sites, access driveways and off-street parking.
  - 3. All access driveways shall be at least twenty-two (22) feet wide.

4. No travel trailer site, campsite or service building shall be closer to public street right of way than fifty feet or closer to a property line than thirty feet. In no case shall parking on a public roadway be permitted.
  5. A buffer area of at least thirty-five (35) feet in width shall be maintained as a landscaped area abutting all travel trailer park or campsite area property lines.
- B. The following regulations shall apply only to campsite areas and shall not be required for trailer parks or travel trailer parks:
1. The minimum area for each campsite shall be 1,500 square feet. However, the Planning Board or whichever is the ultimate permit-issuing Board may require additional minimum area for campsites which are intended to be provided for use by a single occupant or group of occupants for a period in excess of three consecutive days.
  2. One toilet shall be provided for each sex for every ten campsites, and shall be located no more than 300 feet from any site served.
  3. An adequate supply of potable water shall be provided within 250 feet of each campsite. Where spigots and sewer hookups are provided at each site, a minimum volume of 100 gallons of water per site per day, at a minimum pressure of 20 pounds per square inch, shall be provided.
  4. At least one travel trailer sanitary dumping station shall be supplied for every 100 campsites, or portion thereof, unless this equipment is waived, in writing, by the Planning Board.

#### **SECTION 5.25 - MANUFACTURED HOMES AND MANUFACTURED HOME PARKS**

All manufactured homes and manufactured home parks shall be regulated in accordance with Local Law #2 of 1994, as amended from time to time.

#### **SECTION 5.26 - CONDITIONS FOR AMUSEMENT CENTER**

- A. Temporary amusement centers shall be permitted use without the necessity of obtaining site plan approval from the Town of New Haven.
- B. Permanent amusement centers shall be permitted only after applying for and receiving site plan approval in accordance with this local law.

#### **SECTION 5.27 - STORAGE OF RADIOACTIVE MATERIAL**

Prior to construction of a facility that calls for the storage of radioactive material, site plan approval in accordance with this local law shall be required.

#### **SECTION 5.30 - STANDARDS FOR COMMERCIAL MARINA**

- A. The following regulations shall apply to a commercial marina within the Town of New Haven:

1. Permits: Compliance with all federal, state, county and local permit procedures shall be required before a building permit is issued.
2. Parking:
  - a. Adequate access, maneuvering space and off-street parking shall be provided for cars and boat trailers. Parking space for cars with trailers attached shall be at least ten feet by forty feet.
  - b. Parking areas shall be paved or provided with a surface treatment which shall prevent blowing dust.
3. Sanitation:
  - a. One toilet for each sex shall be provided for each fifty boats or fraction thereof renting space in the marina. Such toilet shall be attached to a sewage disposal system approved by the appropriate New York State authority.
  - b. Any marina having 100 or more slips available for rent shall provide an approved sewage pump-out unit and holding tanks unless this provision is waived, in writing, by the Planning Board.
  - c. An adequate supply of potable water shall be available within 250 feet of each boat slip.
  - d. Heavy-duty trash receptacles with lids to keep out animals shall be provided within 100 feet of each boat slip and near any fish cleaning and food sales areas.
4. Storage:
  - a. Fuel storage and fire safety equipment shall be provided in accordance with the provision of the New York State Uniform Fire Prevention & Building Code.
  - b. Any area used for winter storage shall be maintained in good condition and shall not be used for abandoned, damaged or derelict boats or vehicles.

### **SECTION 5.35 - BOAT LAUNCH OR FISHERMAN'S ACCESS AREA**

- A. The following regulations shall apply to a boat launch or fisherman's access area in the Town of New Haven:
  1. Adequate access, maneuvering space and off-street parking shall be provided. Parking space for cars with boats attached shall be at least ten feet by forty feet.
  2. Any ramp used for launching boats and trailers shall be provided with a hard surface and shall have a maximum slope of 13 percent, to be used for temporary, short-term docking.
  3. One toilet shall be provided for each 50 parking spaces at a facility having a boat launching ramp. Such toilet, if not an approved, portable self-contained unit, shall be attached to a sewage disposal system approved by the appropriate New York State authority.
  4. One heavy trash receptacle with a lid to keep out animals shall be provided for each ten parking spaces.

### **SECTION 5.36 - CHARTER BOATS AT PRIVATE MOORING**

- A. It shall be permissible for persons to dock a charter boat at a private mooring in the Town of New Haven under the following conditions:
  - 1. Said charter boat is owned by the owner of the lot of record of his immediate family.
  - 2. Said boat is moored at said dock only for the purpose of overnight docking.
  - 3. No persons other than the owner or his immediate family are allowed to board or disembark from said private mooring; rather, all passengers must board and disembark from recognized commercial marinas.
  
- B. No commercial enterprise shall be conducted at a private mooring.

### **SECTION 5.40 - GARAGE SALES/FLEA MARKETS**

- A. Garage sales and flea markets shall be a permitted use in the Town of New Haven under the following terms and conditions:
  - 1. Garage sales and flea markets shall be operated for a period not in excess of three days at a time, and shall not occur more than twice in any calendar year.
  - 2. In order to operate a garage sale or flea market for a period in excess of three consecutive days or more often than two times in one calendar year, it shall be necessary to obtain a permit prior to beginning operation of such uses.

### **SECTION 5.45 - KENNELS/STABLES**

- A. The following regulations shall apply to kennels in the Town of New Haven:
  - 1. Kennels shall be designed to accommodate small animals, exclusively, such as dogs and cats.
  - 2. Outdoor runs shall be located at least 25 feet from adjacent property lines and shall be appropriately screened in accordance with Section 4.30 of this ordinance.
  
- B. The following regulations shall apply to stables in the Town of New Haven:
  - 1. Stables shall be designed to accommodate horses.
  - 2. For each horse to be stabled, one acre of land is required, and shall be appropriately screened in accordance with Section 4.30 of this Ordinance.

### **SECTION 5.50 - GAS STATIONS; PUBLIC GARAGES; SMALL ENGINE REPAIR SHOPS AND MOTOR VEHICLE, MANUFACTURED HOME AND RECREATIONAL VEHICLE SALES AND REPAIR SHOPS**

- A. Gasoline stations; public garages; small engine repair shops; and motor vehicle, manufactured home and recreational vehicle sales agencies shall comply with the following:
1. Lot shall not be located within three hundred feet of any lot occupied by a school, hospital, playground, library or religious institution. Measurement shall be made between nearest respective lot lines.
  2. Lot size shall be at least 20,000 square feet.
  3. Lot frontage shall be at least 150 feet.
  4. Lot depth shall be at least 125 feet.
  5. Pumps, other service devices and fuel and oil storage shall be located at least thirty-five (35) feet from all lot lines.
  6. All vehicle, small engine and recreational vehicle parts and dismantled vehicles, small engine equipment and recreational vehicles are to be stored within an enclosed building or permanent structure other than a trailer, and no major repair work is to be performed outside said building or structure.
  7. There shall be no more than two access driveways from any street. Maximum width of each access driveway shall be thirty feet.
  8. A suitably curbed landscaped area shall be maintained at least fifteen (15) feet in depth along all street frontage not used as a driveway.
  9. All federal, state, county and local laws, codes, rules and regulations shall be complied with before a building permit shall be issued.

#### **SECTION 5.55 - PUBLIC UTILITY FACILITIES**

- A. Public utility facilities shall comply with the following:
1. The facility shall be surrounded by a fence set back a minimum of fifteen (15) feet from street lines and thirty-five (35) feet from adjoining property lines, and one hundred (100) feet from any building situated on the property.
  2. A landscaped area at least thirty-five (35) feet wide shall be maintained in front, rear and side yards.
  3. There shall be no open equipment visible from surrounding property.
  4. Where practical, low-profile equipment shall be used.

#### **SECTION 5.60 - DWELLINGS ON LOTS**

- A. There shall be only one residential building on a lot unless otherwise approved by the Planning Board, in accordance with this article.
- B. Notwithstanding Subsection A above, a second dwelling may be erected on a lot of record which equals or exceeds three acres in area, upon application by the owner of the lot of record to the Enforcement Officer for a building permit.
- C. Prior to issuing a building permit, the Enforcement Officer shall assure that:
1. The applicant has set aside at least sixty thousand square feet to the person or persons who shall be residing in the second dwelling.
  2. The dwelling shall meet all applicable minimum front line, side line and area requirements.

3. One or more of the residents of the second dwelling are within the second degree of kinship of the owner of record, either by blood or adoption.

### **SECTION 5.61 - REDUCTION OF MINIMUM RESIDENTIAL LOT REQUIREMENTS**

- A. The Planning Board may reduce residential lot area minimums and building line minimums required by this local law upon finding that such a smaller lot is:
  1. Compatible with existing development on adjacent lots;
  2. Adequate to support individual water supply and sewage disposal systems; or
  3. Served by public water and sewage disposal systems.
- B. Reduction of minimum residential lot requirements is subject to the following conditions:
  1. No lot width or area shall be reduced to less than fifty percent those required by the district regulations.
  2. No lot area shall be reduced to less than the minimum required by the State Board of Health requirements, based upon percolation test results.
  3. All construction on such lot shall comply with all yard requirements, unless a variance has been granted by the Planning Board.
- C. In lakefront areas, no lot with a minimum width of 80 feet and lot depth not less than 100 feet will be allowed.

### **SECTION 5.62 - RESIDENTIAL LOTS OF RECORD**

A one-family dwelling may be built upon any lot, regardless of whether such lot conforms with lot area, building front line or lot depth minimums required by this local law, under the following conditions:

- A. Such lot shall have been held in separate ownership from adjoining land at time of adoption of this ordinance.
- B. Such lot shall be sufficiently large to support individual water supply and sewage disposal systems, based upon State Board of Health standards, or shall have access to public water or public sewer facilities.
- C. All construction on such lots shall comply with all yard requirements, unless a waiver has been granted by the Planning Board.
- D. There shall be only one residential building on a lot, unless otherwise approved by the Planning Board.

### **SECTION 5.63 - CALCULATIONS OF BUILDING COVERAGE**

In determining percentage of building coverage of a lot, or size of yards, all principal buildings, roofed porches, garages, carports and other accessory building shall be included.

## **SECTION 5.64 - REQUIRED AREA OR YARDS**

No space necessary under this ordinance to satisfy area, yard or other open space requirements in relation to any building or use shall be counted as part of a required open space in relation to any other lot or building.

## **SECTION 5.65 - YARDS ON CORNER LOTS**

Any yard adjoining a street shall be considered a front yard for the purposes of this local law. Only one front yard is required to comply with minimum front yard requirements; all other front yards shall be equal to or exceed the side yard minimum.

## **SECTION 5.66 - PROJECTION IN YARDS**

Every part of a required yard shall be open from the ground to the sky unobstructed, except for ordinary projections of sills, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard.

## **SECTION 5.67 - FRONTAGE ON PUBLIC STREET**

All residential lots shall have a minimum frontage on a public street in accordance with the following:

- A. Unimproved lots: 200 feet.
- B. Improved lots abutting minor town road: 100 feet.
- C. Improved lots abutting major town road: 150 feet.
- D. Improved lots abutting state or county highway: 200 feet.

## **SECTION 5.68 - LOCATION OF DRIVEWAYS**

All driveways shall be located and installed in accordance with the Town of New Haven Highway Specifications, dated February 17, 1994, as amended from time to time.

## **SECTION 5.69 - RESIDENTIAL SETBACK REQUIREMENTS**

No structure on a residential property, excluding subdivisions, constructed after the effective date of this ordinance, shall be located less than fifty (50) feet from the edge of a private or public road within the Town of New Haven. A minimum of twenty (20) feet shall be maintained between **all** structures and side and rear property lines on a residential property.

## **SECTION 5.70 - PERMIT FOR TEMPORARY USES AND STRUCTURES**

- A. The Enforcement Officer may issue a temporary permit for a period of one year, for incidental nonconforming uses, as follows:

1. Temporary uses incidental to a construction project.
  2. Temporary real estate sales office incidental to a subdivision.
  3. Other similar temporary incidental uses, except storage or disposal of toxic chemicals or radioactive materials at levels that can be injurious to human, animal and biological life.
- B. Permits shall be conditioned upon agreement by the owner to remove the use upon expiration of the permit.
- C. Permits may be reissued for one additional period of six months.
- D. Permit fees shall be established by the Town Board, pursuant to a fee schedule.

### **SECTION 5.75 - ABANDONMENT OF CONSTRUCTION PROJECTS AND STRUCTURES**

Within sixty (60) days after a construction project, building or structure has been destroyed, demolished, abandoned or deemed unsafe by the Town Board, all structural materials shall be removed from the site, and any excavation shall be covered or filled to normal grade by owner.

### **SECTION 5.80 - HEIGHT EXCEPTIONS**

- A. Nothing herein shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bells, clocks, fire and observation towers, and essential public utility structures.
- B. No radio or television antenna tower, water or cooling tower, oil or gas holder, elevator bulkhead, chimney or other similar structures in excess of sixty feet may be erected without the permission of the Planning Board.
- C. Notwithstanding the provisions contained in Subsections A and B above, the height of all structures in the Town of New Haven must comply with all applicable federal, state and local laws.

### **SECTION 5.90 - LANDFILL**

Landfills are permitted in the Town of New Haven. All materials or debris to be placed in the landfill shall be clean, recognizable and uncontaminated. Allowable materials for land filling shall be limited to the following items: loam, rock, stone, cinders, brick, glass, gravel asphalt pavement, concrete and concrete products including steel or fiberglass reinforcing rods that are imbedded in the concrete.

Operation of approved landfills shall be in compliance with applicable laws, codes and regulations of the county, state and federal governments.

The dumping of refuse materials, unrecognizable materials, pulverized materials, contaminated materials, hazardous waste materials, industrial waste materials and petroleum waste or petroleum contaminated materials into landfills is prohibited in the Town of New Haven.

The disposal of asphalt materials shall be prohibited within the town.

No fee or other form of consideration shall be permitted for the privilege of using the landfilling facility for disposal purposes.

Within 180 calendar days of ceasing landfill operations, the landfill shall be covered with a six inch cap capable of sustaining vegetative growth.

All landfills, new and existing, shall be registered with the Town of New Haven.

All earth-disturbing activity that does not constitute landfilling pursuant to this section shall be considered landscaping.

A permit, issued by the Planning Board, shall be required when the area to be landfilled is more than one acre, and for an area less than one acre when, in the opinion of the code enforcement officer, review and approval by the Planning Board is deemed necessary.

All landfills shall comply with all applicable local, county, state and federal laws, codes and regulations, including but not limited to state and federal wetland regulation and permit requirements.

#### **SECTION 5.91 - OBSTRUCTION OF VISION ON A CORNER LOT**

In the Town of New Haven, on a corner lot, within the triangular area formed by the intersection of two street property lines and a third line joining them at points thirty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

#### **SECTION 5.92 - FENCES**

No fence or planting over three feet in height shall be permitted within fifteen feet of the intersection of either side of a driveway with the street line or along the lot line of two separate lots of record; and no fence or planting shall be permitted within one foot of the street line.

#### **SECTION 5.93 - MULTIPLE FAMILY DWELLING UNITS BELOW GRADE**

No living spaces are permitted in cellars in multiple family dwellings.

#### **SECTION 5.94 – NOT USED**

#### **SECTION 5.95 - STORAGE OF MOTOR VEHICLES AND TRAVEL TRAILERS**

- A. Motor vehicles used for drag or stock car racing, and abandoned or junked vehicles must be parked within an enclosed garage. For purposes of this section, an abandoned or junked vehicle shall mean any vehicle, which is unlicensed for a period of more than six months, or not in condition for legal use on the highway.

- B. A trailer or camper shall not be used as year round living quarters, unless it is approved for year round use, unless it is approved by the Planning Board. The Planning Board shall use the following criteria.
- C.
  - 1. Year round water supply.
  - 2. Year round sewer.
  - 3. Safe ingress and egress.
  - 4. Any other criteria the Planning Board deems necessary.

#### **SECTION 5.96 - SWIMMING POOLS**

- A. In addition to complying with all applicable federal, state, county and local laws regulating same, every private swimming pool shall be completely surrounded by a fence, wall or deck not less than four feet in height and constructed in such a manner so as not to be easily climbed, and erected with an underlying objective of being protective in nature.
- B. For the purposes of this ordinance, the wall of a pool above ground may be included as part of the barrier mentioned in Subsection A, above. The fence, wall or deck shall be equipped with a self-closing door or gate, or retractable steps which can be securely locked. The fence, wall or deck or other protective device must be erected within thirty (30) days after installing the pool.

#### **SECTION 5.97 - MINING**

- A. All mining activities are required to submit a reclamation plan.
- B. The Town of New Haven shall be listed as an involved agency in the SEQR process.
- C. Reclamation should begin as each phase of the project is completed, and end before the next phase of the project is twenty-five percent (25%) completed, in accordance with the NYS Department of Environmental Conservation's permit requirements, where applicable.
- D. Prior to beginning excavation, the developer is required to post a bond, the amount to be determined by the Planning Board, to cover the wear and tear on local and county roads.

#### **SECTION 5.98 - WETLANDS MAP OVERLAY**

The Enforcement Officer shall maintain, with the Town of New Haven map, an additional map or overlay showing all fresh water wetlands, as defined in the Environmental Conservation Law, which lie within the Town of New Haven. As each application is filed with the Enforcement Officer, he shall determine whether the proposed use or alteration lies within a fresh water wetland area. If such is the case, he shall provide the applicant any and all forms required by the State of New York or other appropriate authority for preparation and review of the appropriate deliberative agencies prior to granting any permits required under this ordinance.

#### **SECTION 5.99 - FLOOD MAP OVERLAY**

The Enforcement Officer shall maintain, with the Town of New Haven map, an additional map or overlay showing those areas susceptible to flooding.

***ARTICLE VI: VIOLATIONS, PENALTIES AND ENFORCEMENT***

**SECTION 6.10 - VIOLATIONS**

Any person who commits or permits any acts in violation of the provisions of this local law, or who fails to comply with the provisions thereof, shall be deemed to have committed an offence against the Town of New Haven, and also be liable for any such violations or the penalty therefore. Each day such violations shall continue or be permitted to exist shall constitute a separate violation.

**SECTION 6.20 - PENALTIES FOR OFFENSES**

The following penalties shall apply to all offenses pursuant to these regulations:

- A. For every violation of any provision of these regulations, the person violating the same shall be subject to a fine of not more than \$250 for each such offense. Such penalty shall be collected by and in the name of the Town of New Haven for each day that such violation shall continue.
- B. In the event that the Town of New Haven maintains a legal action, pursuant to the provisions set forth in this section, and a violation continues to exist after a finding of a violation by a court of competent jurisdiction, the person held to be in violation of these regulations shall be subject to a fine of not more than \$500 for each day the violation continues to exist after a finding of said violation.

**SECTION 6.30 - ENFORCEMENT**

In addition to the above provided violations and penalties, the Town Board or Planning Board may also maintain an action or proceeding in the name of the Town of New Haven in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of these regulations.