

**TOWN OF CORINTH**

**LAND USE LAW**



*Adopted by the Corinth Town Board  
May 15<sup>th</sup>, 2004*

**TOWN OF CORINTH  
LAND USE LAW**

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**ARTICLE 1  
INTRODUCTORY PROVISIONS**

**1.1 Short Title**

This Local Law shall be known and may be cited as “The Land Use Law” of the Town of Corinth, Saratoga County, New York.

**1.2 Authority**

Enactment of this Local Law is pursuant to the enabling provisions of Articles 2 and 3 of the Municipal Home Rule Law and Article 16 of the Town Law and Article 27 of the Executive Law of the State of New York.

**1.3 Legislative Purpose**

The purpose of this Local Law is to promote the health, safety and general welfare of the community, to promote the rural character of the Town, to provide for a variety of housing opportunities and densities, and to protect the property values and aesthetics of the community. These goals are to be accomplished by regulating the height and size of buildings and other structures, the percentage of the lot that may be occupied, the size of the yards, courts and other open spaces, and the density of population, the location and use of buildings, structures and land for trade, industry, agriculture, residence and other purposes, to the extent permissible within the proper exercise of power delegated by the New York State Town Law.

It is the further purpose and objective of this Local Law to ensure the optimum overall conservation, protection, development and use of the scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Town.

**ARTICLE 2  
TERMINOLOGY**

**2.1 Word Usage**

Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural shall include the singular.

The word “shall” is mandatory; the word “may” is permissive.

**ARTICLE 3  
ESTABLISHMENT OF DISTRICTS**

**3.1 Land Use Districts and Purposes**

**A. Land Use Districts**

For the purposes of this Law, the Town of Corinth is hereby divided into the following Land Use Districts:

- R-1 High Density Residential
- R-2 Mixed Residential
- R-3 Moderate Density Residential
- SCH South Corinth Hamlet
- R-R Rural/Residential
- C Commercial
- OD-1 Overlay District
- I Industrial
- P Public (includes Lands of New York State, Saratoga County, the Town of Corinth and the Village of Corinth)
- RU Rural Use
- LI Low Intensity
- RM Resource Management

**B. Purposes**

**1. High Density Residential (R-1)**

It is the purpose of this land use district to accommodate higher density residential development in those areas of the Town of Corinth located adjacent to existing community facilities and services, without physical constraints, and potentially capable of being served by public water and sewer.

Generalized soil maps identify this land use district as suitable for on-site septic disposal on lots with a minimum lot size of twenty thousand (20,000) square feet. The introduction of public sewer would promote a higher density. All areas in this land use district are contiguous to the Village of Corinth.

**2. Mixed Residential (R-2)**

It is the purpose of this land use district to accommodate manufactured homes, mobile homes and other single family dwelling units.

The absence of existing or proposed public water and sewer facilities limits the capacity of the R-2 district to accommodate more intensive development.

**3. Moderate Density Residential (R-3)**

It is the purpose of this land use district to accommodate moderate residential growth and development in those areas of the Town of Corinth that are relatively free from physical constraints.

The absence of public water and sewer facilities limits the capacity of the district to accommodate more intensive development.

**4. South Corinth Hamlet (SCH)**

It is the purpose of this land use district to recognize the hamlet of South Corinth as a distinct social and cultural place with mixed land uses at a higher density than found in the surrounding countryside. Manufactured homes, mobile homes and other single family dwelling units are allowed in this district.

**5. Rural Residential (R-R)**

It is the purpose of this land use district to preserve and enhance the rural and agricultural resources of the Town of Corinth. Areas in this land use district exhibit moderate to severe development constraints and lack public water and sewer.

**6. Commercial (C)**

It is the purpose of this land use district to encourage the establishment of retail and professional services and institutions and uses consistent with the needs of a rural community. The district also recognizes the Town's tourism and recreation industry and its economic benefits.

**7. Overlay District-1 (OD-1)**

It is the purpose of this land use district to permit the right of entrepreneurs to be the proprietors of adult oriented businesses and those businesses established for the purposes of adult entertainment.

**8. Industrial (I)**

It is the purpose of this land use district to accommodate new and expanding industrial uses in the Town of Corinth.

It is further the purpose of this land use district to promote the economic well being of the community, stimulate employment opportunities, and expand the industrial tax base.

## **9. Public Lands (P)**

Publicly owned lands, identified on the Town of Corinth Land Use Map, are located throughout the Town and may be owned by the State of New York, Saratoga County, the Village of Corinth, or the Town of Corinth. The use and bulk regulations of this Local Law do not apply to publicly owned Lands.

## **9. Rural Use (RU)**

It is the purpose of this land use district to provide for and encourage land uses that are consistent and compatible with the relatively low tolerance of the area's natural resources and the preservation of the open spaces that are essential to the unique character of the Adirondack Park. This land use classification is found exclusively within the Adirondack Park and the overall intensity guidelines and permitted land uses are consistent with Adirondack Park Agency criteria.

## **10. Low Intensity (LI)**

It is the purpose of this land use district to provide for and encourage land uses that are compatible with the low-density nature of the area. This land use classification is found exclusively within the Adirondack Park and the overall intensity guidelines and permitted land uses are consistent with Adirondack Park Agency criteria.

## **11 Resource Management (RM)**

Resource Management areas are those lands where the need to protect, manage and enhance forest, agricultural, recreational and open space resources is of paramount importance because of overriding natural resource and public considerations. Open space uses, including forest management, agriculture and recreational activities are found throughout these areas. The Resource Management land use district is found exclusively within the Adirondack Park area of the Town.

## **3.2 Land Use Map**

The locations and boundaries of each land use district listed as part of this Local Law are hereby established as shown on the map entitled "Land Use Map of the Town of Corinth." Said map, together with all explanatory matter thereon and all amendments thereto, is hereby adopted and declared to be a part of this Local Law, and may be amended in the same manner as any other part of this Local Law. Said map shall be kept up to date and shall be located in the Town Clerk's office for the use and benefit of the public.

## **3.3 Interpretation of Boundaries**

Where uncertainty exists with respect to the boundary of any district as shown on the Town of Corinth Land Use Map, the following rules shall apply:

- A.** Where district boundaries are indicated as approximately following the center lines of right-of-way lines of streets, highways, railroads or public utility easements, said boundaries shall be construed to be coincident with such lines.
- B.** Where district boundaries are indicated to be approximately parallel to the center lines of right-of-way lines of streets, highways, railroads or public utility easements, said boundaries shall be construed as being parallel thereto. These boundaries shall also be at such distances as are indicated on the Land Use Map or as shall be determined by the scale shown on the Land Use Map.
- C.** Where district boundaries are so indicated as approximately following the Town boundary line, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- D.** Where district boundaries are so indicated to be approximately parallel or offset to the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as are indicated on the Land Use Map.
- E.** Where a street, highway, railroad, public utility easement, center line or right-of-way line is coincident with a land use boundary line and varies from the actual on the ground physical monument or mark, then such on the ground physical monument shall determine said land use boundary.
- F.** Where a district boundary line divides a lot in single or joint ownership, at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than thirty (30) feet into the more restricted portion. This provision stands provided the lot has frontage on a street in the less restricted district. (This does not apply in the Adirondack Park where such line constitutes a state-designated land use area boundary). Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of Appeals shall interpret the intent and purpose of the Land Use Map.
- G.** In the event that none of the above rules is applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

### **3.4 Adirondack Park Land Use and Development Plan Map**

Land use and development in the portion of the Town of Corinth that lies within the Adirondack Park is subject to the regulations of Subdivision 2 of Section 809 of the Adirondack Park Agency Act and Section 24-0801 (2) of the Freshwater Wetlands Act.

**ARTICLE 4  
USE, AREA AND BULK REGULATIONS**

**4.1 Schedule of Use, Area and Bulk Regulations**

The use, area and bulk regulations appear in Schedule 1 following page 9 of this document. This schedule is supplemented, as appropriate, by other provisions of this Local Law.

**4.2 Application of Regulations**

Except as hereafter provided:

- A.** No building<sup>1</sup>, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, demolished, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located.
- B.** No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building or use.
- C.** No yard or lot existing at the time of the passage of this Local Law shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Local Law shall meet the minimum requirements set forth herein.
- D.** Notwithstanding the provisions of Town Law Section 265-a, nothing contained herein shall prohibit the use of a lot of record in legal existence as of the date of enactment of this Local Law even if such lot or lots do not meet the minimum area and bulk requirements.<sup>2</sup> Further, nothing contained herein shall prohibit the use of an undeveloped lot in a subdivision which is in legal existence as of the date of enactment of this Local Law.
- E.** No off-street parking or loading space required for one building or use shall be included as satisfying, in whole or in part, the off-street parking or loading space required for another building or use, unless approved as a shared parking plan by the Planning Board.
- F.** No off-street parking or loading space shall be so reduced in area that it does not meet the minimum requirements of this Local Law.

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<sup>1</sup> A building is any structure over 140 square feet. Any structure less than 140 square feet is not required to have a permit.

<sup>2</sup> This law is separate from any deed restrictions on a parcel of land.

- G.** Within each district, the regulations set forth by this Local Law shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land.
- H.** Only those uses specifically identified as permitted principal uses, permitted accessory uses, permitted special use permit uses and permitted site plan review use shall be permissible in their respective land use districts. All other uses are expressly prohibited unless granted a variance by the Zoning Board of Appeals pursuant to Article 10.

#### **4.3 Building Permit**

Before the construction, relocation, or alteration of any structure as to the outside dimensions and structure, a building permit shall be obtained. No site preparation for any building shall begin unless and until a building permit has been issued.

#### **4.4 Principal Buildings Per Lot**

Unless otherwise specified, there shall be only one (1) principal use and building per lot except as specified in the following instance. More than one (1) principal use and building per lot is allowed if the minimum required lot area, lot width and all yard requirements are met for each.

#### **4.5 Corner Lots**

On a corner lot, each street frontage shall be deemed a front street line, and the required yard along each such lot line shall be a required front yard. The Code Enforcement Officer, in consultation with the owner, shall decide which of the remaining yards shall be the required side yard and the required rear yard.

#### **4.6 Applicability of Other Regulations**

The ability to undertake a land use activity pursuant to this Local Law does not repeal or eliminate the jurisdiction of other local, regional, state, or federal agencies. Those undertaking land use activities are advised that approvals and/or permits may be required from said agencies.

## Schedule 1

<b>High Density Residential (R-1)</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Single Family Dwelling	20,000 <sup>1</sup>	100	25	10	15	N/A
Two Family Dwelling	30,000 <sup>2</sup>	150	25	10	15	N/A
Home Occupation - Class I	20,000	100	25	10	15	N/A
Day Care Facility	20,000	100	25	10	15	N/A
Bed and Breakfast	30,000	150	25	20	15	N/A
Accessory Uses	–	–	25	10 <sup>3</sup>	10 <sup>3</sup>	N/A
<b>Site Plan Uses</b>						
Multi-family Dwelling	40,000 <sup>4</sup>	150	25	20	15	40%
Townhouse	40,000	150	25	20	15	40%
Park	20,000	100	–	–	–	N/A
Medical Clinic or Nursing Home	40,000	150	25	20	15	60%
<b>Special Permit Uses</b>						
Home Occupation - Class II	20,000	100	25	15	15	N/A

<b>Mixed Residential (R-2)</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Agricultural Use	40,000	200	–	20	15	N/A
Forestry Use	40,000	200	50	20	15	N/A
Single Family Dwelling	40,000	100	40	15	15	N/A
Two Family Dwelling	40,000	150	40	15	15	N/A
Mobile Home	40,000	100	40	15	15	N/A
Bed and Breakfast	40,000	150	40	20	15	N/A
Home Occupation Class I	40,000	100	40	20	15	N/A
Day Care Facility	40,000	100	40	20	15	N/A
Accessory Uses	–	–	40	10 <sup>3</sup>	15	N/A
<b>Site Plan Uses</b>						
Agribusiness	40,000	150	40	20	15	60%
Antique Shop	40,000	150	40	20	15	60%
Office Building	40,000	150	40	20	15	60%
Park	20,000	100	–	–	–	N/A
Medical Clinic or Nursing Home	40,000	150	40	20	15	60%
<b>Special Permit Uses</b>						
Train Station	60,000	250	-	50	75	60%
Home Occupation-Class II	40,000	200	40	20	15	N/A

<sup>1</sup>May be reduced to a minimum lot size of 12,000 sf with either public sewer or public water. May be reduced to a minimum lot size 10,000 sf with public sewer and public water.

<sup>2</sup> May be reduced to a minimum lot size of 20,000 sf with either public sewer or public water. May be reduced to a minimum lot size of 18,000 sf with public sewer and public water.

<sup>3</sup> If use is a structure in excess of 140 sf or is used for a business, the side and rear setbacks are 30 feet.

<sup>4</sup> 40,000 sf is required for each multi-family dwelling with up to four (4) dwelling units. Multi-family dwellings with more than four (4) dwelling units require public sewer and public water.

<b>Moderate Density Residential (R-3)</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Agricultural Use	40,000	200	–	20	15	N/A
Forestry Use	40,000	200	50	20	15	N/A
Single Family Dwelling	40,000	200	40	15	15	N/A
Two Family Dwelling	40,000	200	40	15	15	N/A
Bed and Breakfast	40,000	200	40	20	15	N/A
Home Occupation Class I	40,000	200	40	20	15	N/A
Day Care Facility	40,000	200	40	20	15	N/A
Accessory Uses	–	–	40	20	15	N/A
<b>Site Plan Uses</b>						
Place of Worship	40,000	200	40	20	15	60%
School	40,000	200	40	20	15	60%
Office Building	40,000	200	40	20	15	60%
Antique Shop	40,000	200	40	20	15	60%
Agribusiness	40,000	200	40	20	15	60%
Funeral Home	40,000	200	40	20	15	60%
Stable/Riding Academy	40,000	200	40	20	15	60%
Commercial Boat Storage	40,000	200	40	20	15	60%
Medical Clinic or Nursing Home	40,000	200	40	20	15	60%
Campground	5 acres	200	40	20	15	N/A
<b>Special Permit Uses</b>						
Mining	5 acres	300	100	100	100	N/A
Train Station	60,000	250	-	50	75	60%
Marina	2 acres	200	40	20	15	N/A
Home Occupation - Class II	40,000	200	40	20	15	N/A

<b>South Corinth Hamlet (SCH)</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Agricultural Use	40,000	200	–	20	15	N/A
Forestry Use	40,000	200	50	20	15	N/A
Single Family Dwelling	40,000	150	40	15	15	N/A
Two Family Dwelling	40,000	200	40	15	15	N/A
Bed and Breakfast	40,000	150	40	20	15	N/A
Mobile Home	40,000	100	40	15	15	N/A
Home Occupation - Class I	40,000	150	40	20	15	N/A
Day Care Facility	40,000	150	40	20	15	N/A
Accessory Uses	–	–	40	20 <sup>3</sup>	10 <sup>3</sup>	N/A
<b>Site Plan Uses</b>						
Place of Worship	40,000	200	40	20	15	60%
Agribusiness	40,000	200	40	20	15	60%
Antique Shop	40,000	200	40	20	15	60%
Bank	40,000	200	40	20	15	60%
Office	40,000	200	40	20	15	60%
Personal Service Shop	20,000	100	40	15	15	60%
Convenience Store	40,000	200	40	15	15	60%
Funeral Home	40,000	150	40	20	15	60%
Park	40,000	150	–	–	–	NA
Cultural Facility	40,000	150	40	20	15	60%
Medical Clinic or Nursing Home	40,000	150	40	20	15	60%
<b>Special Permit Uses</b>						
Home Occupation - Class II	40,000	150	40	20	15	N/A

<b>Rural Residential (RR)</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Agricultural Use	5 acres	400	–	30	30	N/A
Forestry Use	5 acres	400	50	30	30	N/A
Single Family Dwelling	2 acres	200	30	15	15	N/A
Two Family Dwelling	2 acres	200	30	15	15	N/A
Bed and Breakfast	2 acres	200	30	30	30	N/A
Home Occupation - Class I	2 acres	200	30	30	30	N/A
Day Care Facility	3 acres	200	30	30	30	N/A
Accessory Uses	–	–	30	30	30	NA
<b>Site Plan Uses</b>						
Stable/Riding Academy	10 acres	400	50	100	100	60%
Agribusiness	3 acres	400	50	50	50	60%
Veterinary Clinic/Hospital	3 acres	300	50	50	50	60%
Kennel	5 acres	400	50	100	100	60%
Office Building	3 acres	400	50	50	50	60%
Place of Worship	40,000	150	25	20	15	60%
Recreation Facilities	5 acres	400	50	75	75	N/A
Sawmill	5 acres	400	75	100	100	60%
Cemetery	5 acres	400	–	–	–	N/A
Antique Shop	3 acres	300	50	50	50	60%
School	3 acres	300	50	50	50	60%
Restaurant	3 acres	400	50	50	50	60%
Funeral Home	3 acres	200	50	50	50	60%
Park	40,000	150	–	–	–	N/A
Medical Clinic or Nursing Home	3 acres	200	50	50	50	60%
Driving Range	5 acres	400	50	100	100	N/A
<b>Special Permit Uses</b>						
Home Occupation - Class II	3 acres	200	50	50	75	N/A
Airport	20 acres	–	100	100	100	60%
Train Station	60,000	250	-	50	75	60%
Golf Course	160 acres	400	100	100	100	N/A
Mining	5 acres	–	100	100	100	N/A

Commercial (C)	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
<b>Permitted Uses</b>						
Agricultural Use	40,000	200	–	20	15	N/A
Forestry Use	40,000	200	50	20	15	N/A
Single Family Dwelling	40,000	200	40	15	15	N/A
Two Family Dwelling	40,000	200	40	15	15	N/A
Home Occupation - Class I	40,000	200	40	20	15	N/A
Bed and Breakfast	40,000	200	40	20	15	N/A
Day Care Facility	40,000	200	40	20	15	N/A
Accessory Uses	–	–	40	10 <sup>3</sup>	20 <sup>3</sup>	N/A
<b>Site Plan Uses<sup>5</sup></b>						
Commercial	40,000	200	40	20	15	60%
Office	40,000	200	40	20	15	60%
Bank	40,000	200	40	20	15	60%
Antique Shop	40,000	200	40	20	15	60%
Restaurant	60,000	250	75	50	75	60%
Convenience Store	40,000	200	40	20	15	60%
Agribusiness	60,000	200	60	40	50	60%
Medical Clinic or Nursing Home	40,000	200	40	20	15	60%
Motel	60,000	300	75	50	75	60%
Recreation Facilities	40,000	200	40	20	15	N/A
Campground	5 acres	200	100	100	100	N/A%
Veterinary Clinic/Hospital	60,000	250	75	60	75	60%
Personal Service Shop	20,000	100	40	15	15	60%
Multi-family Dwelling	40,000	200	40	20	15	60%
Funeral Home	60,000	200	60	30	50	60%
Public Garage	20,000	100	40	15	15	60%
Place of Worship	60,000	200	50	30	50	60%
Cultural Facility	40,000	150	40	20	15	60%
Car Wash	40,000	200	40	20	15	60%
Retail Uses	40,000	150	40	20	15	60%
<b>Special Permit Uses</b>						
Mining	–	–	100	100	100	N/A
Gasoline Station	60,000	200	75	50	75	60%
Marina	1 acre	200	75	50	75	60%
Train Station	60,000	250	-	50	75	60%
Automotive Repair/Dealer	40,000	200	40	20	15	60%
Commercial Storage Facility	1 acre	200	75	50	75	60%
Home Occupation - Class II	40,000	200	40	20	15	60%
Airport	20 acres	–	100	100	100	60%
Golf Course	160 acres	400	100	100	100	N/A
Sawmill	5 acres	400	75	75	75	60%
Industry, Light	60,000	200	75	50	75	60%
Warehouse	60,000	200	75	50	75	60%
Club/Lodge	-	-	75	50	75	60%

<sup>5</sup> Certain Uses within the Adirondack Park may be listed as APA Class A & B Regional Projects and subject to APA review.

<b>Overlay District-1 (OD-1)</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
Adult Oriented Businesses	2 acres	200	60	30	50	60%

<b>Industrial (I)</b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Manufacturing Industry	2 acres	200	50	25	25	80%
Industry, Light	2 acres	200	50	25	25	80%
Warehouse	2 acres	200	50	25	25	80%
Storage Facility	2 acres	200	50	25	25	80%
Accessory Uses	–	–	50	25	25	80%
<b>Site Plan Uses</b>						
Automobile Repair/Dealer	2 acres	200	75	50	50	80%
<b>Special Permit Uses</b>						
Compost Facility	2 acres	200	75	50	50	80%
Single Family Dwelling	2 acres	200	50	50	50	N/A
Bed and Breakfast	2 acres	200	50	50	50	N/A
Train Station	60,000	250	-	50	75	60%
Mining	–	–	100	100	100	N/A

<b>Rural Use (RU) <sup>6</sup></b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Single Family Dwelling	8.5 acres	250	75	75	100	N/A
Agricultural Use	8.5 acres	400	–	30	30	N/A
Forestry Use	8.5 acres	400	50	30	30	N/A
Hunting and Fishing Cabin	8.5 acres	250	75	75	75	N/A
Home Occupation-Class I	8.5 acres	250	75	75	75	N/A
Day Care Facility	8.5 acres	250	75	75	75	N/A
Bed and Breakfast	8.5 acres	150	40	20	15	N/A
Accessory Uses	–	–	–	–	75	N/A
<b>Site Plan Uses</b>						
Cemetery	10 acres	300	–	30	30	–
Campground	15 acres	400	150	100	100	–
Group Camp	20 acres	400	150	100	100	–
Sawmill	8.5 acres	400	150	100	100	–
Golf Course	160 acres	400	150	100	100	–
Commercial	8.5 acres	300	75	100	100	20%
Club/Lodge	8.5 acres	300	75	100	100	20%
Driving Range	8.5 acres	400	150	100	100	-
<b>Special Permit Uses</b>						
Home Occupation-Class II	8.5 acres	250	150	75	100	20%
Ski Center	20 acres	400	200	100	100	–

<sup>6</sup> Certain Uses within the Adirondack Park may be listed as APA Class A & B Regional Projects and subject to APA review.

<b>Resource Management (RM)<sup>7</sup></b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Single Family Dwelling	42.7 acres	500	150	75	100	–
Agricultural Use	42.7 acres	500	–	100	100	–
Forestry Use	42.7 acres	500	75	100	100	–
Hunting and Fishing Cabin	42.7 acres	500	150	100	100	–
Home Occupation: Class I	42.7 acres	500	150	75	100	–
Day Care Facility	42.7 acres	500	150	75	100	–
Accessory Uses	–	–	150	75	100	–
<b>Site Plan Uses</b>						
Open Space Recreation	42.7 acres	500	150	200	200	–
Game Preserves and Private Park	42.7 acres	500	–	–	–	–
Campground	42.7 acres	500	150	200	200	20%
Group Camp	42.7 acres	500	150	200	200	20%
Club/Lodge	42.7 acres	500	150	200	200	20%
<b>Special Permit Uses</b>						
Home Occupation-Class II	42.7 acres	500	150	75	100	–
Ski Center	42.7 acres	500	150	200	200	–
Mining	–	–	150	100	100	–

<b>Low Intensity Use (LI)<sup>7</sup></b>	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Setbacks</b>			<b>Max Lot Coverage</b>
			<b>Front</b>	<b>Side</b>	<b>Rear</b>	
<b>Permitted Uses</b>						
Single Family Dwelling	3.2 acres	200	40	15	15	N/A
Hunting, Fishing Camps	3.2	200	40	15	15	N/A
Bed and Breakfast	3.2 acres	200	40	20	15	N/A
Home Occupation Class I	3.2 acres	200	40	20	15	N/A
Day Care Facility	3.2 acres	200	40	20	15	N/A
Accessory Uses	–	–	40	20	15	N/A
<b>Site Plan Uses</b>						
Commercial	40,000	200	40	20	15	60%

<sup>7</sup> Certain Uses within the Adirondack Park may be listed as APA Class A & B Regional Projects and subject to APA review.

**ARTICLE 5  
NONCONFORMING USES AND STRUCTURES**

**5.1 Applicability**

The following provisions shall apply to all buildings, structures and uses lawfully existing on the effective date of this Article. Also to all buildings and uses that may become nonconforming by reason of any subsequent amendment to this Article and the Land Use Map and to all conforming buildings housing nonconforming uses.

**5.2 Provisions**

**A. Existing Nonconforming Uses and Structures**

The lawful use of any building, structure, or land existing at the time of the enactment of this Local Law may be continued although such use does not conform with the provisions of this Local Law. This provision is deemed to include manufactured housing communities/mobile home parks, which may continue to operate under the conditions of lawfully issued permits.

**B. Unsafe Structures**

Any structure or portion of that structure declared unsafe by a proper authority may be restored to a safe condition.

**C. Restoration**

Any building damaged by fire or other causes may be repaired or rebuilt for the same, but not a different, nonconforming use. Buildings which are not conforming as to setback and which are destroyed shall be rebuilt to meet the front yard setback for the district in which it is located if the lot's dimensions permit. If, due to the lot's dimensions, the front yard setback cannot be met, the new building may be rebuilt in the same place as the building damaged by fire or other causes.

**D. Alterations**

A nonconforming building used for a nonconforming use shall not be structurally altered during its life to an extent exceeding in aggregate cost the replacement value of the building unless said building is changed to a conforming use. Notwithstanding the above, nothing shall prohibit an extension of up to 25% of the building's floor area.

**E. Extension**

Any nonconforming use, building or structure may be enlarged up to, but not more than, twenty-five percent (25%) of its floor area as it existed at the time of passage of this Local Law. Such enlargement must conform to all other regulations of the district in which it is located and may be used only for the existing nonconforming use. Such enlargement, with the exception of single family residential units, is subject to the site plan review provisions of Article 6.

**F. Displacement**

No nonconforming use shall be extended to displace a conforming use.

**G. Abandonment**

From enactment of this law, an inactive non-conforming use has two (2) years to resume activity of that non-conforming use. After the two years from enactment without reactivation, the person must apply for and obtain necessary variances to be an allowed as to remain a non-conforming use.

No nonconforming use that ceased to exist prior to the year 2000 shall be resumed without obtaining the necessary variances.

**H. Manufactured Housing/Mobile Homes**

No provision of this Local Law shall prohibit or restrict, in any way, the right of a manufactured/mobile home owner owning a manufactured/mobile home on the effective date of this Local Law to replace his or her manufactured/mobile home with one of equal or greater value. The replacement manufactured/mobile home shall comply with all local and state requirements. According to Federal regulations, all transportable sections of manufactured homes built in the U.S. after July 1976, must contain a red label. The label is the manufacturer's certification that the home section is built in accordance with HUD's construction and safety standards that include body and frame requirements, thermal protection, plumbing, electrical, fire safety and other aspects of the home.

## **ARTICLE 6 SITE PLAN REVIEW**

### **6.1 Intent**

The intent of the site plan review process is to ensure the orderly and safe arrangement, layout, and design of a proposed project.

### **6.2 Authorization to Approve or Disapprove Site Plan Uses**

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

### **6.3 Applicability**

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

- all uses listed under Site Plan Uses in Schedule 1, attached.
- all uses specified as requiring site plan in Article 8, Supplementary Regulations.
- all proposed Planned Development Districts, pursuant to Article 11 of this Local Law.
- all uses granted a variance by the Zoning Board of Appeals and required by the Zoning Board of Appeals to undergo site plan review pursuant to Article 10 of this Local Law.

## 6.4 Procedure

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

### A. Presubmission Conference (Optional)

The Code Enforcement Officer shall refer the prospective developer to the Secretary of the Planning Board who shall schedule a presubmission conference for the next regularly scheduled Planning Board meeting. The purpose of the presubmission conference is to give the Planning Board and the Applicant an opportunity to discuss the project before the Applicant commits significant outlays of time and money.

At the presubmission conference the Applicant shall provide the Planning Board with basic data regarding the proposal. At a minimum, the Applicant shall provide:

- a map showing the important existing natural and man made features in and around the site; and
- a sketch plan showing the major features of the proposal.

### B. Preliminary Application for Site Review

1. Seven (7) copies of a preliminary site plan application shall be made in writing to the Planning Board. Scale of the site plan shall be one (1) inch equals fifty (50) feet, or in the case of large lots, as appropriate for the lot size and approved by the planning board. The preliminary application shall be accompanied by a fee as determined by the Town Board and posted in the Town Hall.

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

- title of drawing, date, north arrow, scale, name and address of Applicant, and person responsible for the preparation of such drawing;
- boundaries of the property plotted to scale;
- existing water courses, wetlands, FEMA floodplains, landscaping and vegetative cover;

- grading and drainage plan showing existing and proposed contours with intervals of five (5) feet or less;
- location, use and height of all existing and proposed buildings;
- all existing and proposed means of vehicular ingress and egress to and from the site from and onto public streets;
- design and construction materials of all parking and truck loading areas;
- provision for pedestrian access;
- location of outdoor storage, if any;
- location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- description of the method of sewage disposal and location design and construction materials of such facilities;
- description of the method of securing water and location, design and construction materials of such facilities;
- location of fire and other emergency zones, including the location of fire hydrants;
- location, size, design and construction materials of all proposed signage;
- the proposed location, direction, power and hours of operation of proposed outdoor lighting;
- designation of the amount of building area proposed for each use;
- landscaping plan and planting schedule;
- location and proposed development of all buffer areas, including indication of existing vegetative cover;
- other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any required County, State or Federal permits; and
- completed Environmental Assessment Short Form or Part I of the Long Form, if necessary.

2. In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. More specifically, the Planning Board shall ensure:
- the adequacy and arrangement of access and circulation including, but not limited to, road widths, grade, alignment, sight distance, location, surfaces, traffic control, walkway, and pedestrian convenience;
  - the buildings', lights', and signs' compatibility in terms of location, arrangement, size and design;
  - the adequacy of storm water and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways;
  - the adequacy of water supply and sewage disposal facilities;
  - the adequacy, type and arrangement of trees, shrubs and other landscaping;
  - the retention of existing trees, wooded areas, watercourses and other natural features to the maximum extent possible;
  - the protection of adjacent or neighboring properties against noise, glare, dust, air pollution, unsightliness or other objectionable features;
  - the adequacy of fire lanes and other emergency zones and the provisions of fire hydrants;
  - the adequacy of exterior storage and parking and loading areas and their screening at all seasons of the year from the view of adjacent residential lots and streets.

**C. Consultants**

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

#### **D. Referral to the County Planning Board**

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

- the boundary of any city, village, or town;
- any existing or proposed county or state park or other recreation area;
- the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; and
- the existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

#### **E. Compliance with the State Environmental Quality Review Act**

The Planning Board shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the proposal. If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

#### **F. Planning Board Action on Preliminary Site Plan Application**

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

The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan application, of which conformance with said modifications shall be considered a condition of approval. If the preliminary site plan application is disapproved, the Planning Board's statement shall contain the

reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and submission to the Planning Board after it has been revised or redesigned.

### **6.5 Planning Board Review of Final Site Plan Application**

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

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

Upon approval of the final site plan, the Planning Board shall endorse its approval on four (4) copies of the final site plan and shall forward one (1) copy to the Code Enforcement Officer and provide two (2) copies to the Applicant. The Planning Board will retain one copy, and the applicant is responsible for sending the other copy to the Saratoga County Planning Board. Upon disapproval of a final site plan, the Planning Board shall notify the Applicant in writing of its decision and its reasons for disapproval.

### **6.6 Waiver of Final Site Plan Application**

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

### **6.7 Performance Guarantee**

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

### **6.8 Appeal of Board Decision**

Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision by such board in the office of the Town Clerk.

**ARTICLE 7  
SPECIAL USE PERMITS**

**7.1 Intent**

The intent of this Article is to set forth the procedure and standards for the review and approval of special uses. Special Use Permits apply to uses which may or may not be compatible with other uses in the district in which they are proposed. The purpose of the Special Use Permit is to ensure the compatibility of such uses by applying appropriate standards.

**7.2 Applicability and Authorization to Grant Special Use Permits**

In accordance with Town Law Section 274-b, the Town of Corinth Planning Board is hereby authorized to grant special use permits for those uses listed as requiring a Special Use Permit in Schedule 1, following page 10 of this Law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit.

**7.3 Procedure**

The Planning Board shall review and act on all special use permit applications in accordance with the procedure set forth in Section 6.4 except that the public hearing described in Section 6.4 (F) shall be mandatory.

**7.4 Application**

All applications made to the Planning Board shall be in writing, on forms prescribed by the Planning Board and shall contain those items specified in Section 6.4 (B), as determined necessary by the Planning Board. In addition, the application shall be accompanied by the following:

1. sufficient information to permit the Planning Board to review compliance with the general standards discussed in Sections 6.4 (B)(2) and 7.4 of this Local Law and with the applicable standards in Section 7.5, herein;
2. payment of the applicable fee as determined by the Town Board and posted in the Town Hall;
3. completed Environmental Assessment Short Form or Part I of the Long Form, if necessary.

## **7.5 Referral to the County Planning Board**

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

- the boundary of any city, village, or town;
- any existing or proposed county or state park or other recreation area;
- the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; and the existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

## **7.6 General Special Use Permit Standards**

In authorizing any special use, the Planning Board shall take into consideration the public health, safety, general welfare, the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into account the specific conditions set forth in this Section for certain uses, applicable Supplementary Regulations stated in Article 8 of this Local Law, and the following general objectives.

### **A. Adjacent Land Uses**

The proposed use should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. The proposed use shall not have a negative effect on adjacent land uses.

### **B. Location and Size of Use**

The nature, scale and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.

### **C. Vehicular Access and Circulation**

Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, alignment, grade, pavement-surfaces, channelization structures, visibility and traffic controls shall be considered.

**D. Pedestrian Circulation**

Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.

**E. Parking**

Location, arrangement, appearance and sufficiency of off-street parking and loading shall be considered.

**F. Layout**

The location, arrangement, size, design and general site compatibility of buildings, lighting and signage shall be considered.

**G. Drainage Facilities/Erosion Control**

Adequacy of stormwater management plans and drainage facilities shall be considered.

**H. Water and Sewer**

Adequacy of water supply and sewage disposal facilities and their compliance with Saratoga County Department of Health requirements shall be required.

**I. Vegetation**

The type and arrangement of trees, shrubs and other landscaping components shall be considered. Existing vegetation shall be retained to the extent possible.

**J. Emergency Access**

Adequate provision for fire, police, and other types of emergency vehicles shall be made.

**K. Flooding**

Special attention shall be given to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and /or erosion.

**L. Aesthetics**

The impacts of visual intrusion and noise on adjacent areas and areas within viewing distance shall be considered.

## **7.7 Additional Standards for Certain Uses**

In addition to the general standards stated above and the site plan review considerations stated in Article 6 of this Local Law, the following specific standards shall be complied with for the particular special permit uses cited below:

### **A. Mining and Excavation Exempt from State Jurisdiction**

The regulations below (1-10) shall apply to operations including the loading, hauling and/or processing of sand, gravel, soil, shale, topsoil, stone, and all or any aggregate material native to the site. These regulations shall apply when said material is in excess of four hundred (400) tons or two hundred (200) cubic yards, whichever is less, but less than one thousand (1,000) tons or 750 cubic yards, whichever is less, within twelve (12) successive calendar months. Non-commercial mining performed on agricultural lands for agricultural purposes and non-commercial mining performed on subdivision lands for the purpose of said subdivision, which mined material shall remain on-site, shall be exempt from the following provisions.

1. Slopes caused by excavation shall, upon completion, not exceed thirty percent (30%);
2. Depth of excavation shall be no closer than five (5) feet to the mean high groundwater level measured annually;
3. Stockpiled materials shall not exceed thirty (30) feet in height;
4. The hours of operation shall be as determined by the Planning Board. The decision shall be based on potential impacts on nearby land uses;
5. The routing of transport shall be as determined by the Planning Board. Said decision shall take into account impacts on roads, public rights-of-ways, natural or man-made barriers to restrict access, dust control measures, ingress/egress, affected land uses, and any other factors deemed worthy of consideration;
6. A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval. No renewal of the special use permit shall be granted until the permit holder shall have complied with all provisions of the reclamation plan (see (8), below);
7. An operations plan, including the number and type of trucks and other machinery to be used on the site shall be submitted for approval;

8. A progressive restoration and rehabilitation/reclamation plan showing both existing contours and proposed final contours after operations are completed at two (2) foot intervals shall be submitted for approval. Such restoration and rehabilitation/reclamation plan shall include sowing and planting and proper vegetation so as to prevent erosion, unsightliness and nuisance impact on neighboring properties, groundwater resources and aquifers;
9. A buffer area of not less than one hundred (100) feet shall be established between the operation and the nearest property line; and a buffer area of not less than one hundred (100) feet from the nearest road shall be established. The entry into the excavated area shall be curved so as to prevent a direct view from the public right-of-way;
10. Such special use permit, including renewals, shall be restricted to a disturbed area not to exceed five (5) acres, and to a time period not to exceed six (6) years in total, at which time all reclamation activities shall have been completed.

**B. Mining and Excavation Under State Jurisdiction**

The regulations below shall apply to those operations including the loading, hauling, and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site. When said material is in excess of one thousand (1,000) tons or 750 cubic yards, whichever is less, in twelve (12) successive calendar months, or, greater than one hundred (100) cubic yards from or adjacent to any body of water.

1. All applicable provisions of the New York Mined Land Reclamation Law and other applicable state and federal regulations shall be fully complied with;
2. Ingress to and egress from the site which involves locally controlled roads shall be such that vehicles associated with the operation can enter and exit safely without undue disturbance to adjacent land uses;
3. The routing of mineral transport vehicles over locally controlled roads shall cause as little damage as practicable to the road surface and create as little disturbance as is possible to adjacent land uses;
4. The Town has the authority to enforce New York State Department of Environmental Conservation (DEC) requirements as they pertain to setbacks from property boundaries and public rights-of-way; natural and manmade barriers to restrict access if required, dust control, hours of operation, and other DEC conditional requirements;
5. The Town has the authority to enforce New York State Department of Environmental Conservation requirements as they pertain to reclamation.

**C. Gasoline Stations**

1. A gasoline station lot and/or fuel storage tank shall not be located within 500 feet of any municipal water wells or other municipal water supply source. All fuel storage tanks shall comply with all federal and state regulations and documentation must be provided to show compliance;
2. No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within twenty-five (25) feet from any curb line and fifty (50) feet from any property line;
3. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
4. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
5. No access drive shall be within two hundred (200) feet of and on the same side of the street as a school, public library, theater, church or place of worship, or other public gathering place, park, playground or fire station designed for occupancy by more than fifty (50) persons, unless a street with a right-of-way of not less than fifty (50) feet lies between such gasoline station and such building or use;
6. All major repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides, not to be construed as meaning that the doors on any repair shop must be kept closed at all times.

**ARTICLE 8  
SUPPLEMENTARY REGULATIONS**

The following supplementary regulations are applicable to all land use districts within the Town of Corinth.

**8.1 Off-Street Parking**

In all districts, at the time any new building or structure is erected, any existing building or structure enlarged, or new or changed use of land or structure established, off-street parking shall be provided in accordance with the minimum standards set forth below. These parking spaces shall be satisfactorily maintained by the owner of the property for each building which, after the date this Local Law becomes effective, is erected, enlarged, or altered for any use for any of the following purposes. All parking spaces provided pursuant to this Section shall be on the same lot with the building unless otherwise approved by the Planning Board. The Planning Board may require additional off-street parking spaces for any use if it finds that the minimum standards are not sufficient.

**A. Required Spaces**

Off-street parking space shall be required for all buildings and land uses established after the adoption of this Local Law.

Two off-street spaces per residential dwelling unit shall be required.

Upon consideration of the project's type and size, the Planning Board shall determine the number of off-street spaces required. Where applicable, the Planning Board will encourage the use of shared parking spaces for commercial uses, shared access to lots and interconnected parking lots. Also, the use of gravel, porous pavers and grass parking may be recommended as suitable alternatives to limit the amount of impervious surfaces.

**B. Design Standards**

The Planning Board shall determine the design of all off-street parking upon consideration of the project's location, type and size.

**8.2 Loading Standards**

Space for off-street loading shall be in addition to space for off-street parking. The Planning Board during the site plan review process shall determine the need, number and location of off-street loading berths for specific uses.

Each required loading berth shall be at least twelve (12) feet wide, thirty-five (35) feet long and fourteen (14) feet high. The Planning Board may accept alternative design

standards if the Applicant can demonstrate that the alternative design is appropriate to the need and furthers good site design.

### **8.3 Signs**

#### **A. Intent**

The intent of this Section is to protect property values, create an attractive economic and business climate, and enhance and protect the physical appearance of the community. It is further the purpose of this Section to reduce visual distractions, traffic-related obstructions and safety hazards.

No sign shall be erected, altered, relocated or maintained in any land use district, except in accordance with the provisions stated herein.

#### **B. General Standards**

All signs shall conform to the following standards.

1. All signs shall, at all times, be maintained in a proper state of repair in full compliance with applicable codes.
2. Signs shall not project over property lines or be located within or overhang the public right-of-way.
3. Signs shall not rotate or otherwise move.
4. Signs shall not be illuminated by or contain flashing, intermittent, rotating or moving lights.
5. No sign shall be placed on the roof of any building or structure.
6. With the exception of temporary signs discussed in Subsection C (4) herein, signs shall convey subject matter related exclusively to the premises on which the sign is located or to products, accommodations or activities on those premises.

**C. Signs Allowed Without a Permit**

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located shall not exceed eight (8) square feet in area.
2. Signs denoting the name, address and profession of the occupants of the premises shall not exceed six (6) square feet in area.
3. Signs denoting the architect, engineer or contractor on premises where construction, repair or renovation is in progress shall not exceed sixteen (16) square feet in area.
4. Signs of a temporary nature provided such signs are removed within seven (7) days of the date of the activity the sign is associated with.
5. Signs denoting the type of agricultural pursuits conducted on the premises shall not exceed sixteen (16) square feet.
6. For permitted home occupations, a single sign not exceeding twelve (12) square feet in total surface area and identifying the occupation conducted on the premises shall be permitted. Such sign shall be limited in size to six (6) feet in height as measured from the ground to the top of the face of the sign unless attached to the principal structure.

**D. Signs Allowed Upon Issuance of a Permit**

With the issuance of a sign permit by the Code Enforcement Officer, the following signs shall be permitted in accordance with the following standards related to number, size and location:

1. For non-residential uses in the R-1, R-2, R-3, RR, SCH, RU, and RM districts, no more than two (2) signs, with each sign having a maximum of thirty-two (32) square feet in area and identifying only the name of the establishment and its principal service or purpose, shall be permitted. Each sign shall be limited to six (6) feet in height, as measured from the ground to the top of the face of the sign.
2. For non-residential uses in the C and I districts, no more than two (2) signs, with each sign having a maximum of forty (40) square feet in area and identifying only the name of the establishment and its principal service or purpose, shall be permitted. Each sign shall be limited to twelve (12) feet in height, as measured from the ground to the top of the face of the sign.

## **8.4 Home Occupations**

### **A. Purpose and Intent**

The conduct of home occupations may be permitted under the provisions of this Section. It is the intent of this Section to:

1. ensure the compatibility of home occupations with other uses permitted in the Town;
2. maintain and preserve the rural character of residential neighborhoods and areas;
3. assure that facilities and services designed for residential neighborhoods and areas are not misused for inappropriate commercial purposes; and
4. provide peace, quiet, and domestic tranquility within all residential neighborhoods or areas, and guarantee to all residents freedom from excessive noise and traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas.

### **B. List of Home Occupations**

1. The following Class I Home Occupations are permitted by right provided that they are carried on in a manner which complies with the standards in Subsections A and C of this Section:
  - a. antique dealer;
  - b. appliance repair;
  - c. consulting services such as architectural, landscape architectural, planning, engineering, interior design, financial planning services, insurance agent, attorney;
  - d. art restoration;
  - e. art studio;
  - f. baby-sitting;
  - g. beauty salon, barber shop;
  - h. data processing;
  - i. day care;

- j. dentist, dental technician\*;
- k. drafting and graphic services;
- l. dressmaking, sewing, tailoring, contract sewing;
- m. flower arranging;
- n. horticulture, landscape maintenance;
- o. home crafts including ceramics with kiln up to six (6) cubic feet, jewelry making, and basketry;
- p. house cleaning service;
- q. instrument lessons and training;
- r. locksmith;
- s. memorial sales and service;
- t. Nurse Practitioner\*;
- u. single licensed medical practitioner; rehabilitation specialist, licensed massage therapist, physical therapist\*;
- v. real estate sales or broker;
- w. sales or manufacturer representative (office only);
- x. swimming pool maintenance;
- y. telephone answering, switchboard, and call forwarding;
- z. tutoring;
- aa. typing and word processing;
- bb. watch repair;
- cc. writing, computer programming.
- dd. Saddle repair or leather repair,
- ee. Bait shops

- ff. Seasonal farm stands.
- 2. Home Occupations not listed above are considered Class II Home Occupations and shall be subject to Special Permit Review by the Planning Board in accordance with Article 7 of this Local Law.
  - 2a. Any home occupation which requires the use of toxic, explosive, flammable, combustible, corrosive, infectious, radioactive, or other restricted materials shall be considered a Class II occupation.  
  
\*Any above occupation listed above but requires the use of radioactive materials (i.e. x-rays) is required to file a no fee registration with the building inspector to alert them of the use of such materials.

**C. Criteria and Standards**

In all residential districts, permitted home occupations shall be in compliance with the following criteria.

1. A home occupation shall be incidental and secondary to the lot's residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, and does not alter the character of the residential district. A home occupation may be conducted within the primary dwelling or within an accessory building.
2. Pursuant to the New York State Uniform Fire Prevention and Building Code, no more than 25% of the floor area of the dwelling unit, may be used in connection with a home occupation. In no event shall the home occupation utilize more than five hundred (500) square feet of the floor area of the dwelling unit.
3. The home occupation is to be conducted only by members of the family residing in or maintaining the dwelling unit plus no more than two (2) non-resident assistants or employees at any one time.
4. A home occupation, including studios or rooms for instruction, shall provide parking pursuant to Section 8.1 (A) of this Article.
5. There shall be no exterior storage of materials, equipment, or other supplies to be used in conjunction with a home occupation.
6. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, heat or excessive vehicular traffic. A home occupation as provided by this Local Law shall be completely contained within the principal

or accessory building. Processes that are hazardous to public health, safety, or welfare are prohibited

7. The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof, shall not be greater than the impact of one (1) home occupation.
8. Outdoor storage of equipment/accessory buildings must follow the same standards as accessory uses for each zone. Any accessory structure less than 140 square feet is not required to have a building and zoning permit.

**D. Permit Application Procedure**

Application for a special use permit for a Class II Home Occupation shall be made in accordance with Article 7 of this Local Law. It shall be issued upon finding that the proposed home occupation meets the criteria and standards in Subsection C above, as well as the special use permit standards in Article 7 of this Local Law.

**8.5 Manufactured Housing/Mobile Homes**

All manufactured housing/mobile homes placed in the Town following the effective date of this Local Law shall comply with this Local Law and all applicable provisions of the Manufacturing Home Construction and Safety Standards Part 3280, or the HUD Code, as applicable.

**8.6 Manufactured Housing/Mobile Home Communities**

The standards set forth in the Town of Corinth's Code, Chapter 91, shall apply to manufactured/mobile home communities, including their residential structures, whether they are manufactured homes or mobile homes.

Existing mobile home communities are allowed to expand as of right through site plan review. The placement of a new mobile home community, regardless of the zone, must go through the Planned Development District process. Expansion of mobile homes must comply with the standards set forth in the Town of Corinth Code, Chapter 91.

## **8.7 Elder Cottages**

Elder cottages are accessory structures and uses intended to permit adult children to provide small, temporary homes for their aging parents who are in need of support. Elder cottages must undergo site plan review by the Planning Board. Approval shall be granted upon finding that the structure complies with all applicable standards of Schedule 1 and Article 6. The Planning Board must also find that the property is large enough and has adequate services (water, sewer, and electric) to accommodate the use.

The elder cottage shall be removed from the premises upon the death of the occupant, unless the other occupant (if there be such) and the resident in the principal dwelling specifically request from the Planning Board a continuation of the permit. The elder cottage shall otherwise be removed upon a permanent change of residence of the said occupant or occupants.

Removal shall be completed within ninety (90) days of such event. The site shall be restored so that no visible evidence of the unit remains.

Manufactured/mobile homes may be used as elder cottages.

## **8.8 Special Lot Regulations**

Notwithstanding the limitations imposed by any other provision of this Local Law, any substandard lot which exists at the time of enactment of this Local Law can be built upon. The minimum setback requirements shall be reduced in proportion to the size of the lot as compared to the minimum required for the district.

## **8.9 Overlay District-1 (OD-1)**

### **A. Purpose and Intent**

It is the purpose and intent of this Section to regulate the location and operation of adult oriented businesses within the Town of Corinth and furthermore:

1. ensure the compatibility of adult oriented businesses with other uses permitted in the Town of Corinth;
2. maintain and preserve the rural character of residential neighborhoods and areas;
3. assure that facilities and services designed for residential neighborhoods and areas are not misused for inappropriate commercial purposes; and
4. provide peace, quiet, and domestic tranquility within all residential neighborhoods or areas, and guarantee to all residents freedom from excessive

noise and traffic, nuisance, fire hazard, and other possible effects of adult oriented business being conducted in residential areas.

**B. Special Permit for an Adult Oriented Business**

No person shall operate an adult oriented business within the Town of Corinth without obtaining a special permit therefore according to the criteria set forth in Section 7 of this Local Law as well as the following criteria:

1. said premises must be located in the land use district titled Overlay District-1 (OD-1);
2. said premises must be located a distance greater than twenty-five hundred (2,500) feet from a public or private school (grades pre-school through 12), church or other house of worship, public playground, public swimming area, public park, or day care center; and
3. said premises must be located a distance greater than five hundred (500) feet from any private residence.

**8.10 Keeping of Large Animals for Non-Farm Purposes.**

Notwithstanding the use permitted in any district, the following regulations shall apply to the keeping of animals in any district for non-farm uses. The purpose of this clause is to reduce odors and minimize wastes on property.

1. In the absence of a special use permit and site plan approval as specified in this law, the keeping of large animals, such as horses, ponies, cattle, goats, pigs, sheep, etc. shall require at least one acre of open space for each animal, unless contiguous open space in excess of 10 acres is used for such maintenance, in which event this requirement shall be inapplicable.
2. The Planning Board may issue a special use permit for the keeping of animals upon lots containing less than the minimum area set forth above, subject to site plan approval, provided that the applicant shall meet all conditions and satisfy the criteria applicable, and provided further that the Planning Board shall find that adequate open space and facilities for the proper care of such animals are available and will be established, and that the keeping of such animals will not interfere with the reasonable use and enjoyment of the property of others.  
For the keeping of animals by pursuits such as 4-H Club, FFA, or other agriculturally related clubs, minors under the age of 19 will be except from paying a fee for this permit.

3. Pasture/fence line shall be a minimum of thirty (30) feet from any property line and a minimum of fifty (50) feet from any existing well.\*\*
4. Manure storage shall be located a minimum of 100 feet from any property line or a minimum of 200 feet from a property line upgradient from existing well.
5. The owner shall submit a waste management plan that addresses the amount of waste generated on a weekly basis, the manner and location of waste storage facilities; and the timing and manner of waste disposal.
6. Upon death of the animal, property owners who are exempt from this regulation due to ownership prior to the Land Use Law are not subjected to a time limit to replace the animal. Animal owners are required to file a no-fee registration with the building inspector to ensure they will be guaranteed this right.
7. Temporary keeping of animals, such as boarding of animals is subject to the same conditions.

\*\* This standard is for smaller lots adjacent to residential buildings. For larger lots in more rural areas, this standard may be deviated from.

## **8.11 Clearing of Land**

### **A. Lumber or Timber Harvesting**

Purpose: Forest industry and production of forest products is an important component of the local economy. Forestry and cutting or management of forests is a temporary commercial use of land. As a commercial use, and the potential for temporary and permanent off-site impacts including visual, water-quality, road damage, and therefore it is necessary to regulate forest harvesting.

#### A 1. Levels of Forestry

##### Level 1-Cutting of trees on one or more acres

- Project must complete a no fee registration with the zoning administrator.
- Log landing must be 100 feet set back from the paved roadway
- Log land should be screened from view.
- Follow New York State Department of Environmental Conservation timber harvesting guidelines.
- No lumbered land that has been clear-cut shall be considered for residential development for at least five years after completion of lumbering activities on that section of land.
- A harvesting plan must be submitted and filed with the zoning administrator.

- A2. Clear-cutting of 10 or more acres
- Above regulations
  - A thinning plan must be submitted to show that the land will not be completely clear cut.

**ARTICLE 9  
ADMINISTRATION AND ENFORCEMENT**

**9.1 General Information**

The Code Enforcement Officer, appointed by the Town Board of the Town of Corinth, shall administer and enforce all provisions of this Local Law except where otherwise herein specifically required.

- A.** Wherever any permit is required herein, the same shall be applied for and shall be issued from the Code Enforcement Officer in accordance with the requirements of this Local Law and other applicable regulations governing building construction and the issuance of building permits in the Town of Corinth.
- B.** The Code Enforcement Officer shall give reasonable written notice to the owner(s) of his/her intent to examine or inspect any building or property and shall enter only with the permission of the owner. At time of entry, the Code Enforcement Officer shall have the right to enter and inspect, or cause to be entered and inspected, any building or property for the purpose of carrying out his or her duties<sup>3</sup>. The Code Enforcement Officer shall also determine the compliance with the provisions of this Local Law.

**9.2 Powers and Duties of Code Enforcement Officer**

**A. Issuance of Building Permits**

- 1. Until the Code Enforcement Officer has issued a building permit stating that the proposed structure and use comply with all applicable provisions of this law, no building or structure shall be erected, altered, reconstructed or enlarged and no excavation for any building shall be begun.
- 2. All building permit applications shall include a plot plan or an approved site plan drawn to scale and accurately dimensioned. The plan shall include the location of all existing and proposed structures on the lot, and other information that may be required by the Code Enforcement Officer to determine compliance with this Local Law and other applicable regulations. The required fee, which shall be determined by the Town Board and posted in the Town Hall, shall accompany the application.
- 3. The Code Enforcement Officer shall make a determination, based upon submitted material and any relevant facts which may come to his/her attention, whether such application complies with all relevant provisions of this Local Law. Based upon the Code Enforcement Officer's determination, the building permit shall be issued

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<sup>3</sup> Buildings must also comply with the New York State Building Code.

or refused. He/she shall provide the Applicant, for any permit which is refused, with a written notice thereof and reasons for such refusal and instructions on how his/her refusal may be appealed.

4. A building permit shall expire one (1) year from the date of issue if the permitted action is not substantially started.
5. Temporary building permits may be issued upon the approval of the Code Enforcement Officer for a period not to exceed one (1) year for temporary uses and structures incidental to a construction project. Such temporary building permit shall be conditioned upon agreement by the Applicant to remove any non-conforming uses or structures upon expiration of the permit.

**B. Issuance of Certificates of Occupancy**

1. Except as otherwise specifically provided by this Local Law, no use shall be established or land or structure occupied or otherwise used until the Code Enforcement Officer has issued a Certificate of Occupancy stating that the use, land and structure comply with all applicable provisions of this Local Law.
2. More particularly, no Certificate of Occupancy shall be issued for any use of a building or of land requiring special use permit or site plan approval by the Planning Board unless and until such special use permit or site plan approval has been granted by the Planning Board. Every Certificate of Occupancy for which a special use permit or site plan approval has been granted, or in connection with which a variance has been granted by the Board of Appeals, shall contain a detailed statement of any conditions to which the same is subject and include, by attachment, a copy of such Planning Board or Board of Appeals decision.
3. In the case the Code Enforcement Officer refuses to issue a Certificate of Occupancy, his/her reasons shall be stated in writing on the application and a copy shall be returned to the Applicant.

**C. Issuance of Notices of Violation**

When a violation appears to exist of any provision of this Local Law, or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall serve a written notice upon the appropriate person responsible for such alleged violation. Such notice shall inform the recipient of the following:

- the nature and specific details of such violation;
- the date of compliance by which the violation must be remedied or removed, which period shall not exceed twenty (20) days from the date of notice;

- if the person served fails to comply within the prescribed period of time, the Code Enforcement Officer shall issue an appearance ticket stating the date and time to appear before the Town Justice, notify the person and bring the matter to the attention of the Town Justice. The Town Justice shall take the action deemed appropriate.

**D. Issuance of Stop Work Orders**

Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure or any use of land is occurring either in violation of the provisions of this Local Law, not in conformity with any application made, permit granted or other approval issued hereunder or in an unsafe or dangerous manner, the Code Enforcement Officer shall promptly notify the appropriate person responsible to suspend work on any such building or structure or the use of any such land. Such persons shall forthwith suspend such activity until such time that the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and may be served upon the person to whom it is directed. The order or notice shall either be delivered personally or posted upon a conspicuous portion of the building under construction or premises in use and an additional copy of the same shall be sent by certified mail.

**E. Taking of Emergency Action**

If, in the opinion of the Code Enforcement Officer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building, or to other persons, the Code Enforcement Officer shall direct that such violation be immediately remedied or shall take direct action on his own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the owner, occupant or person responsible for the violation. The Code Enforcement Officer shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken. The Code Enforcement Officer is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses or place a lien against property, in order to recover said costs.

### **9.3 Penalties for Offenses**

#### **A. Civil Penalties**

Violation of any provision or requirement of this Local Law or violation of any statement, plan, application, permit or certificate approved under the provisions of this Local Law shall be considered an offense.

1. Conviction of a first offense is punishable by a fine of not more than three hundred fifty dollars (\$350) and/or imprisonment for not more than six (6) months.
2. Conviction of a second offense, committed within a five (5) year period of the first, is punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) and/or imprisonment for not more than six (6) months.
3. Conviction of a third or subsequent offense, committed within a five (5) year period of the first, is punishable by a fine of not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000) and/or imprisonment for not more than six (6) months.

The owner, general agent or contractor of a building premises, or part thereof, where such a violation has been committed or does exist and any agent, contractor, architect, builder, corporation or other person who commits, takes part in or assists in such violation shall be liable for such an offense. All such penalties shall be collectible by and in the name of the Town. Each week that any such violation continues after notification that such violation exists shall constitute a separate offense. Such notice shall be given in writing by the Code Enforcement Officer and shall be served by certified mail or personal service.

#### **B. Court Action**

The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting appropriate legal action or proceedings in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or to restrain by injunction, correct or abate a violation or to furthermore prevent the illegal occupancy of any building, land or premises.

#### **C. Enforcement Costs**

All costs associated with the enforcement of specific violation(s) shall be borne by the violator. If said costs cannot be paid, a lien may be placed on the violator's property.

**ARTICLE 10**  
**ZONING BOARD OF APPEALS**

**10.1 Creation, Appointment, Organization and Removal**

The Town Board shall appoint a Zoning Board of Appeals pursuant to Section 267 of Town Law. Said Board shall consist of five (5) members, to serve for staggered five (5) year terms. The chairperson of the Board shall be one of the five (5) members and shall be designated as such annually by the Town Board. Vacancies shall be filled for such unexpired term only. The Board shall elect a Vice-Chairman from its membership, and shall establish rules for the conduct of the officers. The Town Board shall appoint a secretary, and be in charge of any/all personnel and employment decisions. The Town Board shall also appoint an alternate member (s) to the Zoning Board of Appeals according to the 1998 Town Law Amendment, Section 271, 15.

The following actions are cause for removal of any member by the Town Board:

1. three (3) consecutive unexcused absences;
2. violation of the code of ethics;
3. misconduct.

**10.2 Powers and Duties**

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this Local Law which are specified as follows:

**A. Rules of Procedure**

The Zoning Board of Appeals shall have the power to make, adopt and promulgate such written rules of procedure, bylaws and forms as may be provided for in Section 267 of the Town Law, for the proper execution of its duties. Such rules, bylaws and forms shall not be in conflict with, or have the effect of waiving, any provisions of this Local Law or any other ordinance or law of the Town of Corinth.

**B. Interpretive Powers**

The Zoning Board of Appeals shall have the power to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Code Enforcement Officer involving the interpretation of any provision of this Local Law. Also involving a request by an administrative official, board or agency of the Town, to decide any of the following questions:

- \* determination of the meaning of any portion of the text of this Local Law or of any conditions or requirements specified or made under the provisions of this Local Law; or
- \* determination of the exact location of any district boundary shown on the Land Use Map.

**C. Variances**

**1. Area Variances**

The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Code Enforcement Officer, to vary or modify yard requirements, setback lines, lot coverage, frontage requirements, height requirements and density regulations.

- a. In making its determination, the Zoning Board of Appeals 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 Board shall also consider:
  - (i). whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (ii). whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance;
  - (iii). whether the requested area variance is substantial;
  - (iv). whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (v). whether the alleged difficulty was self-created, which shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- b. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

**2. Use Variances**

The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Code Enforcement Officer, to vary the use requirements of this Local Law.

- a. No use variance shall be granted by the Zoning Board of Appeals without a showing by the Applicant that applicable land use restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the Applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the land use regulations for the particular district where the property is located:
  - (i) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - (iv) that the alleged hardship has not been self-created.

The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the Applicant. At the same time, the Zoning Board of Appeals shall preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

### **3. Imposition of Conditions**

The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

#### **D. Site Plan Review for Use Variances**

In the case of the granting of a use variance, the Zoning of Appeals Board shall determine if the Applicant is to undergo site plan review with the Planning Board.

## **10.3 Procedures**

## **A. Meetings and Voting Requirements**

Meetings shall be held at the call of the Chairman or at such other times as the Board of Appeals may determine. A quorum shall consist of three (3) members. In order to reverse a decision of the Code Enforcement Officer or to authorize a variance, an affirmative vote of at least three (3) members shall be required. A vote of a majority plus one of all members shall be required if the action taken by the Zoning Board of Appeals is contrary to an advisory recommendation received from the Saratoga County Planning Board under the provisions of Section 239-M of the General Municipal Law. The Board shall keep accurate minutes of its proceedings, documenting fully all findings and showing the vote of each member upon each question. All meetings of the Board of Appeals shall be open to the public.

## **B. Appeals**

1. All appeals shall be filed within sixty (60) days of the action appealed from and shall be accompanied by the applicable fee in accordance with the fee schedule established by the Town Board and posted in the Town Hall. Every appeal or request shall refer to the specific provision of this Local Law. Appeals shall also set forth either the interpretation that is claimed or the details of the variance that is applied for and the grounds on which it is claimed that such variance should be granted.
2. All appeals and requests made to the Board shall be in writing, on forms prescribed by the Board and furnished by the Code Enforcement Officer.
3. The application shall contain a plot plan of the real property to be affected indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon, and all yard dimensions and adjacent property owners.
4. More specifically, each application for an area or use variance shall be accompanied by a site plan a scale of one (1) inch equals fifty (50) feet. The site plan shall show the size and placement of the lot, including Tax Map reference numbers, (Section, Block, Lot), surrounding land use, design and location of proposed buildings, driveways, parking areas, landscaping and screening, proposed drainage and utility systems, existing and proposed contours of the land, and any other information deemed necessary by the Zoning Board of Appeals.
5. The Zoning Board of Appeals has the right to waive any of the aforementioned application requirements which it feels are inapplicable.

## **C. Public Notice and Hearing**

The Board shall fix a reasonable time and place for a public hearing on any such appeal or request of which hearing date the appellant shall be given notice and at which hearing he shall appear in person or by agent. Additionally, notice shall be provided as follows:

1. by publishing at least five (5) calendar days prior to the date thereof a legal notice in the official newspaper of the Town.
2. by requiring the Applicant to provide notice of the public hearing and data regarding the substance of the appeal to the owners of all property abutting that property held by the Applicant and all other owners within five hundred (500) feet, or such additional distances that the Board of Appeals may deem advisable, of the land involved in such appeal. Notice shall be provided by certified mail at least five (5) calendar days prior to the hearing, with compliance with this notification procedure certified to by a US Postal Service receipt. The names of owners notified shall be taken from the last completed tax roll of the Town.

#### **D. Required Referral**

A full statement of any appeal that meets the referral requirements of Section 239-m of the General Municipal Law shall also be referred not less than ten (10) days prior to the public hearing to the Saratoga County Planning Board. No action shall be taken by the Board of Appeals on such appeal until an advisory recommendation has been received from said Board or thirty (30) calendar days have elapsed since the Board received such full statement.

#### **E. Decisions**

Every decision of the Board of Appeals on an appeal or request shall be made within sixty-two (62) days of the close of the hearing by the Board. The decision shall be recorded in accordance with standard forms adopted by the Board, shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision shall be by resolution of the Board, with each such decision being filed in the Office of the Town Clerk within five (5) business days thereof. The Board shall also notify the Code Enforcement Officer, the Secretary of the Planning Board and any affected municipality given notice of hearing of its decision in each case. If applicable, a report on the action taken shall also be filed within seven (7) calendar days of said action with the Saratoga County Planning Board.

**F. Attachment of Conditions**

In all cases where the Board of Appeals grants a variance from the strict application of the requirements of this Local Law, it shall be the duty of such Board to attach such conditions and safeguards as may be required in order that the result of its action shall be as nearly as possible in accordance with the spirit and intent of this Local Law.

**G. Effect of Appeal**

Unless the Code Enforcement Officer finds there to be an imminent peril to either life or property, an appeal stops all work related to the action which is the subject of the appeal, by either the Town or appellant.

**H. Expiration of Approval**

Unless construction or use is commenced and diligently pursued within one (1) calendar year from the date of the granting of a variance, such variance shall become null and void without further hearing by the Board of Appeals.

**10.4 Compliance with State Environmental Quality Review Act**

The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQRA). If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

**10.5 Appeals**

Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Laws and Regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within thirty (30) days after the filing of the Board's decision in the office of the Town Clerk.

**ARTICLE 11  
PLANNED DEVELOPMENT DISTRICTS**

**11.1 Legislative Intent, Purpose and Objectives**

**A. Intent**

The Planned Development procedure provides a flexible land use and design regulation through the use of performance criteria so that development may be matched to the unique characteristics of the site. Furthermore innovative development techniques may be accommodated that might not otherwise be possible through strict application of standard land use and subdivision requirements. The PDD serves as a floating zone applicable to any zone within the Town. The conventional use, area, bulk and density specifications set forth by this Local Law are intended to be replaced through application of the planned development procedure by the approved Planned Development District (PDD) plan which then becomes the basis legislatively established by the Town Board for detailed design, review and control and subsequent development.

There are four types of PDDs permitted in the Town of Corinth: residential, commercial, industrial, and mixed use as defined in section 11.5.

**B. Objectives**

In order to carry out the intent of this Article, a Planned Development District shall achieve the following objectives:

1. reasonable choice in the types of environment, housing types, community facilities and industrial operations available to current and future Town residents;
2. more useable open space and recreation areas;
3. preservation of trees, streams, wetlands, natural topography and geological features and prevention of soil erosion;
4. a creative use of land and related physical development which promotes an orderly transition from vacant spaces to rural and suburban uses;
5. an efficient use of land resulting in smaller networks of utilities and roads;
6. more convenience in location of accessory commercial and service areas;
7. a development pattern in harmony with the objectives of the Master Plan and the policy considerations underlying this Local Law.

**11.2 Criteria**

**A. Development Area**

The minimum development area required to qualify for a PDD shall be twenty-five (25) contiguous acres of land in the case of a residential or mixed-use PDD, and ten (10) contiguous acres of land in the case of a commercial or industrial PDD. The calculation of such land area shall not include existing streets, easements, parks, or otherwise dedicated land or acreage, or lands undevelopable by reasons of topography, drainage, occurrence of wetlands, periodic inundation by floodwaters, or adverse subsoil conditions.

**B. Ownership**

The tract of land for a project may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners of all property included in the project. In the case of multiple ownership, the approved plan and its amendments shall be binding on all owners, or their successors in title or interest.

**C. Permitted Uses in PDDs**

All uses within an area designated as a PDD are determined by the provisions of the PDD and the approved plan of the project concerned.

**11.3 Procedure**

**A. Application**

Application for establishment of a PDD shall be made in writing to the Town Board. The application shall include seven (7) copies of a sketch plan as described in Section 11.4 of this Article and seven (7) copies of a completed long Environmental Assessment Form, Part I. The Town Board is under no obligation to consider a PDD application.

Upon resolution of the Town Board to consider a PDD application, the Applicant shall submit the applicable fee as determined by the Town Board and posted in the Town Hall. The Town Clerk shall then send two (2) copies of the application, sketch plan and Environmental Assessment Form to the Town Planning Board. If applicable, the Town Clerk shall also forward a copy of the application to the County Planning Board in accordance with Sections 239-1 and 239-m of the General Municipal Law.

## **B. Planning Board Review**

The Planning Board shall review the sketch plan with the Applicant to determine if it meets the standards of this Article as outlined in Section 11.5. The Planning Board may require additional changes to the sketch plan as deemed reasonable to protect the sound growth and development of the Town. In reaching its decision on the proposed development and changes, if any, in the sketch plan, the Planning Board shall consider the following:

1. The location of the principal and accessory buildings on the site in relation to one another and neighboring development;
2. The existing character of the neighborhood in which the uses will be located;
3. The pedestrian circulation and open space in relation to structures and to prospective user needs;
4. The traffic circulation features within the site and the amount, location and safety of access both to the site and within the site, including the provision of vehicular parking areas. The impact of the proposal on an existing transportation system;
5. The adequacy of proposed public/private utilities including water supply, sewage treatment and stormwater drain facilities;
6. The height and bulk of buildings and their relation to one another and neighboring development;
7. The protection of existing natural features, landscaping plans to be implemented subsequent to development, and a long-term maintenance plan for such landscaping;
8. The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general;
9. Such other matters as the Planning Board may consider pertinent; and
10. Conformance with the Master Plan for the Town of Corinth.

## **C. Planning Board Action**

Within sixty (60) days of the date of the referral from the Town Board, or from the date that all information requested by the Planning Board is submitted, whichever is later, the Planning Board shall recommend approval, approval with modification, or disapproval to the Town Board.

**D. Town Board Action**

Upon receipt of the Planning Board’s report, or upon failure of the Planning Board to act within the prescribed time period, the Town Board shall conduct a public hearing on the proposed Planned Development District. Public notice of such hearing shall be published in a newspaper of general circulation in the Town at least ten (10) days prior to the date of the hearing. The Town Board may, following the public hearing, adopt a Local Law defining the Planned Development District and amending the Land Use Map for the Town of Corinth.

**E. Compliance With the State Environmental Quality Review Act**

The Town Board shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the proposal. If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

**11.4 Sketch Plan**

**A. Requirements**

The sketch plan shall be drawn at a scale of not less than one (1) inch equals one hundred (100) feet and shall show the lands to be developed or at an alternative scale as approved by the planning board. A boundary survey need not be submitted at this phase. The sketch plan shall include the following:

1. Property lines, existing and proposed, together with acreage of all lots, including any easements and dedication;
2. General topographic and drainage information, both existing and proposed;
3. Existing natural and man-made features, including streams, drainage improvements, wetlands, floodplains, slopes over fifteen (15) percent grade, and existing buildings and structures;
4. All existing and proposed elements of vehicular and pedestrian circulation, including but not limited to roadways, parking areas, loading areas, walkways, bike paths, and parking garages;
5. Delineation of the various use areas in the proposed PDD indicating for each area its general extent, size and composition in terms of use and total number of buildings; for residential districts, approximate percentage allocation by residential type; for mixed-use, commercial and industrial districts, approximate percentage allocation by use;

6. Proposed location, type and size of landscaping, buffer areas and other aesthetic features;
7. Proposed public utilities, including type and method of water supply, sewage and storm water management;
8. Location map showing uses and ownership of adjacent lands; and
9. Proposed location, type and size of signs, driveways and emergency zones.

## **11.5 Planned Unit Development District Standards**

### **A. Mixed Use PDD Standards**

1. Residences and retail uses, scaled to serve the needs of the community, may be of any building type consistent with the intent and objectives of this PDD Regulation. Building height shall be restricted to thirty-five (35) feet and no more than eight (8) townhouse units may be attached as a group.
2. Density: the density permitted within the mixed use PDD shall be as determined by the approved PDD site plan.

### **B. Industrial PDD Standards**

1. An industrial PDD consisting of industrial uses may be permitted if such uses are supportive of the community population in terms of work force, design and character, and if such uses are consistent with the Town's planning and development objectives. Consideration shall be given to the project as it exists in its community setting to determine the appropriateness of such uses. Building height shall be restricted to forty (40) feet as determined by the PDD.
2. Density: the density permitted within the PDD shall be as determined by the approved PDD site plan.
3. Minimum Yards Required: Front, rear, and side yards shall be designed so that no building is closer than one hundred (100) feet to any boundary line of the district.
4. Landfills are an allowed use in Industrial PDD, only. Landfills are subject to NYS DEC regulations.

**C. Residential PDD Standards**

1. An area of contiguous size, scaled to fit the needs of the community, may be of any residential building type consistent with the intent and objectives of this PDD Regulation.
2. Density: the density permitted within the PDD shall be as determined by the approved PDD site plan.

**D. Commercial PDD Standards**

1. A commercial PDD consisting of commercial uses may be permitted if such uses are supportive of the community population in terms of work force, design and character, and if such uses are consistent with the Town's planning and development objectives. Consideration shall be given to the project as it exists in its community setting to determine the appropriateness of such uses.
2. Density: the density permitted within the PDD shall be as determined by the approved PDD site plan.

**E. Building Design Standards**

1. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.
2. Individual buildings shall generally be related to each other in design, masses, elevations, materials, elevation, placement and connections, to provide a visually and physically integrated development.
3. The design of buildings and the parking facilities shall take advantage of the topography of the site where appropriate, to provide separate levels of access.
4. All building walls shall be so oriented as to ensure adequate light and air exposure to the rooms within and to adjacent properties.
5. All buildings shall be arranged as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
6. All buildings shall be arranged so as to be accessible to emergency vehicles.

## **F. Open Space Requirements**

Common open space totaling not less than thirty (30) percent of the total PDD tract shall be provided in perpetuity. This land shall be exclusive of any land area used primarily for vehicular modes of transportation, including parking areas, garages, carports and other features. The ownership of such open space land may be either public or private. When in private ownership, a homeowners' association or similar mechanism, the long-term ownership and maintenance of such common open space shall be provided, subject to the approval of the Town Board and Planning Board. The grant of a conservation easement to further ensure the protection of this open space may be required.

1. The location, shape, size and character of the open space must be suitable for the PDD.
2. Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the scale and character of the PDD, considering its size, density, expected population, topography, and the number and types of dwellings to be provided.
3. Open space must be suitable for its intended use. If intended for active use, said open space shall be suitably improved. The buildings, structures and improvements, which are permitted in the open space, must be appropriate to the uses that are authorized for the open space.
4. The development schedule, which shall be part of the review process required pursuant to Section 11.6 herein, as part of the final site plan must coordinate the improvement of the open space and the construction of buildings, structures, and improvements.
5. All land shown on the final site plan as open space must be maintained and used for said purpose.

## **G. Circulation System Design Standards**

1. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces.
2. Roads, pedestrian walks and open spaces shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings, and appropriately landscaped.

## **11.6 Other Requirements**

Upon approval of the PDD by the Town Board, application shall be made within six (6) months for approval of all or some portion of the intended PDD development in accordance with the site plan review procedures and requirements contained in Article 6 herein and Subdivision Regulations, if applicable. In addition, all other applicable regulations shall also apply.

Additional performance requirements that may have been specified by the Town Board in its PDD approval action, such as a time limit for either initiation or completion of improvements and other construction work on the PDD development, shall also be strictly enforced. If these performance requirements are not met, the property shall revert to its prior land use classification, unless the Town Board, upon specific application and for good cause, authorizes an extension of such performance requirements.

## **ARTICLE 12 AMENDMENTS**

### **12.1 Authority**

This Local Law, or any part thereof, including the Land Use Map indicating the various district boundaries, may from time to time be amended, supplemented, changed, modified or repealed by the Town Board. It must be done in the manner provided by Sections 264 and 265 of the Town Law, and the procedures more particularly set forth in this Article.

### **12.2 Initiation**

An amendment to this Local Law may be initiated in one of three ways:

- by the Town Board upon its motion;
- by resolution of the Planning Board or Zoning Board of Appeals, filed with the Town Clerk, or by petition filed with the Town Clerk duly signed and acknowledged from the owners of ten (10) percent or more of the land area in any district, wherein certain changes to, or repeal of certain provisions of this Local Law are recommended;
- by a committee appointed by the Town Board for the purpose of amending this Land Use Law.

### **12.3 Report of the Planning Board**

All proposed amendments, supplements or changes originating by petition or by motion shall be referred to the Planning Board for a report and recommendation thereon. In undertaking such review, the Planning Board shall make inquiry and provide recommendation concerning the items specified below:

- A. whether such change is consistent with the purposes embodied in this Local Law as applied to the particular districts concerned;
- B. which area and establishments in the Town will be directly affected by such change and in what way will they be affected;
- C. whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change;
- D. the indirect implications of such change in its effect on other regulations;

- E. whether such proposed amendment is consistent with the underlying objectives of the Town Master Plan.

The Planning Board shall submit its report within thirty-five (35) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be a recommendation of approval of the proposed amendment.

## **12.4 Town Board Procedure**

### **A. Public Notice of Hearing**

1. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

At least ten (10) days prior to the date of such public hearing, a notice of the time and place of such hearing shall appear in a newspaper of general circulation in the Town. Such notice shall describe the area, boundaries, regulations or requirements that such proposed change involves according to Section 265 of the Town Law.

Notice of any proposed change or amendment affecting property within five hundred (500) feet of any other municipality, state park or parkway shall be provided to the clerk of such municipality(ies) at least ten (10) calendar days prior to the date of such public hearing.

2. Written notice of such proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law shall be given at least ten (10) calendar days prior to the date of such hearing.

### **B. Required Referral**

If applicable, the Town Board shall transmit a full statement of any proposed amendment, either map or text, that meets the referral requirements of Section 239-m of the General Municipal Law to the Saratoga County Planning Board for its review and recommendation.

## **12.5 Compliance With the State Environmental Quality Review Act**

The Planning Board shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the proposal. If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

## **12.6 Town Board Action**

The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four (4) members of the Town Board, (i.e., a majority, plus one (1)) shall be required if:

- action being taken is contrary to the advisory recommendation received from the Town Planning Board or from the County Planning Board under the provisions of Section 239-m of the General Municipal Law;

**ARTICLE 13**  
**MISCELLANEOUS PROVISIONS**

**13.1 Construal of Provisions**

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions or those imposing the higher standards shall govern.

**13.2 Existing Violations**

No site plan or special use permit shall be approved, no building permit or Certificate of Occupancy issued or variance granted under this Local Law for premises upon which there is an existing violation of this Local Law or any related town regulation governing either building construction or the use of land and structures within the Town of Corinth. This limitation does not, however, prohibit such an approval, issuance or grant with respect to a legal nonconforming use or legal non-complying structure.

**13.3 Severability**

Should any Section or provision of this Local Law be decided by the courts to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the Section or provision declared to be unconstitutional or invalid.

**13.4 Effective Date**

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of Section 27 of the Municipal Rule Law.

## **Appendix A Definitions**

**ABANDON** - To cease, for more than two (2) years and one (1) day, the use and maintenance of land, buildings or structures which have been non-conforming uses; or to change from one non-conforming use to another; or to change from a non-conforming use to a conforming use.

**ACCESSORY USE** - A use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including in the case of residential structures, professional, commercial and artisan activities carried on by the residents of such structures.

**ACCESSORY STRUCTURE** - Any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling.

**ADIRONDACK PARK OR PARK** - Land lying within the area described in Subdivision 1 of Section 9.0101 of the Environmental Conservation Law of the State of New York including any future amendments thereto.

**ADIRONDACK PARK AGENCY, (APA)** - Means the Adirondack Park Agency created in Section 803 of Article 27 of the Executive Law of the State of New York.

**ADIRONDACK PARK AGENCY ACT** - Means Article 27 of the Executive Law of the State of New York including any future amendments thereto.

**ADULT ENTERTAINMENT** – A commercial facility or business enterprise having as a substantial portion of its activity the presentation, characterized by emphasis on the description or depiction of specified anatomical areas or specified sexual activities, of live shows, motion-picture films or sound recordings presented by coin- or slug- operated, or electronically or mechanically controlled, still or motion picture machines, projectors or other image-producing devices; any business enterprise serving food and beer, wine or liquor whose entertainers or waiters and waitresses appear in a state that displays any specified anatomical areas; or any business enterprise that offers services requiring the client or customer to display any specified anatomical areas, except medical and health services establishments.

**ADULT ORIENTED BUSINESS** – A commercial facility or business enterprise having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals or other devices which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activity or specific anatomical areas for observation by patrons therein.

**AGRIBUSINESS** - A commercial facility selling products and services normally associated with agriculture including, but not limited to, farm equipment and its repair, and agriculture production supplies for agricultural use. Agribusiness shall also include commercial greenhouses, and other businesses normally associated with the care of lawns and gardens.

**AGRICULTURAL USE** - Use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry, including the sale of products grown or raised directly on such land, roadside stands, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds and including the necessary accessory structures for packing, treating, storage or production, including any barn, stable or other building or structure directly and customarily associated with agricultural use.

**ALTERATION** - As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

**ANTIQUÉ SHOP** - A commercial facility or home occupation selling items constructed and/or manufactured in an earlier time.

**AREA, BUILDING** - The total of the areas measured on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

**AREA, FLOOR** - The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of the walls separating two (2) buildings. Unheated porches, terraces, cellars, basements and enclosed off-street parking areas shall not be included in calculation of floor area.

**AREA, LOT** - The total area within the lot lines, excluding external streets.

**AUTOMOTIVE REPAIR** - The commercial repair, servicing, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, body and fender work, welding, painting, straightening, sanding and steam cleaning of vehicles.

**AUXILIARY** - See Accessory.

**BANK** - An establishment where the primary purpose is for custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

**BASEMENT** - A story partly underground but having at least one half (1/2) of its height above the average level of the adjoining ground. A "basement" shall be considered as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5') or is used for business or dwelling purposes.

**BED AND BREAKFAST** - A private dwelling in which at least one (1) and not more than five (5) rooms are offered for rent for transient occupancy, in which overnight lodging and meals are offered to such occupant.

**BOAT STORAGE, COMMERCIAL** - Means a place, site or structure used to park, house or store on any one (1) lot, more than three (3) vessels, including any rental of private residential docks. Canoes, rowboats, sailboats or other non-power boats fewer than eighteen feet (18') in length do not count towards this total.

**BUFFER AREA** - Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**BUILDING** - Any structure intended for the housing, shelter or enclosure of persons, animals or property.

**BUILDING HEIGHT** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

**BUILDING LINES** - The building front line shall mean the line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches and uncovered decks, whether enclosed or open, but does not include steps. Side and rear building lines shall be determined in a comparative manner. All yard setback requirements are measured to the building line.

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

**CAMPGROUND** - Any area providing sites for the temporary parking or erection of occupied travel or pop-up trailers, motor homes, truck campers, tents, and all buildings and facilities pertaining thereto.

**CEMETERY** - A burial place or ground operated and maintained by a church or governmental agency or others that can include a crematorium, Columbaria, and above ground storage vaults.

**CLASS A REGIONAL PROJECT** - A land use or development which is classified and defined as such in Appendix B of this Local Law, and Section 810 (1) of the APA Act.

**CLASS B REGIONAL PROJECT** - A land use or development which is classified and defined in Article 15 (4) and Appendix C of this Local law, and Section 810 (1) of the APA Act.

**CLEARCUTTING** - Any cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle.

**CLUB OR LODGE** - A building or portion thereof or premises owned and/or operated by a corporation, association, person or persons for a social, educational or recreational activity, but not primarily for profit, or to render a service which is customarily carried on as a business.

**CODE ENFORCEMENT OFFICER** - The person appointed by the Corinth Town Board to administer and enforce this Local Law.

**COMMERCIAL SAND AND GRAVEL EXTRACTION** - Any extraction from the land of more than fifty cubic yards in any two year period of sand, gravel, or topsoil for (1) the purpose of sale or use by persons other than the owner of the land, or (2) for the purpose of use by any municipality.

**COMMERCIAL USE** - Any use involving the sale, rental or distribution of goods, services or commodities, either retail or wholesale.

**COMMON OPEN SPACE** - An area of land within a site designated for development which is designed, intended and reserved for the users of the development. Common open space may include such complementary structures and facilities as are appropriate for the needs of the users of the development.

**CONTRACTUAL ACCESS** - The right of a non-resident of a parcel or lot to use such parcel or lot as a means to utilize some feature or resource where said right is granted to a non-resident through membership in an organization or club or by legal contract or deed stipulation.

**CONVENIENCE STORE** - A commercial facility selling basic foods and household items. The intent of such a facility is to address transient or last minute needs, not supply a full complement of groceries and household supplies.

**COVERAGE** - That percentage of the plot or lot area covered by the combined area of all buildings or structures on the lot.

**CULTURAL FACILITY** - An establishment of an historic, educational or cultural interest which is not operated commercially.

**DAY CARE FACILITY** - A place, person, association, corporation, agency or institution which provides day care for five (5) or more children placed there by parents, guardians or others responsible for their care. The name, description or form of the entity that operates a day care facility shall not affect its status as a day care facility.

**DENSITY** - The number of principal dwelling units per area of land.

**DOCK** - Any structure, whether affixed or floating, placed in or upon a lake, pond, river, stream or brook and which provides a berth for watercraft and/or a means of pedestrian access to and from the shoreline. This shall include boathouses, piers, and wharves, crib docks, stake docks, floating docks and all such similar structures.

**DRIVING RANGE** - A tract of land designed for driving golf balls.

**DUPLEX** - See Dwelling, Two Family.

**DWELLING** - A building designed or used as living quarters for one (1) or more families. The term shall not be deemed to include motel, rooming house or tourist home.

**DWELLING, SINGLE FAMILY** - A detached building containing one (1) dwelling unit designed for occupancy by one (1) family. With the exception of mobile homes, all factory-built housing intended for single-family occupancy shall be considered single-family dwellings.

**DWELLING, TWO FAMILY** - A detached building containing two (2) entirely separate dwelling units designed for occupancy by two families.

**DWELLING, MULTIPLE FAMILY** - A building or portion thereof containing three (3) or more entirely separate dwelling units and designed for occupancy by three or more families living independently of each other.

**DWELLING UNIT** - A room or group of rooms providing complete housekeeping facilities for one (1) family and occupied by a single-family unit.

**ELDER COTTAGE** - A temporary detached living quarters on a single-family lot subordinate in size, location, and appearance to the primary residence and providing complete housekeeping facilities for the exclusive use of the occupants.

**EXCAVATION** - Any extraction from the land of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits. Or, see Mining.

**FACADE** - The face of a building.

**FACTORY-BUILT HOUSING** – A factory-built structure designed for long-term residential use. Factory-built housing consists of three types: manufactured homes, mobile homes, and modular homes.

**FAMILY** - One (1) or more persons who live together as a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel. A family consists of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption and may also include domestic servants and gratuitous guests.

**FENCE** - A structure or partition erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions or to separate two (2) contiguous lots, but shall not include a building or growing plants or trees.

**FORESTRY USE** - Any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skid ways, landings, fences and forest drainage systems.

**FUNERAL HOME** - A structure used by a licensed mortician for burial preparation, funeral and related services.

**GARAGE, PRIVATE** - An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space therein for more than three (3) cars are leased to a non-resident of the premises.

**GASOLINE STATION** - Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil, or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. The term "gasoline station" may also include a convenience store as an integral part of the gasoline station.

**GOLF COURSE** - An area or course for playing golf, consisting of a least nine (9) holes, except miniature golf, within which the playing area is not artificially illuminated.

**GREENHOUSE, COMMERCIAL** - A building in excess of three hundred (300) square feet whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale. These shall be considered an agribusiness.

**GROUP CAMP** - Any land or facility for seasonal housing and recreational, educational or business - related use by private or semi-private groups.

**HOME OCCUPATION, CLASS I** - Any professional service or business use, other than a commercial business, conducted entirely within a dwelling or accessory building and carried out by the inhabitants thereof, and having no more than two non-resident employees, which use is clearly incidental and secondary to the use of the premises for residential purposes, that does not change the residential character thereof, and meets the standards set forth in Article 8 Section 4 of this Local Law.

**HOME OCCUPATION, CLASS II** - Any professional service or business use, conducted entirely within a principal dwelling or accessory building and carried out by the inhabitants thereof, and not listed in or not meeting the criteria of Article 8 Section 4 of this Local Law. Any home occupation which requires the use of toxic, explosive, flammable, combustible, corrosive, infectious, radioactive, or other restricted materials shall be considered a Class II occupation.

**HOMEOWNERS ASSOCIATION** - A contract agreed to by owners of homes in an area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space.

**HOSPITAL** - An institution, medical center or health care center providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities or training facilities.

**HOTEL/MOTEL** - An establishment which provides overnight sleeping accommodations for transient guests and provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service. A “hotel” or “motel” may also provide restaurants, meeting rooms, entertainment and recreational facilities. This term includes the term “inn”.

**HUNTING/FISHING CAMPS AND CABINS** - A cabin, camp or lean-to or other similar structure designed for occasional occupancy for hunting, fishing or similar purposes, no larger than 500 square feet of floor area.

**INDUSTRY, LIGHT** - A use involving the manufacturing and/or processing of a product, but not producing noisy or otherwise objectionable disturbances such as vibration, dust, odors, or heavy truck traffic, and not involving the use of heavy machinery.

**INDUSTRY/MANUFACTURING** - Any industrial process whereby the nature, size or shape of article is changed into a product that generally shall be a finished product.

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

**KENNEL** - Any place where any number of domestic animals are kept for the purpose of selling such animals and/or breeding, or boarding, the same for sale, and where the keeping, breeding, boarding and/or selling of such animals is not merely incidental to the primary use of such premises for residential occupation.

**LANDFILL** - Any disposal area or tract of land, unit or a combination, that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain solid wastes.

**LAND USE AREA** - Those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York.

**LAND USE ACTIVITY** - Any construction or other activity that materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, roads, fences, driveways and mining for the purpose of extracting soils or mineral deposits, and demolitions. Any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses or gardening shall be permitted land use activities in all districts.

**LINE, STREET:** also **RIGHT-OF-WAY-LINE** - The dividing line between the street and the lot.

**LOT** - A portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

**LOT AREA** - See “Area, Lot”.

**LOT, CORNER** - A lot abutting upon two or more streets at their intersection.

**LOT, FRONT LINE** - The lot line, which abuts upon a street or highway right-of-way boundary, or shoreline if the principal structure faces such shoreline.

**LOT, INTERIOR** - A lot other than a corner lot.

**LOT LINES** - Any line dividing one lot from another.

**LOT, REAR LINE** - The lot line opposite and most distant from the front lot line.

**LOT OF RECORD** - Any lot which has been established as such by plat, survey, record or deed prior to the effective date of this Local Law, as shown in the records of the Town Assessor.

**LOT, THROUGH** - An interior lot having frontage on two (2) parallel or approximately parallel streets.

**LOT WIDTH** - The width of the lot measured at the line of the front face of the principal building.

**MANUFACTURED HOME** – A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying it is built in compliance with the Federal Manufactured Home Construction and Safety Standards or HUD Code.

**MANUFACTURED HOUSING COMMUNITY** – A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes/mobile homes, appurtenant structures, or additions.

**MAXIMUM LOT COVERAGE** - The maximum percentage of the lot area that may be covered by the combined area of all buildings or structures on the lot.

**MAXIMUM BUILDING HEIGHT** - The maximum height to which a building or structure may be constructed, measured from the lowest manipulated grade to the highest point of the structure. Limitations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to barns, silos, monuments, transmission towers and similar structures.

**MEDICAL CLINIC** - A facility in which one (1) or more doctors trained in the healing arts, assisted by a staff, treat patients for a length of time that does not include overnight care.

**MINING** - The excavation of sand, gravel, clay, topsoil, rock, stone or other natural material deposits, including the construction, alteration or maintenance of mine roads, mine tailings, stockpiles or dumps and mine drainage.

**MIXED USE** - Areas with more than one land use either stacked (multi-level with residential above and commercial below) or integrated.

**MOBILE HOME** – A factory-built home designed to be used as a year round residential dwelling and built prior to enactment of the HUD Code, June 15, 1976.

**MODULAR HOME** – Factory-built housing certified as meeting the state building code. Two or more three dimensional units are transported to and assembled at the building site. Modular housing also includes panelized and pre-cut types of factory-built homes, essentially flat units that are either pre-cut panels or pre-cut components, which are assembled on site.

**MULTIPLE FAMILY DWELLING** - Any apartment, town house, condominium or similar building, including the conversion of an existing single family dwelling, designed for occupancy in separate dwelling units therein by more than one family.

**NON-CONFORMING LOT** - Any lot lawfully of record on the effective date of this Local Law which does not meet the minimum lot area and/or lot width requirements of this Local Law for the land use district in which such lot is situated.

**NON-CONFORMING STRUCTURE** - Any structure which is lawfully in existence on the effective date of this Local Law but which is not in conformance with the location, or dimensional regulations for that land use district.

**NON-CONFORMING USE** - Any use which is lawfully in existence within a given land use district on the effective date of this Local Law which is not in conformance with the use regulations of the district in which such use is located.

**NURSING OR CONVALESCENT HOME** - An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals whom, by reason of advanced age, chronic illness or infirmity are unable to care for themselves.

**OFFICE** - A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include auxiliary services for office workers.

**OPEN SPACE** - Land not covered by buildings, pavement, open storage, mining operations, or any other use that visually obscures the natural or improved landscape, except for recreation facilities.

**OPEN SPACE RECREATION** - Any recreational activity particularly oriented to and utilizing the outdoor character of an area.

**OWNER** - The titleholder of record of real property or, if deceased, his/her estate.

**PARK** - A tract of land, designated and used by the public, for active and passive recreation.

**PARKING SPACE** - An off-street space available for the parking of one (1) motor vehicle and having an area of not less than 162 square feet, exclusive of passageways.

**PERMANENT FOUNDATION** - Shall include footings below frost line.

**PERSON** - Any individual, corporation, partnership, association, trustee, the State and all political subdivisions of the State or any agency or instrumentality thereof.

**PERSONAL SERVICE ESTABLISHMENT** - A commercial operation, store, or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, dressmaker, or tailor.

**PIER** - A wharf or portion of a wharf extending from the shoreline with water on both sides.

**PLACE OF WORSHIP** - A building or structure, or group of buildings and structures, which by design and construction are primarily intended for use by groups or persons to conduct organized religious services and the accessory uses associated therewith.

**PLANNED DEVELOPMENT DISTRICT** - An area of land, in which a variety of housing types, commercial, mixed, or industrial facilities are accommodated in a preplanned environment under more flexible standards than would normally apply under these regulations; the approval of which involves requirements in addition to those of the standard subdivision, such a building design and landscaping and open spaces.

**PLANNING BOARD OR BOARD** - The Planning Board of the Town of Corinth.

**PLAT** - A map, plan or layout of the Town or a section or subdivision thereof, indicating the location and boundaries of individual properties and streets.

**PRE-CUT HOMES** - Factory built homes in which panels a whole wall with windows, doors, wiring and outside siding are transported to the site and assembled.

**PRINCIPAL USE** - The main or primary purpose for which land or a building is used, occupied or maintained. When more than one use is on a lot, the most intense use shall be considered the main or primary use.

**PUBLIC RIGHT-OF-WAY** - A parcel of land in public ownership open to the public for vehicular or pedestrian access.

**PUBLIC OR SEMI-PUBLIC BUILDING** - Any component building of a college, school, hospital, library, place of worship, museum, research center, rehabilitation center or similar facility, or a municipal building.

**PUBLIC UTILITY USE** - A building, structure or lot used for or in connection with the transmission, distribution or regulation of public water, gas, electric, telephone, or other public utility service.

**RECREATION FACILITIES OR USE** - A use of land or buildings for athletics, picnic grounds, and similar uses, but for the purposes of this Local Law shall not include the use of pinball machines, video games or other such uses involving any mechanical device for private gain, except, however, food, soda, candy and cigarette dispensing devices.

**RECONSTRUCTION** - The remodeling, renovation or rebuilding of a building or structure.

**RESTAURANT** - A place where food and drink are prepared, served, and consumed, primarily within the principal building.

**SAWMILL** - Any buildings, site or place used for the cutting or milling of raw timber into dimensional lumber.

**SCHOOL** - An educational institution housing a curriculum, a physical plant consisting of adequate facilities and a qualified staff to carry out its objectives.

**SELF-SERVICE STORAGE FACILITY** - A building or group of buildings consisting of individual, self-contained units that are leased or owned for the interior storage of business and household goods or wares.

**SIGN** - Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. For the purposes of this Local Law the word "sign" does not include the flag, pennant or insignia of any nation, state or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious campaign, drive, movement or event.

**SIGN AREA** - The entire area within a single, continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between and adjacent elements of the same.

However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. All faces of the sign shall be counted in computing the area.

**SINGLE FAMILY DWELLING** - Any detached building containing one dwelling unit, not including a mobile home.

**SKI CENTER** - Any trail or slope of Alpine (downhill) and/or Nordic (cross-country) skiing including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

**SLOPE** - The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.

**SOLID WASTES** - Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding or crockery.

**STABLE/RIDING ACADEMY** - An establishment primarily engaged in providing horseback riding instruction, and/or the boarding of horses, including customary accessory buildings and uses.

**SUBDIVISION OF LAND** - Or, "Subdivision", the division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, or any form of separate ownership or occupancy. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filled.

**TOWNHOUSE** - A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical column fire-resistant walls.

**TRAVEL TRAILER OR TRAVEL VEHICLE** - Any portable vehicle, including a tent camper or motor home, less than three hundred (300) square feet in size, which is designed to be transported on its own wheels, and which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include one or all of the accommodations and facilities customarily included in a manufactured home/mobile home. A travel trailer is not a single-family dwelling.

**VETERINARY CLINIC OR HOSPITAL** - A facility providing health services and medical or surgical care to animals suffering from illness, disease, injury, deformity and other abnormal conditions, including related facilities such as laboratories and boarding facilities.

**WAREHOUSE** - A building used to temporarily store or hold products or articles for use in assembly or manufacturing or for future transfer of said product or article to another location.

**WASTE DISPOSAL AREA** - Any area for the disposal of garbage, refuse, and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated

with an industrial use in accordance with state and federal permits. Waste disposal areas are prohibited by local law.

**WETLAND** - Any land that is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh.

**YARD, FRONT** - The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front lot line.

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

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

## **Appendix B**

### **Class A Regional Projects**

This appendix lists Class A regional projects for review by the Adirondack Park Agency under Section 810 of the Adirondack Park Agency Act. This list does not include, however, the various types of subdivisions classified as Class A regional projects by the Act - those subdivisions are reviewed as “Class A Regional Subdivisions” under the Town Subdivision Regulations.

#### **A. HAMLET AREAS**

1. All land uses and development, except subdivisions of land, involving wetlands.
2. All land uses and development, except subdivisions of land, involving one hundred (100) or more residential units, whether designed for permanent, seasonal or transient use.
3. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
4. Commercial or private airports.
5. Watershed management and flood control projects.
6. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25%) percent or more of the original size of such existing use or twenty-five (25%) percent or more of the original square footage of such structure.

#### **B. MODERATE INTENSITY USE AREAS**

1. All land uses and development, except subdivision of land, located in the following critical environmental areas:
  - a) within one-quarter (1/4) mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
  - b) involving wetlands;
  - c) at elevations of twenty-five hundred (2,500) feet or more;

- d) within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number eight below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
2. All land uses and development, except subdivisions of land, involving seventy-five (75) or more residential units, whether designed for permanent, seasonal or transient use.
3. Commercial or agricultural service uses involving ten thousand (10,000) or more square feet of floor space.
4. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
5. Tourist attractions.
6. Ski centers.
7. Commercial or private airports.
8. Timber harvesting that includes a proposed clear-cutting of any single unit of land or more than twenty-five (25) acres.
9. Sawmills, chipping mills, pallet mills and similar wood using facilities.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management and flood control projects.
13. Sewage treatment plants.
14. Major public utility uses.
15. Industrial uses.
16. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the

original size of such existing use of twenty-five (25) percent or more of the original square footage of such structure.

C. LOW INTENSITY USE AREAS

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:
  - a) within one-quarter (1/4) mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
  - b) involving wetlands;
  - c) at elevations of twenty-five hundred (2,500) feet or more;
  - d) within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number eight below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
2. All land uses and development, except subdivisions of land, involving thirty-five (35) or more residential units, whether designed for permanent, seasonal or transient use.
3. Commercial or agricultural service uses involving five thousand (5,000) or more square feet of floor space.
4. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
5. Tourist attractions.
6. Ski centers.
7. Commercial or private airports.
8. Timber harvesting that includes a proposed clear-cutting of any single unit of land or more than twenty-five (25) acres.

9. Sawmills, chipping mills, pallet mills and similar wood using facilities.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management and flood control projects.
13. Sewage treatment plants.
14. Waste disposal areas.
15. Junkyards.
16. Major public utility uses.
17. Industrial uses.
18. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the original size of such existing use or twenty-five (25) percent or more of the original square footage of such structure.

D. RURAL USE AREAS

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:
  - a) within one-quarter (1/4) mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
  - b) involving wetlands;
  - c) at elevations of twenty-five hundred (2,500) feet or more;
  - d) within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto;
  - e) within one hundred fifty (150) feet of the edge of the right-of-way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;

- f) within one hundred fifty (150) feet of the edge of the right-of-way of county highways designated by rule or regulation of the Agency adopted pursuant to subdivision fourteen (14) of Section 809 of the Adirondack Park Agency Act, as major travel corridors by the Agency, except for an individual single family dwelling and accessory uses or structures thereto.

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

- 2. All land uses and development, except subdivisions of land, involving twenty (20) or more residential units, whether designed for permanent, seasonal or transient use.
- 3. Commercial and agricultural service uses involving twenty-five hundred (2,500) or more square feet of floor space.
- 4. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
- 5. Tourist attractions.
- 6. Ski centers.
- 7. Commercial seaplane bases.
- 8. Commercial or private airports.
- 9. Timber harvesting that includes a proposed clear-cutting of any single unit of land or more than twenty-five (25) acres.
- 10. Sawmills, chipping mills, pallet mills and similar wood using facilities.
- 11. Mineral extractions.
- 12. Mineral extraction structures.
- 13. Watershed management and flood control projects.

14. Sewage treatment plants.
15. Waste disposal areas.
16. Junkyards.
17. Major public utility uses.
18. Industrial uses.
19. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the original size of such existing use or twenty-five (25) percent or more of the original square footage of such structure.

E. RESOURCE MANAGEMENT AREAS

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:
  - a) within one-quarter (1/4) mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
  - b) involving wetlands;
  - c) at elevations of twenty-five hundred (2,500) feet or more above mean sea level;
  - d) within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto;
  - e) within three hundred (300) feet of the edge of the right-of-way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;
  - f) within three hundred (300) feet of the edge of the right-of-way of county highways designated as major travel corridors by rule or regulation of the Agency adopted pursuant to subdivision fourteen (14) of Section 809 of the Adirondack Park Agency Act, or an approved land use program, except for an individual single family

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

2. All subdivisions of land (and all land uses and development related thereto) involving two or more lots, parcels or sites.
3. Campgrounds involving fifty (50) or more sites.
4. Group camps.
5. Ski centers and related tourist accommodations.
6. Agricultural service uses.
7. All structures in excess of forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
8. Sawmills, chipping mills, pallet mills and similar wood using facilities.
9. Commercial sand and gravel extractions.
10. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five (25) acres.
11. Mineral extractions.
12. Mineral extraction structures.
13. Watershed management and flood control projects.
14. Sewage treatment plants.
15. Major public utility uses.
16. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the

original size or such existing use or twenty-five (25) or more of the original square footage of such structure.

F. INDUSTRIAL USE AREAS

1. Mineral extractions.
2. Mineral extraction structures.
3. Commercial sand and gravel extractions.
4. Major public utility uses.
5. Sewage treatment plants.
6. Waste disposal areas.
7. Junkyards.
8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the original size of such existing use or twenty-five (25) or more of the original square footage of such structure.

- G. Any amendment to the Class Regional Project list in Section 810 (1) of the Adirondack Park Agency Act subsequent to the adoption of this Local Law shall be deemed to effect a corresponding change in this Appendix B without action by the Town, except so far as that amendment affects the delineation of subdivisions which are Class A Regional projects.

**Appendix C**  
**Class B Regional Projects**

A. MODERATE INTENSITY USE AREAS

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Commercial or agricultural service uses involving less than ten thousand (10,000) square feet of floor space.
6. Tourist accommodations.
7. Marinas, boatyards and boat launching sites.
8. Golf courses.
9. Campgrounds.
10. Group camps.
11. Commercial seaplane bases.
12. Commercial sand and gravel extractions.
13. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
14. Any land use or development not now or hereafter included in the applicable primary or secondary compatible lists of the APA Act.
15. An individual single family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
16. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic or

recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

17. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the original size of such existing use or twenty-five (25) percent or more of the original square footage of such structure.

B. LOW INTENSITY USE AREAS

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Commercial or agricultural service uses involving less than five thousand (5,000) square feet of floor space.
6. Tourist accommodations.
7. Marinas, boatyards and boat launching sites.
8. Golf courses.
9. Campgrounds.
10. Group camps.
11. Commercial seaplane bases.
12. Commercial sand and gravel extractions.
13. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
14. Any land use or development not now or hereafter included in the applicable primary or secondary compatible lists of the APA Act.
15. An individual single family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as

wilderness, primitive or canoe in the master plan for management of state lands.

16. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
17. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the original size of such existing use or twenty-five (25) percent or more of the original square footage of such structure.

C. RURAL USE AREAS

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Marinas, boatyards and boat launching sites.
6. Golf courses.
7. Campgrounds.
8. Group camps.
9. Commercial sand and gravel extractions.
10. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
11. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
12. Any land use or development not now or hereafter included in the applicable primary or secondary compatible lists of the APA Act.

13. Commercial and agricultural service uses involving less than twenty-five hundred (2,500) square feet of floor space.
14. An individual single family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water described in paragraph (d), subparagraph (1) of Appendix A or within one hundred fifty (150) feet of a travel corridor described in such paragraph.
15. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the original size of such existing use or twenty-five (25) percent or more of the original square footage of such structure.

D. RESOURCE MANAGEMENT AREAS

1. Single family dwellings.
2. Individual mobile homes.
3. Forestry use structures.
4. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred (500) or more square feet of floor space.
5. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
6. Any land use or development not now or hereafter included in the applicable primary or secondary compatible use list of the APA Act.
7. Municipal roads.
8. Golf courses.
9. An individual single family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water described in paragraph (3), subparagraph (1) of Appendix B or within three hundred (300) feet of a travel corridor described in such paragraph.
10. Campgrounds involving fewer than fifty (50) sites.
11. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic or

recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

12. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the original size of such existing use or twenty-five (25) percent or more of the original square footage of such structure.

E. INDUSTRIAL USE AREAS

1. Sawmills, chipping mills, pallet mills and similar wood using facilities.
2. Industrial uses.
3. Commercial uses.
4. Agricultural service uses.
5. Public and semi-public buildings.
6. Municipal roads.
7. Any land use or development not now or hereafter included in the applicable primary or secondary compatible use list of the APA Act.
8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five (25) percent or more of the original size of such existing use or twenty-five (25) percent or more of the original square footage of such structure.

- F. Any amendment to the Class B Regional Project list in Section 810 (2) of the Adirondack Park Agency Act subsequent to the adoption of this Local Law shall be deemed to effect a corresponding change in this Appendix C without action by the Town, except so far as that amendment affects the delineation of subdivisions which are Class B Regional Projects.

**Appendix D**  
**Land Use District by Location**

**High Density Residential (R-1)**

Entirely

- Beech St.
- Butler Drive
- Dayton Drive
- Dorset Drive
- Eggleston St. and Eggleston St. Ext.
- Heath St. Ext.
- Marion Ave.
- Pine St.
- Wall St.
- Poplar St.

Portion

- Gabriel Rd.-North side of road
- Main St. from Village border-south, to Gabriel Rd.
- Co. Rt. 24 from Village boundary to Colonie Builders property
- Rt. 9N from Village boundary to Pickerel Pond

**Mixed Residential (R-2)**

Entirely

- |                 |                |
|-----------------|----------------|
| • Circle Dr.    | • Solar Dr.    |
| • Farr Rd.      | • Clothier Rd. |
| • Fuller Dr.    | • Maple St.    |
| • Fuller Rd.    | • Hummel Dr.   |
| • Hillside Ave. | • Depot Rd.    |

Portion

- Comstock Rd.-from Depot Rd to near Heath Rd.
- Hollister Rd.-near Clothier Rd.
- Holmes Rd.-from Howe Rd. to Circle Dr.
- Howe Rd.-from Comstock Town line-west side of road is R-2
- Stark Rd.
- Western side of Howe Rd.
- Main St.
- Old River Rd.
- Spruce Mt. Road
- Wilton Mt. Rd.-near Clothier Rd.

## **Mixed Residential (R-2)**

### Entirely

- Circle Dr.
- Farr Rd.
- Fuller Dr.
- Fuller Rd.
- Hillside Ave.
- Solar Dr.
- Clothier Rd.
- Maple St.
- Hummel Dr.
- Depot Rd.

### Portion

- Comstock Rd.-from Depot Rd to near Heath Rd.
- Hollister Rd.-near Clothier Rd.
- Holmes Rd.-from Howe Rd. to Circle Dr.
- Howe Rd.-from Comstock Town line-west side of road is R-2
- Stark Rd.
- Western side of Howe Rd.
- Main St.
- Old River Rd.
- Spruce Mt. Road
- Wilton Mt. Rd.-near Clothier Rd.

**Moderate Density Residential (R-3)**

Entirely

- Adirondack Ct.
- Angel Rd.
- Creek View Ct.
- Hamm Rd.
- Loughan Dr.
- Dusty Rd.
- Freight House Rd.
- Walsh Rd
- Winslow Rd.
- Wedgewood Way
- Towers Lane
- Marcotte Ln.
- Spotswood Dr.
- Wood Rd.
- Locust Ridge Dr.
- Trout Pond Rd.

Portion

- Antone Mt. Rd.
- Comstock Rd.-south section near Heath Rd.
- Heath Rd.
- Main St. near Fuller Rd.
- Miner Rd.-west of South Corinth-south side of road
- Old River Rd.
- Spruce Mt. Rd.
- Tannery Hill Rd.
- West Mt. Rd. or Co. Rt. 10
- Gabriel Rd.

**South Corinth Hamlet (SCH)**

Entirely

- Chapman St.
- Miner Rd.

Portion

- Holmes Rd.
- Tannery Hill Rd.

**Rural Residential (RR)**

Entirely

- Atwell Rd.
- Barbara Mac D. Dr.
- Birch Ct.
- Debbido Ln.
- Fenton Rd.
- Folts Rd.
- Hack Rd.
- Lakeside Estates
- Lincoln Mt. Rd.
- Ogden Dr.
- Skipper Ln.
- Surry Rd.
- Wells Estate Ct.
- Wells Rd.
- Woodland Trail
- Baker Drive
- Dematteo Drive
- Reynolds Rd
- Hollister Rd (with exception of area near Clothier Rd.)

Portion

- Antone Mt. Rd.
- Co. Rt. 24 from mill property south
- Gabriel Rd.
- Heath Rd.
- Miner Rd.
- Stark Rd.
- Harris Rd.
- County Rt. 25 From Main St to County Rt. 24.

**Commercial (C)**

- Angel Rd.
- Rt. 9N (portion)
- Co. Rt. 10
- Pitt Lane
- Main St.
- M & J Lane

**Industrial (I)**

- Rt. 9N (south of village)
- Heath Rd.
- Main St.
- Pine St.-Co. Rt. 24, north side to area near Fenton Rd..
- Rt. 9N (north of Village)
- Antone Mt. Rd.

**Rural Use (RU)**

Entirely

- Backwoods Rd.
- Beachway
- Cherry Ln.
- Efner Rd.
- Fairey Ln.
- Gahada Way
- Hemlock Rd.
- Lake Rd.
- Martin Rd.
- Hunt Lake Rd.
- Mesacosa Rd.
- Morreale Ln.
- Pine Rd.
- Pine Tree Ln.
- Raisig Rd.
- Smith Shore
- Stewart Dam Rd.
- Summer House Ln.
- Tawiskarou
- Davignon Rd.
- Wamego Ln.
- Hansen Rd.

Portion

- Antone Mt. Rd.
- West Mt. Rd.-Co. Rt. 10
- Harris Rd.

**Resource Management (RM)**

Entirely

- Edelson

Portion

- Old River Rd.
- Spruce Mt. Tower Road