

TOWN OF CORINTH

FINAL DRAFT ZONING REVISION

**TOWN OF CORINTH
ZONING CODE**

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**ARTICLE 1
INTRODUCTORY PROVISIONS**

1.1 Short Title

This Local Law shall be known and may be cited as the “Town of Corinth Zoning Ordinance.”
The Town of Corinth, Saratoga County, NY is hereinafter referred to as the “Town.”

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

- A. 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.
- B. 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

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

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ARTICLE 3 ESTABLISHMENT OF DISTRICTS

3.1 Zoning Map

The locations and boundaries of each zoning district listed as part of this Local Law are hereby established as shown on the map entitled "Zoning 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.

3.2 Interpretation of Boundaries

Where uncertainty exists with respect to the boundary of any district as shown on the Town of Corinth Zoning 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 Zoning Map or as shall be determined by the scale shown on the Zoning 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 there from as are indicated on the Zoning 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 Zoning 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.

3.3 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.

3.4 Purpose and Establishment of Zoning Districts

A. High Density Residential (R-1)

1. It is the purpose of this zoning district to accommodate higher density residential development in those areas of the Town of Corinth located adjacent to existing community services, without physical constraints, and potentially capable of being served by public water and sewer.
2. Soil maps identify this zoning district as generally suitable for on-site septic disposal on lots with a minimum lot area of one half (0.5) an acre. The introduction of public sewer would allow a higher density.
 - a. Single-family and modular dwellings require a minimum lot area of one-half (0.5) acres. However, if a connection to either public sewer or public water can be made, the minimum lot area would drop to one-quarter (0.25) acres.
 - b. The same principal applies to two-family dwellings as the required minimum lot area of three-quarter (0.75) acres can be reduced to one-half (0.5) acres if connected to either public sewer or public water.
 - c. In terms of multi-family dwellings, one (1) acre is required for each dwelling with up to four (4) units. Multi-family dwellings with more than four (4) dwelling units per acre are required to be connected to public sewer and public water.
3. Due to the allowance for connection to public water and sewer services all areas in this zoning district are contiguous to the Village of Corinth.

B. Mixed Residential (R-2)

1. It is the purpose of this zoning district to accommodate single family dwellings, including modular homes.
2. The absence of existing or proposed public water and sewer services limits the capacity of the R-2 district to accommodate more intensive residential density.

C. South Corinth Hamlet (SCH)

1. It is the purpose of this zoning district to recognize the hamlet of South Corinth for its unique heritage as a compact and distinct gateway area. Due to the area's proximity to Route 9N, and the concentration of smaller parcels with buildings evoking qualities of historic architectural character, the hamlet is ideally suited to provide neighborhood-

scale goods and services at this key entry point into the Town. Therefore, a mix of land uses in a concentrated pattern of appropriately sized, architecturally compliant buildings is reflected in the permitted uses and associated density requirements of the district.

D. Rural Residential (R-R)

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

E. Commercial (C)

1. It is the purpose of this zoning 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.

F. Overlay District-1 (OD-1)

1. It is the purpose of this zoning 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.

G. Industrial (I)

1. It is the purpose of this zoning district to accommodate new and expanding industrial uses in the Town of Corinth. It is further the purpose of this zoning district to promote the economic well-being of the community, stimulate employment opportunities, and expand the industrial tax base.

H. Low Intensity (LI)

1. It is the purpose of this zoning 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.

I. Resource Management (RM)

1. 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.

J. Wild Forest (WF)

1. Wild Forest areas are where the resources permit a somewhat higher degree of human use than in wilderness, primitive or canoe areas, while retaining an essentially wild character. A wild forest area is further defined as an area that frequently lacks the sense of remoteness of wilderness, primitive or canoe areas and that permits a wide variety of outdoor recreation.

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

4.1 Application of Regulations

Except as hereafter provided:

- A. No building¹, 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.² 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.
- 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 zoning districts. All other uses are expressly prohibited unless granted a variance by the Zoning Board of Appeals pursuant to Article 10.

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

² This law is separate from any deed restrictions on a parcel of land.

4.2 Use regulations

A. Permitted Uses

A use shall be permitted in a given zoning district if it is listed in the schedules or regulations hereof as a permissible use for that district, provided that all other requirements of this chapter are met.

B. Site Plan Uses

A use listed in the schedule of regulations hereof as a site plan review use for a given zoning district shall be permitted in that district when approved in accordance with Article 7, Site Plan Review, hereof, provided that all other requirements of this chapter are met.

C. Special Permit Uses

A use listed in the schedule of regulations as a special use permit shall be permitted in that district when approved in accordance with Article 8, Special Use Permits, hereof, provided all other requirements of this chapter are met.

D. Accessory Use, Building or Structure

An accessory use, accessory building, or accessory structure shall be permitted if the use to which it is accessory is a lawful use pursuant to the terms of this Local Law and for which a permit has been issued if required pursuant to the terms of Article 8 hereof, so long as said accessory use, building, or structure does not result in or increase any violation of the provisions of this Local Law.

4.3 Schedule of Use, Area and Bulk Regulations

All uses listed in the use table below shall be permitted in each zoning district in which the use is listed as a permissible use for that district, provided that all other requirements of this Local Law are met.

A. High Density Residential (R-1)

High Density Residential (R-1) Permitted Uses	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Accessory Use	-	-	25	10	15	N/A
Accessory Outdoor Storage	-	-	25	10	15	N/A
Bed and Breakfast	0.75 acre	150	25	20	15	N/A
Day Care Facility I	0.5 acre	100	25	10	15	N/A
Dwelling, Modular	0.5 acre ³	100	25	10	15	N/A
Dwelling, Single Family	0.5 acre ⁴	100	25	10	15	N/A
Dwelling, Two Family	0.75 acre ⁵	150	25	10	15	N/A
Home Occupation I	0.5 acre	100	25	10	15	N/A
Site Plan Uses						
Antique Shop	1 acre	150	25	20	15	60%

³ May be reduced to a minimum lot area of one quarter (0.25) acre with either public sewer or public water.

⁴ May be reduced to a minimum lot area of one quarter (0.25) acre with either public sewer or public water.

⁵ May be reduced to a minimum lot area of one half (0.5) acre with either public sewer or public water.

Day Care Facility II	1 acre	100	25	10	15	N/A
Dwelling, Multi-Family	1 acre ⁶	150	25	10	15	40%
Dwelling, Townhouse	1 acre	150	25	10	15	40%
Home Occupation II	0.5 acre	100	25	10	15	N/A
Medical Clinic	1 acre	150	25	20	15	60%
Mixed Use	1 acre	150	25	20	15	60%
Nursing Home	1 acre	150	25	20	15	60%
Park	0.5 acre	100	-	-	-	N/A
Recreation Facility	1 acre	150	25	20	15	60%
Retail Sales I	1 acre	200	25	20	15	60%
Tavern	1 acre	200	25	20	15	60%

B. Moderate Density Residential (R-2)

Moderate Density R-2	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Uses	-	-	40	15	15	N/A
Accessory Outdoor Storage	-	-	40	15	15	N/A
Bed and Breakfast	1 acre	150	40	20	15	N/A
Day Care Facility I	1 acre	100	40	20	15	N/A
Dwelling, Manufactured Home	1 acre	100	40	15	15	N/A
Dwelling, Modular	1 acre	100	40	15	15	N/A
Dwelling, Single Family	1 acre	100	40	15	15	N/A
Dwelling, Two Family	1 acre	150	40	15	15	N/A
Home Occupation I	1 acre	100	40	15	15	N/A
Site Plan Uses						
Agribusiness	1 acre	150/200	40	20	15	60%
Cemetery	10 acres	300	-	30	30	N/A
Day Care Facility II	1 acre	100	40	20	15	60%
Funeral Home	1 acre	200	40	20	15	60%
Home Occupation II	1 acre	200	40	20	15	N/A
Medical Clinic	1 acre	150	40	20	15	60%
Nursing Home	1 acre	150	40	20	15	60%
Park	0.5 acre	100	-	-	-	N/A
Place of Worship	1 acre	200	40	20	15	60%
Recreation Facility	1 acre	200	40	20	15	60%
School	1 acre	200	40	20	15	60%
Special Permit Uses						
Driving Range	10 acres	400	150	100	100	-
Golf Course	160 acres	400	150	100	100	-

⁶ One (1) acre is required for each multi-family dwelling with up to four (4) dwelling units. Multi-family dwellings with more than four (4) dwelling units per acre require public sewer and public water.

C. South Corinth Hamlet (SCH)

South Corinth Hamlet (SCH)	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Use	-	-	30	15	15	N/A
Accessory Outdoor Storage	-	-	30	15	15	N/A
Agricultural Use	1 acre	200	-	15	15	N/A
Day Care Facility I	1 acre	150	40	15	15	N/A
Dwelling, Modular	1 acre	100	30	15	15	N/A
Dwelling, Single Family	1 acre	150	30	15	15	N/A
Dwelling, Two Family	1 acre	200	30	15	15	N/A
Home Occupation I	1 acre	150	30	15	15	N/A
Site Plan Uses						
Agribusiness	1 acre	200	15	15	15	60%
Antique Shop	1 acre	200	15	15	15	60%
Bank	1 acre	200	15	15	15	60%
Bed and Breakfast	1 acre	150	40	15	15	N/A
Cultural Facility	1 acre	150	15	15	15	60%
Day Care Facility II	1 acre	150	40	15	15	N/A
Funeral Home	1 acre	150	15	15	15	60%
Home Occupation II	1 acre	150	40	20	15	N/A
Industry I	1 acre	150	15	15	15	60%
Medical Clinic	1 acre	150	15	15	15	60%
Mixed Use	1 acre	200	15	15	15	60%
Nursing Home	1 acre	150	15	15	15	60%
Office	1 acre	200	15	15	15	60%
Park	1 acre	150	-	-	-	NA
Personal Services	0.5 acre	100	15	15	15	60%
Place of Worship	1 acre	200	15	15	15	60%
Recreation Facility	1 acre	200	15	15	15	60%
Restaurant	1 acre	200	15	15	15	60%
Retail Sales I	1 acre	200	15	15	15	60%
Tavern	1 acre	200	15	15	15	60%

D. Rural Residential (R-R)

Rural Residential (RR)	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Use	-	-	30	15	15	N/A
Accessory Outdoor Storage	-	-	30	15	15	N/A
Agricultural Use	5 acres	400	-	30	30	N/A
Dwelling, Modular	5 acres	200	30	15	15	N/A
Dwelling, Single Family	5 acres	200	30	15	15	N/A
Dwelling, Two Family	5 acres	200	30	15	15	N/A
Home Occupation I	5 acres	200	30	30	30	N/A
Site Plan Uses						
Agribusiness	5 acres	400	50	50	50	60%
Bed and Breakfast	5 acres	200	30	30	30	N/A
Cemetery	10 acres	300	-	30	30	N/A

Day Care Facility I	5 acres	200	30	30	30	N/A
Forestry Use	5 acres	400	50	30	30	N/A
Home Occupation II	5 acres	200	50	50	75	N/A
Kennel	5 acres	400	50	100	100	60%
Park	5 acre	150	-	-	-	N/A
Place of Worship	5 acre	150	25	20	15	60%
Recreation Facility	5 acre	150	50	75	75	N/A
Sawmill	5 acres	400	75	100	100	60%
School	5 acres	300	50	50	50	60%
Stable/Riding Academy	10 acres	400	50	100	100	60%
Veterinary Clinic/Hospital	5 acres	300	50	50	50	60%
Special Permit Uses						
Campground	42.7 acres	500	150	200	200	20%
Driving Range	10 acres	400	150	100	100	-
Golf Course	160 acres	400	100	100	100	N/A
Mining	5 acres	-	100	100	100	N/A
Train Station	1.5 acres	250	-	50	75	60%

E. Commercial (C)

Commercial (C) ⁷	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Use	-	-	40	20	15	N/A
Accessory Outdoor Storage	-	-	40	20	15	N/A
Antique Shop	1 acre	200	40	20	15	50%
Bank	1 acre	200	40	20	15	50%
Bed and Breakfast	1 acre	200	40	20	15	N/A
Commercial Use	1 acre	200	40	20	15	50%
Day Care Facility I	1 acre	200	40	20	15	N/A
Day Care Facility II	1 acre	200	40	20	15	N/A
Funeral Home	1.5 acres	200	60	20	15	50%
Home Occupation I	1 acre	200	40	20	15	N/A
Mixed Use	1 acre	200	40	20	15	50%
Office	1 acre	200	40	20	15	50%
Personal Services	0.5 acre	100	40	15	15	50%
Site Plan Uses						
Agribusiness	1.5 acres	200	60	40	50	50%
Automotive Dealer	1 acre	200	40	20	15	50%
Automotive Repair/Service	1 acre	200	40	20	15	50%
Bank, Drive Through	1 acre	200	40	20	15	50%
Car Wash	1 acre	200	40	20	15	50%
Club/Lodge	1 acre	150	75	50	75	50%
Cultural Facility	1 acre	150	40	20	15	50%
Dwelling, Multi Family	1 acre	200	40	20	15	50%
Garage, Public Parking	0.5 acre	100	40	15	15	50%
Gasoline Station	1.5 acres	200	75	50	75	50%
Gasoline Station and Retail Sales	1.5 acres	200	75	50	75	50%
Home Occupation II	1 acre	200	40	20	15	50%

⁷ Certain uses within the Adirondack Park may be listed as APA Class A & B Regional Projects and subject APA review.

Hotel	1.5 acres	300	75	50	75	50%
Industry I	1.5 acres	200	75	50	75	50%
Medical Clinic	1 acre	200	40	20	15	50%
Nursing Home	1 acre	200	40	20	15	50%
Park	1 acre	150	-	-	-	N/A
Place of Worship	1.5 acres	200	50	30	50	50%
Recreation Facility	1 acre	200	40	20	15	N/A
Restaurant	1.5 acres	250	75	50	75	50%
Restaurant, Drive Through	1.5 acres	250	75	50	75	50%
Restaurant, Fast Food	1.5 acres	250	75	50	75	50%
Retail Sales I	1 acre	150	40	20	15	50%
Retail Sales II	1 acre	150	40	20	15	50%
Retail Sales, Outdoor	1 acre	150	40	20	15	50%
Self-Service Storage Facility	1 acre	200	75	50	75	50%
Shopping Center	2 acres	250	75	60	75	50%
Veterinary Clinic/Hospital	1.5 acres	250	75	60	75	50%
Special Permit Uses						
Commercial Boat Storage	1 acre	200	40	20	15	60%
Driving Range	10 acres	400	150	100	100	N/A
Golf Course	160 acres	400	100	100	100	N/A
Marina	1 acre	200	75	50	75	50%
Train Station	1.5 acres	250	-	50	75	50%
Warehouse	1.5 acres	200	75	50	75	50%

F. Overlay District-1 (OD-1)

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

G. Industrial (I)

Industrial (I)	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Use	-	-	50	25	25	N/A
Accessory Outdoor Storage	-	-	50	25	25	N/A
Industry I	2 acres	200	50	25	25	80%
Self -Service Storage Facility	2 acres	200	50	25	25	80%
Warehouse	2 acres	200	50	25	25	80%
Site Plan Uses						
Automotive Dealer	1 acre	200	40	20	15	60%
Automotive Repair/Service	1 acre	200	40	20	15	60%
Heavy Equipment Repair	1 acre	200	40	20	15	60%
Industrial Park	10 acres	200	50	25	25	80%
Industry II	5 acres	200	50	25	25	80%
Manufacturing	5 acres	200	50	25	25	80%
Train Station	1.5 acres	250	-	50	75	60%
Special Permit Uses						
Airport	20 acres	-	100	100	100	50%
Compost Facility	10 acres	200	75	50	50	80%

Mining	-	-	100	100	100	N/A
Transfer Station	10 acres	200	75	50	50	80%

H. Low Intensity Use (LI)

Low Intensity Use (LI) ⁷	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Use	-	-	40	20	15	N/A
Accessory Outdoor Storage	-	-	40	20	15	N/A
Bed and Breakfast	3.2 acres	200	40	20	15	N/A
Day Care Facility I	3.2 acres	200	40	20	15	N/A
Dwelling, Single Family	3.2 acres	200	40	20	15	N/A
Home Occupation I	3.2 acres	200	40	20	15	N/A
Hunting and Fishing Camps and Cabins	3.2 acres	200	40	20	15	N/A

I. Resource Management (RM)

Resource Management (RM) ⁷	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Use	-	-	150	75	100	N/A
Accessory Outdoor Storage	-	-	150	75	100	N/A
Agricultural Use	42.7 acres	500	-	100	100	-
Day Care Facility I	42.7 acres	500	150	75	100	-
Dwelling, Single Family	42.7 acres	500	150	75	100	-
Home Occupation I	42.7 acres	500	150	75	100	-
Hunting and Fishing Camps and Cabins	42.7 acres	500	150	100	100	-
Site Plan Uses						
Agribusiness	42.7 acres	500	150	200	200	20%
Campground	42.7 acres	500	150	200	200	20%
Club/Lodge	42.7 acres	500	150	200	200	20%
Forestry Use	42.7 acres	500	75	100	100	-
Group Camp	42.7 acres	500	150	200	200	20%
Home Occupation II	42.7 acres	500	150	75	100	-
Park	42.7 acres	500	150	200	200	-
Recreation Facilities	42.7 acres	500	150	200	200	-
Special Permit Uses						
Mining	-	-	150	100	100	-
Ski Center	42.7 acres	500	150	200	200	-

J. Wild Forest (WF)

Wild Forest (RM) ⁷	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Use	-	-	150	75	100	N/A
Accessory Outdoor Storage	-	-	150	75	100	N/A
Agricultural Use	42.7 acres	500	-	100	100	-
Site Plan Uses						

Campground	42.7 acres	500	150	200	200	20%
Forestry Use	42.7 acres	500	75	100	100	-
Special Permit Uses						
Mining	-	-	150	100	100	-

4.2 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.

4.3 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.

4.4 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.

4.5 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.

**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 Zoning Map and to all conforming buildings housing nonconforming uses.

5.2 Provisions

A. Nonconforming Uses

A lawful use which is rendered nonconformity by the enactment of this chapter or by reason of any subsequent amendment to this chapter or to the Land Use map may be continued, provided that any nonconforming use which is discontinued for twelve (12) consecutive months or more may not be resumed without first obtaining a use variance, and no nonconforming use may be increased or expanded. 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. Nonconforming Buildings and Structures

A lawful building or structure which is rendered nonconforming by the enactment of this chapter or by reason of any subsequent amendment to this chapter or to the Land Use map may continue to exist, subject to the other provisions of this article.

C. Unsafe Structures

Any lawful structure or portion of that structure rendered nonconforming by the enactment of this chapter or by reason of any subsequent amendment to this chapter or to the Land Use map, and which is declared unsafe by a proper authority, maybe restored or otherwise made to in a safe condition, provided:

1. That it is otherwise lawful to put such building or structure into a safe condition;
2. The building or structure will not become any more nonconforming as a result of the measures taken to make it safe; and
3. The building or structure is made safe within twelve (12) months of being declared unsafe.

D. Restoration

Any lawful building or structure or portion of such building or structure rendered nonconforming by the enactment of this chapter or by reason of any subsequent amendment to this chapter or to the Land Use Map, which is damaged or destroyed by fire, flood, high winds or other accident or natural causes, may be repaired or rebuilt on the same building footprint and to the same dimensions, including height, provided such repair or rebuilding is completed within twelve (12) months of the date of damage or destruction. However, a building or structure which is not conforming as to front setback and which is destroyed shall be rebuilt to meet the front yard setback for the district in which it is located if the dimensions of the lot would permit doing so without causing any new or

greater setback violation elsewhere on the lot. The total square footage of such rebuilt structure shall not exceed the total square footage of the structure that was damaged or destroyed.

E. Expansion; enlargement.

1. No building or structure rendered nonconforming by the enactment of this chapter or by reason of any subsequent amendment to this chapter or to the Zoning Map may be expanded or enlarged.
2. No building, structure or facility used or occupied for a nonconforming use may be expanded or enlarged for the same use or be used, occupied, expanded or enlarged for any other nonconforming use.

F. Structural Alterations

Except as provided for in Subsections C and D of this article above, a nonconforming building or structure which is used for or occupied by a nonconforming use shall not be structurally altered to an extent exceeding, in total, the replacement value of the building or structure unless the use of the building is changed to a conforming use.

G. Abandonment

From enactment of this law, an inactive non-conforming use has twelve (12) months to resume activity of that non-conforming use. After the twelve (12) months 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.

I. Inspection

Within six (6) months of the enactment of any revision of this chapter or the Land Use Map which causes a previously allowed use, other than a single-family dwelling, to become a nonconforming use, the owner of the property on which such nonconforming use is conducted shall make available to the Town's Zoning Officer copies of any and all surveys of the property and any and all plans of any buildings and/or structures on such property. If the Zoning Officer desires copies of such survey(s) and/or plans, the Town shall pay for such copies. Upon written request by the Zoning Officer, the owner of such property shall allow the Zoning Officer and/or engineer and/or other appropriately qualified professionals or consultants engaged by the Town to inspect such property and any buildings and facilities and observe the nonconforming use for the purpose of determining whether it poses any significant threat to public health or safety.

**ARTICLE 6
PLANNED DEVELOPMENT DISTRICTS**

6.1 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.

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 Comprehensive Plan Update and the policy considerations underlying this Local Law.

6.2 General Requirements for Planned Development Districts (PDD)

A. Project 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.

B. Minimum Project Area.

The project area of a PDD shall consist of land undivided by roads, utility rights of ways or similar barriers. The minimum area for a PDD shall be 10 contiguous acres of land. 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. The Town Board may consider projects of lesser acreage where the applicant can demonstrate that the characteristics of his holdings meet the purposes and objectives of this article.

C. Location of Planned Development District.

The PDD District shall be available in all zones, where the applicant can demonstrate that the characteristics of his holdings meet the purpose and objectives of this Code and the objectives of the Comprehensive Plan Update.

D. Permitted Uses in PDDs

1. Residences may be of a variety of types, such as single-family dwellings, multi-family dwellings, townhouses and condominiums.
2. In developing a balanced community, the use of housing types and densities shall comply with the purpose and objective of this Article. The developer must also demonstrate that as broad of an economic market as possible will be reached.
3. Commercial Uses.
 - a. Commercial uses may be a variety of scales, types and orientation from commercial recreation to general retail business to commercial retail services to wholesale commercial uses, except that the highway "strip" orientation of such uses shall be discouraged by the Town.
 - b. The height of all buildings in a PDD shall not exceed three stories or thirty-five (35) feet.

E. Base Residential Density.

Base Residential Density (BRD) in a PDD is that density as permitted in the original district or districts in the current Zoning Code. The residential density allowed in a PDD shall not exceed one-hundred twenty (120) percent of the original base residential density. The overall residential intensity of the project cannot exceed the amount of available development potential of the individual APA Land Use Intensity Zone if the proposed PDD is located within the Adirondack Park.

F. Nonresidential Density.

Nonresidential densities may not exceed twenty (20) percent of the total residential square footage in a PDD. For the purpose of calculating allowable residential square footage, the allowed base residential density shall be multiplied by a value of 2,000 square feet per allowable dwelling unit. The nonresidential density is not to be counted toward the overall PDD density. For example: Forty (40) acres of developable area in a one (1) acre zone would net forty (40) dwelling units (base residential density). Multiply forty (40) dwelling units times two thousand (2,000) square feet per dwelling unit yields eighty thousand (80,000) square feet total residential square footage. Multiply the eighty thousand (80,000)

square feet times twenty (20) percent yields sixteen thousand (16,000) square feet of allowable residential square footage.

G. Common Property in PDD

1. Common property in a PDD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. Common property shall be allowed within a PDD and may include private streets, drives, services, parking areas, and recreational and open space areas.
2. The ownership of land dedicated for park, recreation or open space use shall be determined by the property owner or applicant. The person or entity having the right of ownership shall be responsible for its proper maintenance and continued upkeep. Ownership shall be with one of the following: the Town; another public jurisdiction or agency subject to their acceptance; a private, nonprofit organization incorporated with a purpose consistent with the use and management requirements of the dedicated land; shared common interest by all property owners in a subdivision; a homebuyer, condominium or cooperative association or organization; or private ownership encumbered by a conservation easement pursuant to § 247 of General Municipal Law or §§ 49-0301 through 49-0311 of the Environmental Conservation Law. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, services, and parking areas and recreational and open space areas.

H. Applications and Zoning Approvals

1. Whenever any planned unit development is proposed, before any permit for the erection of a permanent building in such planned unit development shall be granted and before any subdivision plat of any part thereof may be filed in the office of the Saratoga County Clerk, the developer or his authorized agent shall apply for and secure approval of such planned unit development in accordance with the following procedures:
 - a. Submit sketch plan to the Town Board for consideration, and at the discretion of the Town Board, referral to the Planning Board.
 - b. Planning Board review of rezoning referral and preliminary plan.
 - c. Town Board conducts a public hearing on rezoning.
 - d. Upon approval of rezoning, review project elements for subdivision or site plan approvals.
2. 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 6.3 of this Article and seven (7) copies of a completed long Environmental Assessment Form, Part I.
3. 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.

6.3 Planned Development District Pre-Application Procedure and Approval Process

A. General.

Whenever a PDD is proposed, before any zoning and building permit shall be granted, and before any subdivision plat may be filed in the Office of the County Clerk, the prospective developer or his authorized agent shall apply for and secure approval of such Planned Development District in accordance with the following procedures.

B. Pre-Application Review

1. Prior to the formal filing of an application or the preparation of a preliminary plat, the applicant shall submit to the Town Clerk, with copies to the Planning Board, a sketch plan of the proposed development, together with a key map and topographic and development data. 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. Such sketch plan shall be to scale and shall clearly show the following information:
 - a. Property lines, existing and proposed, together with acreage of all lots, including any easements and dedication;
 - b. General topographic and drainage information, both existing and proposed;
 - c. Existing natural and man-made features, including streams, drainage improvements, wetlands, floodplains, slopes over fifteen (15) percent grade, and existing buildings and structures;
 - d. 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;
 - e. 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;
 - f. Proposed location, type and size of landscaping, buffer areas and other aesthetic features;
 - g. Proposed public utilities, including type and method of water supply, sewage and storm water management;
 - h. Location map showing uses and ownership of adjacent lands; and
 - i. Proposed location, type and size of signs, driveways and emergency zones.
2. In addition, the following documentation shall accompany the sketch plan:
 - a. Evidence of how the developer's particular mix of land uses meets the existing community demands to include area-wide as well as local considerations.
 - b. Evidence that the proposal is compatible with the goals of local and area-wide Plans.
 - c. General statement as to how common open space is to be owned and maintained.
 - d. If the development is to be phased, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan of this section shall show the entire project.

- e. Evidence of any sort in the applicant's own behalf to demonstrate his competence to carry out the plan and his awareness of the scope of such a project, both physical and financial.
3. The Planning Board shall determine the sufficiency and completeness of the application materials and if satisfactory shall forward it to the Town Board. If the application is incomplete the Planning Board shall identify the deficiencies. 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:
 - a. The location, height and bulk of the principal and accessory buildings on the site in relation to one another and neighboring development;
 - b. The existing character of the neighborhood in which the uses will be located;
 - c. The pedestrian circulation and open space in relation to structures and to prospective user needs;
 - d. 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;
 - e. The adequacy of proposed public/private utilities including water supply, sewage treatment and stormwater drain facilities;
 - f. The protection of existing natural features, landscaping plans to be implemented subsequent to development, and a long-term maintenance plan for such landscaping;
 - g. The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general; and
 - h. Such other matters as the Planning Board may consider pertinent.
 4. The Planning Board shall issue a report within forty-five (45) days to the Town Board, as to whether the sketch plan, as submitted or as modified, meets the planning objectives of the town. An unfavorable report shall state clearly the reason therefore and, if appropriate, point out to the applicant what might be accomplished in order to receive a favorable report.
- C. Joint meeting of the Planning Board and the Town Board.
 Upon submission of the report to the Town Board, a joint meeting will be held with both the Town Board and Planning Board to discuss the proposed PDD, its relationship to the Comprehensive Plan Update and other aspects of the proposal, including proposed public common open and recreation space such as:
1. The proposal conforms to the Comprehensive Plan Update.
 2. The proposal meets the intent and objectives and general requirements of this section.
 3. The proposal is conceptually sound in that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian systems, land use configuration, open space system, drainage system, and scale of the elements both absolutely and to one another.

4. There are adequate services and utilities available or proposed to be made available in the construction of the development.
- D. Within 45 days of receipt of a favorable report the Town Board shall conduct a duly advertised public hearing on the proposed PDD. Comments from the Planning Board shall be read as public testimony at the public hearing.
- E. Within 45 days from the date of the public hearing, the Town Board shall take action to approve, with or without modifications, or disapprove the proposed PDD sketch plan.
- F. If approved, approved with modifications and accepted the applicant may proceed to preliminary PDD plat application.

6.4 Planned Development District Formal Application Procedure and Approval Process

- A. After Sketch Plan review is complete a formal application for establishment of a Planned Development District shall be made in writing to the Town Board and shall be accompanied by the applicable fee. The application shall also be accompanied by a full environmental assessment form or draft environmental impact statement as required by SEQRA. The Town Board shall refer the application to the Planning Board within thirty (30) days of the application.
- B. The formal application shall describe the proposed physical changes to the project area in a report that includes graphics and a supporting narrative. The application shall contain sufficient facts and information for the Planning Board to make the findings required under this section. However, fully engineered plans and construction details are not required at this stage in the process. The following information is required; however, the level of detail shall be sufficient to provide the Planning Board with enough information to understand the proposed PDD.
 1. The desirability of the proposed land use in the proposed location;
 2. The existing character of the neighborhood;
 3. Existing State, County, or Town highways that provide access to the site;
 4. Compatibility with the Comprehensive Plan Update;
 5. Phasing program if phases are proposed;
 6. Permitted uses, condition and accessory uses;
 7. Maximum development intensity of residential uses; and
 8. A proposed amendment to the Zoning Code including, at a minimum, a metes and bounds description of the property and standards for development.
- C. General.

D. Site Plan – Circulation

1. Access, circulation, parking, and transportation management;
2. Proposed location, type and size of signs and driveways;
3. Vehicular traffic circulation features, including proposed highways and roadways within the PDD;
4. Mobility (bikes, pedestrians, etc.) through the district;
5. The number, size and location of automobile parking areas and loading areas and the proposed access to such areas.

E. Site Plan – Structures

1. The general location of principal and accessory buildings in relation to one another and to other structures in the vicinity;
2. The conceptual footprint, height and bulk of buildings and the intended use for such buildings;
3. Floor area ratio for non-residential uses;
4. Lot coverage;
5. Build-to distances from public and private ways;
6. Setbacks for structures and parking areas;
7. Minimum lot size;
8. Minimum lot frontages and building massing;
9. Preservation of historic structure(s)
10. Design standards and guidelines; and
11. Other site plan improvements.

F. Site Plan – Landscaping

1. General landscaping concept and features;
2. Preservation of open space and natural areas including the amount and location of open space recreation area and pedestrian circulation areas and provisions for permanent protection; and
3. Design standards and guidelines.

G. Site Plan – Engineering and Environmental

1. Infrastructure improvement preliminary plans including water supply source and delivery, drainage, and energy;
2. The general plan for the collection and disposal of sanitary wastes for the PDD;
3. The proposed safeguards to be provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general; and
4. All material and data necessary to conduct review under SEQRA.

H. Planning Board Action

1. The Planning Board may require such changes in the preliminary plans as are found necessary or desirable, to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the community.
2. Applicant may submit to the Planning Board revised preliminary plans incorporating the changes required. Also, in order to incorporate changes of his own making, the applicant may withdraw from the Planning Board the preliminary plans referred to said Board by the Town Board and submit in their stead revised preliminary plans. Such resubmission shall be made within such time as may be allowed by the Planning Board after the notification by the Planning Board or the voluntary withdrawal by the applicant, as the case may be. If such resubmission is not so made, the application shall be deemed abandoned.
3. The Planning Board shall make the Required Findings outlined below and recommend approval, approval with modifications or disapproval to the Town Board of such PDD application, unless said application is abandoned, and shall report 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.
4. Planning Board approval of the preliminary plans shall not constitute nor imply approval of a building project for the area included in the application. Planning Board approval of the preliminary plans shall not constitute nor imply a permit for said project.

I. Town Board Action

1. 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 Zoning Map for the Town of Corinth.

J. Compliance with the State Environmental Quality Review Act

1. 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.

6.5 Planned Development District Standards

A. 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.

B. Open Space Requirements

Common open space totaling not less than thirty (30) percent of the total PDD tract shall be provided in perpetuity. The calculation of such land area shall not include lands undevelopable by reasons of topography, drainage, occurrence of wetlands, periodic inundation by floodwaters, or adverse subsoil conditions. 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 12.6 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.

C. 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.

6.6 Other Requirements

- A. 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.
- B. 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.

6.7 Expiration

If no evidence of progressive activity has occurred within one year of the date of the adoption of the PDD or upon expiration of any extension of time for starting development granted by the Town Board, the approved plan shall become null and void, and the zoning shall revert to its designation prior to the approval of the PDD

ARTICLE 7 SITE PLAN REVIEW

7.1 Intent

The purpose of this article is to allow the proper integration in the community of uses and actions listed in Articles 3 and 4 of this chapter. Because of their characteristic, or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

- A. The objectives of this chapter.
- B. Their effect on surrounding properties
- C. The ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town and its citizens and taxpayers, and the protection of health, safety and welfare of the town and its citizens.
- D. The objectives of the Comprehensive Master Plan Update.
- E. The objectives and requirements of the Adirondack Park Agency Act for areas within the Adirondack Park.

7.2 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 site 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.

7.3 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.

- A. All uses listed under Site Plan Uses in Schedule 1, attached.
- B. All uses specified as requiring site plan in Article 9 Supplementary Regulations.
- C. All proposed Planned Development Districts, pursuant to Article 7 of this Local Law.
- D. 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 7 of this Local Law.

7.4 Site Plan Review Procedure

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

- A. Application shall be made to the Planning Board using forms supplied by the Town Clerk and delivered to the Code Enforcement Officer.
- B. Prior to formal submission of a detailed site plan, applicants may schedule a presubmission conference with the Planning Board. 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 allow the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required for the site plan application. In order to accomplish these objectives, the applicant must provide the following:
 - 1. A brief narrative and preliminary concept showing the locations and dimensions of principal and accessory structures, parking areas, and other planned features and any anticipated changes in the existing topography and natural features.
 - 2. A drawing or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 200 ft.
 - 3. A topographic or contour map of adequate scale and detail to show site topography.
- C. If the Planning Board determines that the information submitted for the concept plan is sufficient, it may, at its discretion conduct site plan review at the presubmission conference without requiring additional information or scheduling a separate site plan meeting.
- D. If additional information is requested by the Planning Board after the presubmission conference, a complete application shall be submitted to the Planning Board.

7.5 Preliminary Application for Site Plan Review

- A. After the presubmission conference with the Planning Board, and in accordance with the published submittal schedule, the applicant shall provide seven (7) copies of a preliminary site plan application. 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 area 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.
- B. 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.
- C. Site Plan Checklist – Existing Conditions
 - 1. Legal Data
 - a. Title of drawing, date, north arrow, scale, name and address of Applicant, and person responsible for the preparation of such drawing;

- b. Boundaries of the property plotted to scale;
 - c. Property lines and names of owners of adjoining parcels;
 - d. Current zoning classification of property, including exact zoning boundary if in more than one district;
 - e. Locations, widths, elevations and names of existing and proposed adjacent streets;
 - f. Locations, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within and adjoining the property;
2. Natural Features
- a. Topographic features, including a map showing existing slope at two-foot contour intervals;
 - b. Vegetative cover, including existing wooded areas, significant isolated trees and similar features;
 - c. Hydrologic features should include drainage and runoff patterns, existing water courses, wetlands, FEMA floodplains, and depth to groundwater.
 - d. Geologic features, such as depth to bedrock and the location of rock outcrops.
3. Existing Development and Infrastructure
- a. Location, use and height of all existing buildings and structures and their use;
 - b. All existing means of vehicular ingress and egress to and from the site from and onto public streets;
 - c. Location of other existing development and uses, including parking and loading areas, fences, trees and landscaping.
- D. Site Plan Checklist – Proposed Development New Conditions
- 1. Grading and drainage plan showing existing and proposed contours with intervals of five (5) feet or less;
 - 2. Location, proposed use and height of all proposed buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units, waste disposal units, as well as drains and culverts;
 - 3. Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading and outdoor storage areas.
 - 4. Location and arrangement of site access and egress, including all paths for pedestrian and vehicular travel within the site;
 - 5. Location and size of water and sewer lines and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.
 - 6. Location of fire and other emergency zones, including the location of fire hydrants;
 - 7. Location, size, design and construction materials of all proposed signage;
 - 8. The proposed location, direction, power and hours of operation of proposed outdoor lighting;

9. Designation of the amount of building area proposed for each use;
10. Landscaping plan and planting schedule, including areas of natural vegetation to remain, the treatment of buffer areas, and the location and type of trees to be planted;
11. 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
12. Environmental Review. Applications for site plan review and approval shall be accompanied by a short-form or a long-form Environmental Assessment Form or a draft Environmental Impact Statement, as required by SEQRA.

7.6 Planning Board Review of Final Site Plan Application

- A. Following the receipt of an application the Planning Board shall determine its completeness. The Planning Board shall notify the Adirondack Park Agency of such receipt as required, and furnish to the Agency such pertinent information as the Agency may deem necessary.
- B. Compliance with the State Environmental Quality Review Act (SEQRA). The Planning Board shall comply with the requirements of SEQRA in reviewing the proposal. If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.
- C. Public Hearing and Notice. The Planning Board shall fix a reasonable time and place for a public hearing on any such Site Plan Application if it deems such action would be in the public interest. 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. Planning Board Action on Preliminary Site Plan Application.
 1. 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.

2. 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.

E. Planning Board Review of Final Site Plan Application.

1. 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.
2. 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.
3. 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.

F. 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:

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

5. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated.
- G. Professional Assistance.
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.
- H. Waiver of Final Site Plan Requirements.
If the preliminary site plan is approved without modifications, the final site plan application may be waived by the Planning Board.
- I. 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.
- J. 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.
- K. Filing of Decision.
The decision of the Planning Board shall be filed in the office of the Town Clerk and a copy thereof mailed to the applicant. The decision shall contain such findings of fact and conditions as are required by this Code.

7.8 Criteria for Site Plan Review

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

- A. A positive relationship, including visual compatibility, to adjacent and nearby land uses both public and private;
- B. 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;
- C. A suitable location, arrangement, size, design and general site compatibility of buildings, lighting and signs;

- D. The adequacy of storm water and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways;
- E. The adequacy of water supply and sewage disposal facilities;
- F. The adequacy, type and arrangement of trees, shrubs and other landscaping and the retention of existing trees, wooded areas, watercourses and other natural features to the maximum extent possible;
- G. The protection of adjacent or neighboring properties against noise, glare, dust, air pollution, unsightliness or other objectionable features;
- H. The adequacy of fire lanes and other emergency zones and the provisions of fire hydrants;
- I. The adequacy, arrangement, and appearance 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.
- J. The project's impact on the community's ability to provide adequate recreation, education, fire protection and similar facilities and services to its residents and visitors.

**ARTICLE 8
SPECIAL USE PERMITS**

8.1 Intent

- A. 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.
- B. While recognizing that certain types of uses may be desirable or necessary in the Town, their nature can cause certain problems or difficulties. Consequently, particular uses are controlled by a special use permit procedure which requires additional regulations designed for each use in order to mitigate such problems or difficulties and to minimize the impact of these upon the zoning district in which such use is located.

8.2 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 6 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.

8.3 Application and Review Procedures

- A. The Planning Board shall review and act on all special use permit applications in accordance with the procedure set forth in Section 7.4 except that the public hearing described in Section 7.6 (D) shall be mandatory.
- B. 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 7.5, 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 7.5 and 8.3 of this Local Law and with the applicable standards in Section 8.4, 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.

8.4 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:

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

8.5 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.

8.6 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.

D. Composting Facilities

1. Terms used in this Article but not defined have the meanings provided in 6 NYCRR 360-1.2 and 360-5.2.
2. A property or facility at which composting would occur or be conducted shall not be considered an industrial, manufacturing or other type of use other than a composting facility for purposes of the use, area and build regulations of the Town's Land Use Law.
3. No anaerobic composting shall be allowed.
4. All applications for the establishment or expansion of composting facilities shall be considered Type 1 actions under the State Environmental Quality Review Act (SEQRA) requiring a full environmental assessment form.
5. If a permit for, or registration of, a composting facility, or the expansion of a composting facility is required under Part 360 of the New York Compilation of Rules and Regulations (NYCRR Part 360), a special use permit application shall be made simultaneously to the Town Planning Board and shall include the complete DEC application. Any correspondence with DEC relation to such a facility or its expansion or to a proposed facility shall be provided to the Planning Board. A facility which is exempt

from Part 360 regulations pursuant to 6 NYCRR 360-5.3 is not exempt from the Town's requirements.

6. If any requirements of this Article are inconsistent with any requirements of 6 NYCRR Part 360 or other applicable laws, rules or regulations, the most restrictive shall apply.
7. In addition to the times required by ...of the Town Code, and application for a special use permit for a composting facility shall include the following, which may be provided as part of a DEC permit application, included with the special use permit application:
 - a. Drainage control measures to prevent leachate runoff from the site and evidence of compliance with state requirements for stormwater pollution prevention plan (SWPPP) and state pollutant discharge elimination system (SPDES) permit requirements.
 - b. Location, design, construction materials and proposed appearance of all buildings and structures.
 - c. Odor and dust control measures.
 - d. Description of the composition of the wastes to be composted, the anticipated quantity of each type of material, proposed and/or anticipated method(s) of transport and delivery, and how each will be handled at the site, including method(s) and location of storage.
 - e. Current and projected level-of-service ratings as determined by a qualified traffic engineer, for existing roadways over which any materials will be transported and discussion of any existing or anticipated problems with roads or transportation of materials.
 - f. Identification of daily traffic flow to and from the facility, including existing levels and post development levels.
 - g. Identification of surrounding land uses and other traffic generators.
 - h. Measures for controlling noise and dust from vehicles.
8. All composting facilities shall be operated in accordance with current standards established by the United States Environmental Protection Agency, the United States Department of Agriculture, the New York State Department of Environmental Conservation and any and all other applicable government regulatory agencies. In case of any conflict or inconsistency between or among any such standards, the more stringent shall govern.
9. Nothing other than compostables as herein defined may be stored, processed, composted or otherwise located at a composting facility.
10. No compostables may be stored within 500 feet of any boundary of the composting facility when the adjacent property is a road right-of-way or is not zoned an Industrial (I) District.
11. No compostables may be stored or maintained at a height greater than 25 feet.
12. A composting facility must provide accessibility to all points of the site with a surface capable of supporting heavy rescue equipment and emergency vehicles. The operation must comply with all applicable local, state and federal fire and safety codes.

13. 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 or interference with adjacent land uses and traffic.
14. The routing of transport shall be determined by the Planning Board, Taking into account the construction and carrying capacity of roads and the potential impacts of additional traffic, particularly including truck traffic to and from the composting facility, on roads, public rights-of-way, natural or man-made barriers to restrict access, dust control measures, ingress/egress, affected land uses and any other factors deemed worthy of consideration. The routing of vehicles over locally controlled roads shall cause as little damage to the road surface as practicable and create as little disturbance as possible to adjacent land uses and traffic.
15. No composting facility shall be located within 100 feet of any water supply source, including but not limited to private water supply wells, aquifers and surface water bodies which provide a water supply to humans or livestock. Information shall be provided to demonstrate that the proposed composting facility is hydraulically separated from reservoirs, reservoir stems, underground aquifers and reservoirs, and controlled lakes. In addition, a hydrogeologic analysis shall be conducted as part of the special permit application process to ensure that any possible groundwater leaching will not contaminate any drinking water supply.
16. A vegetated buffer area not less than 100 feet wide shall be established and maintained between the operation and all property boundaries. Existing vegetation shall be retained to the extent possible. Where existing vegetation is not sufficient to adequately screen the facility from view, additional native vegetation compatible with the existing vegetation shall be planted and maintained. The entry road to the facility shall be curved so as to prevent a direct view from the public right of way.
17. The permissible hours of operation shall be determined by the Planning Board based on potential impact on nearby uses.
18. An operations plan, including the number and type of trucks and other machinery and vehicles to be used in connection with the operation and estimated number of vehicles trips each day (7:00 a.m. to 7:00 p.m.) and night (7:00 p.m. to 7:00 a.m.), shall be submitted for approval.
19. Access to and use of the facility shall be strictly and continuously controlled by fencing, gates, signs, natural barriers or other suitable means. An eight-foot-high chain link or solid wood fence shall be erected and maintained around all sides of the premises adjacent to the required one-hundred-foot vegetated buffer, between the buffer and the area where composting and any related on-site activities will be conducted. Ingress and egress shall be provided by a gate which shall be closed and locked at any time that there is no attendant on duty at the facility.
20. Compostables must be confined to an area that can be effectively maintained, operated and controlled. Compostables must not be accepted at a composting facility unless they are adequately covered or confined in the vehicle transporting them in order to prevent dust, blowing materials and odors.

21. Dust must be effectively controlled so that it does not constitute a nuisance or hazard to health, safety or property. The composting facility owner or operator must undertake any and all measures required by the Town to maintain and control dust at and emanating from the facility, including, but not limited to, applying water to roads to prevent blowing dust.
22. The composting facility must be maintained so as to prevent or control on-site population of vectors (pests, rodents, insects, birds, etc.), using techniques appropriate for protection of human health and the environment and to prevent the facility from becoming a vector breeding area.
23. Odors must be effectively controlled so that they do not constitute nuisances or hazards to health safety or property.
24. On-site roads and other throughways must be passable and safe at all times and of sufficient width to allow two vehicles traveling in opposite directions to pass by each other safely and to allow safe, fast access and turnaround room for emergency vehicles.
25. Mufflers are required on all internal-combustion-powered equipment used at the composting facility. Sound levels for such equipment must not exceed 80 decibels at a distance of 50 feet from the operating equipment.
26. Noise.
 - a. Noise levels resulting from equipment or operations at the facility must be controlled to prevent transmission of sound levels beyond the property line to exceed the following Leq energy equivalent sound levels:

Adjacent Zoning District	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
High Density Residential (R-1)	62 dBA	52 dBA
Moderate Density Residential (R-2)	62 dBA	52 dBA
Rural Residential (RR)	62 dBA	52 dBA
Commercial (C)	62 dBA	52 dBA

- b. The Leq is the equivalent steady-state sound level which contains the same acoustic energy as the time-varying sound level during a one-hour period. It is not necessary that the measurements be taken over a full one-hour time interval, but sufficient measurements must be available to allow a valid extrapolation to a one-hour time interval.
- c. If the background residual sound level (excluding any contributions from the composting facility) exceeds these limits, the facility must not produce an Leq exceeding that background.
- d. The sound level must be the weighted sound pressure level measured with the slow-metering characteristic and A-weighted.
- e. Measuring instruments must be Type 1 general purpose sound-level meters, Type 2 or corresponding special sound-level meters Type S1A or S2A.

27. Open burning at any composting facility is prohibited. Measures must be taken immediately to extinguish and fire and the Town must be notified that it has occurred.
28. Information to be provided to Town.
- a. The owners and operators of the facility must provide the Town with telephone numbers and other information for designated facility operators and management personnel to enable the Town to contact them 24 hours per day, seven days per week, every day of the year in case of an emergency at the facility.
 - b. The composting facility operator must provide to the Town eight (8) copies of:
 - [1] The DEC permit issued pursuant to 6 NYCRR Part 360, including conditions;
 - [2] The operation and maintenance report;
 - [3] The contingency plan;
 - [4] The most recent annual report; and
 - [5] The certificate of attendance issued by DEC to each individual successfully completing a course of instruction in solid waste management procedures relevant to the facility at which the facility operator is employed.
 - c. The composting facility operator shall also provide copies of the daily operational records required to be maintained by DEC Solid Waste Management Regulations Section 360-1.14(i) and 360-5.7(c)(1), such copies to be submitted to the Town Clerk on a monthly basis not later than five (5) business days following the first day of the month.
29. The owner or operator of any active or inactive composting facility must, upon termination of use, properly close that facility and must monitor and maintain such closure so as to minimize the need for further maintenance or corrective actions and to prevent or remedy adverse environmental or health impacts such as, but not limited to, contravention of surface water and groundwater quality standards, gas migration, odors and vectors. Termination of use includes those situations where a facility has not received compostables for more than one year, unless otherwise provided by permit, or if the permit has expired. Permit denial or an order of closure or equivalent order of the DEC Commissioner or of a court shall also constitute termination of use. Specific closure measures which may also include corrective actions are subject to approval by the Town Board. In addition, outdoor composting facilities shall remove all compostable from the site within forty-five (45) days of termination of use. Groundwater testing must be completed prior to any change of use of the property and residential uses shall not be permitted on the site of a composting facility following closure.
30. The storage, composting and land application of nonhuman animal waste and/or manure for agricultural purposes in normal farming operations and on residential properties where large farm animals are lawfully kept shall be exempt from the provisions of this Subsection D, provided that such activities are conducted in a safe, nuisance-free manner, and provided that for nonfarm residential properties, such wastes are generated only on-site. The following shall be exempt when conducted on a farm located within an Agricultural District adopted by the county and certified by the state pursuant to Agriculture and markets Law Article 25-AA:
- a. Storage, composting and land application of vegetative residuals from food processing activities that are visually recognizable as a part of the plant or vegetable, including, but not limited to cabbage leaves, bean snips, onion skins, apple pomace and grape pomace, if such waste is used on the same property as a

fertilizer or soil conditioner in normal farming operations and the land application activity is conducted under the best agricultural management practices.

- b. Disposal within the property boundaries of a farm of crop residuals, animal (i.e., nonhuman) and aquacultural manure and animal and aquacultural carcasses and parts generated from that farm's normal farming operations, if such waste is disposed of in a safe, nuisance-free manner and in compliance with all applicable state and federal laws and regulations.

31. Complaints

- a. Any complaints about a composting facility received by the composting facility operator or owner, whether in writing or by any other means, must be responded to, in writing within five (5) days by the facility operator. Both the complaint and the response must be documented by the facility operator and a copy of each must be provided to the Town board. If the Town board finds that there is reason to believe that the facility is failing to comply with the requirements of this Subsection D and/or the provisions and conditions of the facilities special use permit and/or any other permit relating to the facility, it shall notify the facility operator, in writing, of the provision or provisions which the Town believes may have been violated. The facility operator shall have thirty (30) days from the receipt of such notice to:
 - [1] Respond to the Town, in writing, contesting the assertion and providing such information or documentation as may be necessary to support its claim; or
 - [2] Cure any such violation or, in the event that, by the nature of the violation, such violation cannot be cured within such thirty (30) day period, take reasonable steps to cure the violation and diligently continue such efforts until the violation is cured. The facility operator shall report to the Town, in writing, at thirty (30) day intervals as to the facility operator's efforts indicating the steps taken by the facility operator to cure the violation and reporting the facility operator's progress, until the violation is cured.
- b. In the event that the composting facility operator fails to cure the violation within the stated period, the Town may convene a public hearing, on notice to the public and facility owner and operator, at which hearing the Town shall specify the complaint against the facility; evidence of the violations complained of shall be received and the facility operator may be heard. Notice of such hearing shall be published at least once in the Town's official newspaper at least 10 days prior to the date of the hearing and shall be posted on the Town's notice board at least 10 days prior to the date of the hearing. The Town shall mail a copy of the Notice of Public Hearing to the owner(s) and operator(s) of the facility and to the owners of all properties located within five hundred (500) feet of the tax map parcel on which the facility is located.
- c. The Town may at any time engage the services of expert consultants to determine the validity of any such complaints and the actions needed to remedy the conditions complained of, and the cost of such consultants shall be paid by the composting facility operator if the facility is found to be in violation. The Town Board shall make a finding of violation or no violation based on the information based on the information provided at the public hearing, the reports of expert consultants and such other information as it deems relevant. In the event that the Town determines that the facility is in violation of any provision of this subsection or any of the facility's permits, in addition to any other penalties, the Town may require the facility

to discontinue operations until such time as the violation is remedied or, if the violation cannot be remedied, may revoke the facility's permit and order it closed.

32. Notwithstanding any other provision of the Town Zoning Law, violation of this Subsection D shall be punishable by a fine of up to \$7,500 for each violation and an additional fine of \$1,500 for each day that the violation continues and/or a term of imprisonment of not less than thirty (30) days and not more than one (1) year. This provision is specifically intended to supersede Town Law §268(1) to increase the punishment provided by that section.
33. Any facility already in existence on the date on which this § 89-31D first becomes effective and at which aerobic composting of nonhuman animal waste takes place or is conducted for distribution or sale shall constitute a nonconforming use, which shall be allowed to continue operating to compost such waste in the same manner, utilizing the same type of nonhuman animal waste and/or compostables for composting, if the continuing operation of such facility does not present a threat to public health or safety. The continued operation of such a nonconforming use shall be otherwise subject to the provisions of Article V of this chapter.

**ARTICLE 9
SUPPLEMENTARY REGULATIONS**

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

9.1 Accessory Uses

- A. Accessory use(s), building(s), or structure(s) in conjunction with a Special Use Permit, a Planned Development District, or any use required to be considered according to the Site Plan Review process shall be determined appropriate as to number, type and location by the Planning Board or Town Board as is appropriate in accord with their respective review functions in the above processes.
- B. Accessory building attached to a principal residential building or an accessory building other than a residential use, whether attached to the principal building or not, shall comply in all respects with the requirements of this Code applicable to the principal building.

9.2 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
 - 1. Off-street parking space shall be required for all buildings and land uses established after the adoption of this Local Law.
 - 2. Two off-street spaces per residential dwelling unit shall be required.
 - 3. 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.

9.3 Loading Standards

- A. 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.
- B. 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.

9.4 Signs

- A. Intent
 - 1. 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.
 - 2. No sign shall be erected, altered, relocated or maintained in any zoning 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.

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.
3. For Class II home occupations, a single sign not exceeding four (4) 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. No more than one (1) sign shall be permitted to advertise any single permitted use.

9.5 Fences

A. General Provisions.

1. In no case shall barbed wire, electric or similar materials or devices be used in conjunction with or as part of any fence. The provisions of this subsection shall not apply to fences on premises used for farm, limited industrial and utility purposes.
2. No fence shall be permitted which is expressly designed with the intent to injure or harm anyone who attempts to climb such a fence.
3. A clear vision zone shall be maintained so as to not obstruct with vehicle sight lines or interfere in anyway with the view corridor from public roadways.
4. The owner of the fence or wall must maintain both sides of the fence or wall and keep in good condition.

B. Residential districts

1. All fences shall have the most pleasant or decorative side facing the adjacent properties or the street and the height of fences shall not exceed eight (8) feet inside yards, eight (8) feet in rear yards, and five(5) feet in front yards.

C. Commercial or Industrial districts.

1. A fence eight (8) feet high with a barbed wire top or an electric shock fence, which would not be detrimental to health, safety or welfare of any person coming into contact with it, may be permitted, provided that the fence meets one of the following requirements:
 - a. The fence is needed to prevent entry to an area which could be hazardous to the health, safety or welfare of a person or persons.
 - b. The Fence is needed to secure an area where materials and/or equipment are stored.
 - c. The fence is needed to keep animals, other than common household pets, except in a kennel situation, from leaving the site.
 - d. Where the general community interests of national safety justify the need for such a fence.
2. Where a fence is electrified, signs at regular intervals shall be erected on the fence to clearly indicate the fence is electrified.
3. Fencing for commercial and industrial districts and utility facilities shall be approved by the Planning Board under site plan review.

9.6 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. General Criteria and Standards

In all residential districts, permitted Class I 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. A home occupation, including studios or rooms for instruction, shall provide parking pursuant to Section 9.1 (A) of this Article.
 4. 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.
 5. 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.
- C. Home Occupation I Criteria and Standards
In all residential districts, permitted Class I home occupations shall be in compliance with the following criteria:
1. A Class I home occupation is to be conducted only by members of the family inhabiting or maintaining the dwelling, no additional employees or assistants permitted.
 2. A Class I home occupation shall not allow interior or exterior storage of materials, equipment, supplies, container, finished products or associated vehicles to be used in conjunction with a home occupation.
 3. A Class I home occupation shall not be permitted to display a sign to advertise the home occupation.
- D. Home Occupation II Criteria and Standards
In all residential districts, Class II home occupations require a Special Use Permit and shall be in compliance with the following criteria.
1. A Class II home occupation is to be conducted only by members of the family inhabiting in or maintaining the dwelling unit, plus no more than one (1) non-inhabitant assistant or employee at any one time.
 2. A Class II home occupation shall permit interior or exterior storage of equipment, materials, supplies, container, finished products or associated vehicles associated with

the home occupation and intended for use off-premises. 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.

3. A Class II home occupation shall be permitted to display a sign to advertise the home occupation in accordance with the requirements in Section 9.4.D.

E. Permit Application Procedure

Application for a special use permit for a Class II Home Occupation shall be made in accordance with Article 8 of this Local Law. It shall be issued upon finding that the proposed home occupation meets the criteria and standards in Subsection B above, as well as the special use permit standards in Article 8 of this Local Law.

9.7 Manufactured Homes

All manufactured 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.

9.8 Manufactured Home Communities

- A. The standards set forth in the Town of Corinth's Code, Chapter 91, shall apply to manufactured home communities, including their residential structures.
- B. Existing manufactured home communities are allowed to expand as of right through site plan review. The placement of a new manufactured home community must go through the Planned Development District process and may be located only in the Mixed Residential (R-2) District where manufactured homes are a permitted use. Expansion of manufactured home communities must comply with the standards set forth in the Town of Corinth Code, Chapter 91.

9.9 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.

9.10 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 zoning 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.

9.11 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.

- A. 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.
- B. 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.
- C. 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.
- D. 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. (Note: This standard is for smaller lots adjacent to residential buildings. For larger lots in more rural areas, this standard may be deviated from.)

- E. 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.
- F. 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.
- G. Upon death of the animal, property owners who are exempt from this regulation due to ownership prior to the Zoning Code 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.
- H. Temporary keeping of animals, such as boarding of animals is subject to the same conditions.

9.12 Clearing of Land

A. Lumber or Timber Harvesting

1. 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.

2. Levels of Forestry

(a) Level 1- Cutting of trees on one or more acres

[1] Project must complete a no fee registration with the zoning administrator.

[2] Log landing must be 100 feet set back from the paved roadway

[3] Log land should be screened from view.

[4] Follow New York State Department of Environmental Conservation timber harvesting guidelines.

[5] 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.

[6] A harvesting plan must be submitted and filed with the zoning administrator.

(b) Level 2 - Clear-cutting of 10 or more acres

[7] Above regulations

[8] A thinning plan must be submitted to show that the land will not be completely clear cut.

**ARTICLE 10
ADMINISTRATION AND ENFORCEMENT**

10.1 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. The Code Enforcement Officer shall also determine the compliance with the provisions of this Local Law.

10.2 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 or refused.⁸ 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.

⁸ Buildings must also comply with New York State Building Code.

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 nonconforming 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:

1. The nature and specific details of such violation;
2. 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; and
3. 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.

10.3 Penalties for Offenses

A. Civil Penalties

1. 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.
 - a. 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.
 - b. 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.
 - c. 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.
2. 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.

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**ARTICLE 11
ZONING BOARD OF APPEALS**

11.1 Creation, Appointment, Organization and Removal

- A. 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.
- B. 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; or
 - 3. Misconduct.

11.2 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:
 - 1. 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
 - 2. Determination of the exact location of any district boundary shown on the Zoning 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:
 - [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - [2] Whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance;
 - [3] Whether the requested area variance is substantial;
 - [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - [5] 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 zoning 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 zoning regulations for the particular district where the property is located:
 - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - [2] That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - [3] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - [4] That the alleged hardship has not been self-created.
- b. 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.

11.3 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.

11.4 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.

11.5 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 12 AMENDMENTS

12.1 Authority

This Local Law, or any part thereof, including the Zoning 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:

- A. By the Town Board upon its motion;
- B. 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;
- C. By a committee appointed by the Town Board for the purpose of amending this Zoning Code.

12.3 Report of the Planning Board

- A. 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:
 1. Whether such change is consistent with the purposes embodied in this Local Law as applied to the particular districts concerned;
 2. Which area and establishments in the Town will be directly affected by such change and in what way will they be affected;
 3. 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;
 4. The indirect implications of such change in its effect on other regulations;
 5. Whether such proposed amendment is consistent with the underlying objectives of the Town Master Plan.
- B. 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:
 - a. 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.
 - b. 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.
 - c. 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.