

Town of Corinth

FINAL DRAFT of LAND USE CHAPTER REVISION

January 5, 2024

TOWN OF CORINTH – LAND USE CHAPTER 89

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Chapter 89 Land Use

Article I Introductory Provisions

89-1 Short Title

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

89-2 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.

89-3 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 II Terminology

89-4 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.

ARTICLE III ESTABLISHMENT OF DISTRICTS

89-5 Land Use District Map

The locations and boundaries of each land use district listed and overlay district as part of this chapter are hereby established as shown on the map entitled "Land Use Law Map of the Town of Corinth" together with an inset map entitled "Land Use Law Map Overlay District 2". Said maps, together with all explanatory matter thereon and all amendments thereto, are hereby adopted and declared to be a part of this chapter and may be amended in the same manner as any other part of this chapter. Said maps shall be kept up to date and shall be in the Town Clerk's office for the use and benefit of the public.

89-6 Interpretation of Boundaries

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

- A. Where district boundaries are indicated as approximately following the center lines of right-of-way lines of streets, highways, railroads, or public utility easements, said boundaries shall be construed to be coincident with such lines.
- B. Where district boundaries are indicated to be approximately parallel to the center lines of right-of-way lines of streets, highways, railroads, or public utility easements, said boundaries shall be construed as being parallel thereto. These boundaries shall also be at such distances as are indicated on the Land Use District Map or as shall be determined by the scale shown on the Land Use District 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 Land Use District Map.
- E. Where a street, highway, railroad, public utility easement, center line or right-of-way line is coincident with a land use district 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 district boundary.
- F. Where a land use district boundary line divides a lot in single or joint ownership, at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than thirty (30) feet into the more restricted portion. This provision stands provided the lot has frontage on a street in the less restricted district. (This does not apply in the Adirondack Park where such line constitutes a state-designated land use area boundary). Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of Appeals shall interpret the intent and purpose of the Land Use District Map.

- G. If none of the above rules is applicable, or if further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

89-7 **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.

89-8 **Purpose and Establishment of Land Use Districts**

A. High Density Residential (R-1)

1. It is the purpose of this land use district to accommodate higher density residential development in those areas of the Town of Corinth located adjacent to existing community services, without physical constraints, and potentially capable of being served by public water and sewer.
2. Soil maps identify this land use 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 sewers 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 principle 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 land use district are contiguous to the Village of Corinth.

B. Moderate Density Residential (R-2)

1. It is the purpose of this land use district to accommodate the following types of dwellings: Single family, manufactured homes, and 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): It is the purpose of this land use district to recognize the hamlet of South Corinth as a distinct social and cultural place with mixed land uses at a higher density than found in the surrounding countryside. Modular homes, manufactured homes and other single family dwelling units are allowed in this district.

- D. Rural Residential (R-R): It is the purpose of this land use district to preserve and enhance the rural and agricultural resources of the Town of Corinth. Parcels in this land use district exhibit moderate to severe development constraints and lack public water and sewer.
- E. Commercial (C): It is the purpose of this land use district to encourage the establishment of retail and professional services and institutions and uses consistent with the needs of a rural community. The district also recognizes the Town’s tourism and recreation industry and its economic benefits.
- F. Overlay District-1 (OD-1): It is the purpose of this land use district to permit the right of entrepreneurs to be the proprietors of adult oriented businesses and those businesses established for the purposes of adult entertainment.
- G. Overlay District-2 (OD-2): It is the purpose of this land use district to encourage development of solar energy systems in the Town of Corinth while protecting the health, safety, and welfare of the community.
- H. Industrial (I): It is the purpose of this land use district to accommodate new and expanding industrial uses in the Town of Corinth. It is further the purpose of this land use district to promote the economic well-being of the community, stimulate employment opportunities, and expand the industrial tax base.
- I. Low Intensity (LI): It is the purpose of this land use district to provide for and encourage land uses that are compatible with the low-density nature of the area. This land use classification is found exclusively within the Adirondack Park and the overall intensity guidelines and permitted land uses are consistent with Adirondack Park Agency criteria.
- J. Resource Management (RM): Resource Management areas are those lands where the need to protect, manage and enhance forest, agricultural, recreational, and open space resources is of paramount importance because of overriding natural resource and public considerations. Open space uses, including forest management, agriculture and recreational activities are found throughout these areas. The Resource Management land use district is found exclusively within the Adirondack Park area of the Town.
- K. Rural Use (RU): It is the purpose of this land use district to provide for and encourage land uses that are consistent and compatible with the relatively low tolerance of the area's natural resources and the preservation of the open spaces that are essential to the unique character of the Adirondack Park. This land use classification is found exclusively within the Adirondack Park, and the overall intensity guidelines and permitted land uses are consistent with Adirondack Park Agency criteria.
- L. Wild Forest (WF): 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.

ARTICLE IV USE, AREA, AND BULK REGULATIONS

89-9 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 land use 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.

89-10 Use Regulations

A. Permitted Uses

A use shall be permitted in each land use 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 land use 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.

89-11 Schedule of Use, Area, and Bulk Regulations

All uses listed in the use table below shall be permitted in each land use 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)	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
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%
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%
Special Permit Uses						
Wireless Telecommunication Facility – Non-Tower	0.5 acre	100	25	10	15	N/A

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.

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.

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 Use			40	15	15	N/A
Accessory Outdoor Storage			40	15	15	N/A
Agricultural Use	2 acres	150	40	20	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	
Wireless Telecommunication Facility – Non-Tower	1 acre	100	40	15	15	N/A

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
Dwelling, Manufactured Home	1 acre	100	30	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%
Special Permit Uses						
Wireless Telecommunication Facility – Non-Tower	1 acre	150	15	15	15	
Wireless Telecommunication Facility – Tower ⁷	See footnote below.					

⁷ See §89-51 E. 1.

D. Rural Residential (RR)

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	2 acres	400	-	30	30	N/A
Dwelling, Modular	2 acres	200	30	15	15	N/A
Dwelling, Single-Family	2 acres	200	30	15	15	N/A
Dwelling, Two-Family	2 acres	200	30	15	15	N/A
Home Occupation I	2 acres	200	30	30	30	N/A
Site Plan Uses						
Agribusiness	3 acres	400	50	50	50	60%
Bed and Breakfast	2 acres	200	30	30	30	N/A
Cemetery	5 acres	300	-	--	--	N/A
Day Care Facility I	3 acres	200	30	30	30	N/A
Dwelling, Manufactured Home	2 acres	200	30	15	15	N/A
Forestry Use	3 acres	400	50	30	30	N/A
Home Occupation II	2 acres	200	30	30	30	N/A
Kennel	5 acres	400	50	100	100	60%
Park	1 acre	150	-	-	-	N/A
Place of Worship	1 acre	150	25	20	15	60%
Recreation Facility	5 acres	150	50	75	75	N/A
Sawmill	5 acres	400	75	100	100	60%
School	3 acres	300	50	50	50	60%
Stable/Riding Academy	10 acres	400	50	100	100	60%
Veterinary Clinic/Hospital	3 acres	300	50	50	50	60%
Special Permit Uses						
Campground	42.7 acres	500	150	200	200	20%
Driving Range	5 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%
Wireless Telecommunication Facility – Non-Tower	2 acres	200	30	15	15	N/A
Wireless Telecommunication Facility – Tower ⁸	See footnote below.					

⁸ See §89-51 E. 1.

E. Commercial (C)

Commercial (C) ⁹	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 Service	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%
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%

⁹ Certain uses within the Adirondack Park may be listed as APA Class A and B Regional Projects and subject to APA review.

Commercial (C) ¹⁰ - Continued	Min. Lot Area	Min. Lot Width	Setbacks			Min. Lot Area
			Front	Side	Rear	
Site Plan Uses						
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%
Wireless Telecommunication Facility – Non-Tower	1 acre	150	40	20	15	50%
Wireless Telecommunication Facility – Tower ¹¹	See footnote below.					

F. Overlay District-1 (OD-1)

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

G. Overlay District-2 (OD-2)

Overlay District-2 (OD-2)	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Site Plan Uses						
Large-Scale Solar Energy System	10 acres	400	100	100	100	60%

¹⁰ Certain uses within the Adirondack Park may be listed as APA Class A and B Regional Projects and subject to APA review.

¹¹ See §89-51 E. 1.

H. 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%
Wireless Telecommunication Facility – Non-Tower	1 acre	200	40	20	15	60%
Wireless Telecommunication Facility – Tower ¹²	See footnote below.					

¹² See §89-51 E. 1.

I. 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 Camp and Cabin	3.2 acres	200	40	20	15	N/A
Site Plan Uses						
Group Camp	3.2 acres	200	40	20	15	N/A
Special Permit Uses						
Wireless Telecommunication Facility – Non-Tower	3.2 acres	200	40	20	15	N/A

J. 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 Camp and Cabin	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 Facility	42.7 acres	500	150	200	200	
Special Permit Uses						
Mining			150	100	100	
Ski Center	42.7 acres	500	150	200	200	
Wireless Telecommunication Facility – Non-Tower	42.7 acres	500	150	75	100	
Wireless Telecommunication Facility – Tower ¹³	See footnote below.					

¹³ See §89-51 E. 1.

K. Rural Use (RU)

Rural Use (RU) ¹⁴	Min. Lot Area	Min. Lot Width	Setbacks			Max Lot Coverage
			Front	Side	Rear	
Permitted Uses						
Accessory Use					75	N/A
Agricultural Use	8.5 acres	400	-	30	30	N/A
Bed and Breakfast	8.5 acres	150	40	20	15	N/A
Day Care Facility I	8.5 acres	250	75	75	75	N/A
Dwelling, Single-Family	8.5 acres	250	75	75	100	N/A
Forestry	8.5 acres	400	75	75	75	N/A
Home Occupation I	8.5 acres	250	75	75	75	N/A
Hunting and Fishing Camp and Cabin	8.5 acres	250	75	75	75	N/A
Site Plan Uses						
Cemetery	10 acres	300		30	30	N/A
Campground	15 acres	400	150	100	100	N/A
Club/Lodge	8.5 acres	300	75	100	100	20%
Commercial	8.5 acres	300	75	100	100	N/A
Driving Range	8.5 acres	400	150	100	100	N/A
Golf Course	160 acres	400	150	100	100	N/A
Group Camp	20 acres	400	150	100	100	N/A
Sawmill	8.5 acres	400	150	100	100	N/A
Special Permit Uses						
Home Occupation II	8.5 acres	250	150	75	100	20%
Ski Center	20 acres	400	200	100	100	N/A

¹⁴ Certain uses within the Adirondack Park may be listed as APA Class A & B Regional Projects and subject to APA review.

L. Wild Forest (WF)

Wild Forest (WF) 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	
Wireless Telecommunication Facility – Non-Tower	42.7 acres	500	150	200	200	20%
Wireless Telecommunication Facility – Tower ¹⁵	See footnote below.					

¹⁵ See §89-51 E. 1.

89-12 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.

89-13 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.

89-14 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.

89-15 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 V NONCONFORMING USES AND STRUCTURES

89-16 **Applicability**

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

89-17 **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, may be restored, or otherwise made into in a safe condition, provided:

1. That it is otherwise lawful to put such a building or structure into a safe condition.
2. The building or structure will not become any more nonconforming because 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 eighteen (18) 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 Land Use District 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 allowed to remain as 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 homeowner 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 District 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 Administrator/Enforcement 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 Administrator/Enforcement Officer desires copies of such survey(s) and/or plans, the Town shall pay for such copies. Upon written request by the Administrator/Enforcement Officer, the owner of such property shall allow the Administrator/Enforcement 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 VI PLANNED DEVELOPMENT DISTRICTS

89-18 **Legislative Intent, Purpose, and Objectives**

A. Intent

The procedure for establishing a Planned Development District (PDD) provides a flexible regulatory approach to land use and design using 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

To conduct the intent of this Article, a PDD shall achieve the following objectives:

1. Reasonable choice in the types of environments, 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.

89-19 **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 Land Use Chapter. 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 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 by two thousand (2,000) square feet per dwelling unit equals 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 to park purposes, recreation, and/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 Approvals

1. Whenever any PDD 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. The Planning Board reviews the PDD request and preliminary plan as referred by the Town Board.
 - c. The Town Board conducts a public hearing on the revised land use district.
 - d. Upon approval of the revised land use district, review project elements for subdivision and/or site plan review is conducted by the Planning Board.

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.

89-20 **Planned Development District Pre-Application Procedure and Approval Process**

A. General.

Whenever a PDD is proposed, before any land use and/or 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 conduct 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 them 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 after 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 clearly state the reason and, if appropriate, point out to the applicant what might be accomplished 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.

89-21 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.
- C. General.
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 Land Use Chapter includes, at a minimum, a metes and bounds description of the property and standards for development.

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 sites 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. The applicant may submit to the Planning Board revised preliminary plans incorporating the changes required. Also, to incorporate changes of his/her own making, the applicant may withdraw from the Planning Board the preliminary plans referred to said Board by the Town Board and submit 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. 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 or imply approval of a building project for the area included in the application. Planning Board approval of the preliminary plans shall not constitute or imply a permit for said project.

I. Town Board Action

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

89-22 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 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 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 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 as an amenity or for 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, the 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 the 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.

89-23 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 worthy cause, authorizes an extension of such performance requirements.

89-24 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 land use regulations shall revert to its designation prior to the approval of the PDD.

ARTICLE VII SITE PLAN REVIEW

89-25 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 the 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.

89-26 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.

89-27 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.

89-28 Site Plan Review Procedure

The review of site plans is divided into three phases: pre-submission 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 pre-submission 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 pre-submission conference for the next regularly scheduled Planning Board meeting. The purpose of the pre-submission conference is to allow the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and to determine the information to be required for the site plan application. 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 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 pre-submission conference without requiring additional information or scheduling a separate site plan meeting.
- D. If additional information is requested by the Planning Board after the pre-submission conference, a complete application shall be submitted to the Planning Board.

89-29 Preliminary Application for Site Plan Review

- A. After the pre-submission 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. The 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 pre-submission 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 land use district classification of property, including exact land use district 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 developments 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.

89-30 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 review application if it deems such an action would be in the public interest. The Applicant 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 of the hearing date, time, location, and purpose in the official newspaper of the Town.
 2. By the Applicant providing notice of the hearing date, time, location, and purpose 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 Planning Board may deem advisable, of the land involved in with the proposed action. The Applicant shall provide such notice 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 the owners notified shall be taken from the last completed tax roll of the Town.

C. 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.

D. 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 to the approved preliminary site plan and shall include any modifications that were required because 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 by signature of the Chairperson its approval on four (4) copies of the final site plan. One (1) copy shall be forwarded to the Code Enforcement Officer, two (2) copies are to be retained by the Applicant, and the Planning Board will retain the remaining copy. Also, the applicant is responsible for sending an additional copy to the Saratoga County Planning Board.
4. If disapproved or denied, the Planning Board shall notify the Applicant in writing of its decision and its reasons for disapproval/denial.

E. Referral to the County Planning Board.

Prior to acting 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.
- F. 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.
- G. 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.
- H. 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 a 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.
- I. 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.
- J. 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.

89-31 Criteria for Site Plan Review

In reviewing site plans, the Planning Board shall consider the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood. 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 VIII SPECIAL USE PERMITS

89-32 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, certain uses are controlled by a special use permit procedure which requires additional regulations designed for each use to mitigate such problems or difficulties and to minimize the impact of these upon the land use district in which such use is located.

89-33 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.

89-34 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.
- C. Public Hearing and Notice.
The Planning Board shall fix a reasonable time and place for a public hearing on any such special use permit application if it deems such an action would be in the public interest. The Applicant 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 of the hearing date, time, location, and purpose in the official newspaper of the Town.
2. By the Applicant providing notice of the hearing date, time, location, and purpose 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 Planning Board may deem advisable, of the land involved in with the proposed action. The Applicant shall provide such notice 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 the owners notified shall be taken from the last completed tax roll of the Town.

89-35 Referral to the County Planning Board

Prior to acting 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.

89-36 General Standards for a Special Use Permit

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 consider 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 uses of the land.
- 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.

89-37 Additional Standards for Certain Uses

In addition to the general standards stated above and the site plan review considerations stated in Article VII, 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 more than 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. The 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 uses of the land.
5. The routing of transport shall be as determined by the Planning Board. Said decision shall consider 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 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 to prevent a direct view from the public right-of-way.
10. Such a special use permit, including renewals, shall be restricted to a disturbed area not to exceed five (5) acres, and to a 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 more than 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 man-made 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 five hundred (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 in 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 managed 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 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 five hundred (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 twenty-five (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 one hundred (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 hydro-geologic 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 one hundred (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 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 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 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 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 always be passable and safe 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 eighty (80) decibels at fifty (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 Land Use 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 level 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:
 - i. The DEC permit issued pursuant to 6 NYCRR Part 360, including conditions.
 - ii. The operation and maintenance report.
 - iii. The contingency plan.
 - iv. The most recent annual report; and
 - v. 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 aqua-cultural manure and animal and aqua-cultural 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:
 - i. Respond to the Town, in writing, contesting the assertion and providing such information or documentation as may be necessary to support its claim; or
 - ii. Cure any such violation or, if, 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 noticeboard 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 Land Use Chapter, 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 Chapter 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 IX SUPPLEMENTARY REGULATIONS

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

89-38 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.

89-39 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 as 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 surface.
- 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.

89-40 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.

89-41 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 land use district, except in accordance with the provisions stated herein.
- B. General Standards

All signs shall conform to the following standards.

 - 1. All signs shall, always, 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. Except for 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 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 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 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 6 feet in height as measured from the ground to the top of the face of the sign. No more than 1 sign shall be permitted to advertise any single permitted use.

89-42 **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 to not obstruct vehicle sight lines or interfere in any way 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 it 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 8 feet inside yards, 8 feet in rear yards, and 5 feet in front yards.
- C. Commercial or Industrial districts.
1. A fence 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.

89-43 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. Maximize the compatibility of home occupations with other uses permitted in the Town.
2. Maintain and preserve the residential integrity of neighborhood areas.
3. Assure that facilities and services made available to residential neighborhoods and areas of the Town are not used for incompatible commercial purposes that may devalue or negatively affect the residential characteristics of these neighborhoods; and
4. The extent practicable provide peace, quiet, and domestic tranquility within residential neighborhoods or areas, and mitigate negative effects of excessive noise and traffic, fire hazards, 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 comply 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 and does not alter the character of the residential district.
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 not produce 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 effects associated with the home occupation 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 comply with the following criteria:

1. The home occupation is to be conducted only by members of the family inhabiting or maintaining the dwelling, no additional employees or assistants are permitted.
2. Interior or exterior storage of materials is prohibited, equipment, supplies, container, finished products or associated vehicles to be used in conjunction with a home occupation.
3. A sign advertising the home occupation is prohibited.

D. Home Occupation II Criteria and Standards

In all residential districts, Class II home occupations require a Special Use Permit and shall comply with the following criteria.

1. A Class II home occupation is to be conducted only by members of the family inhabiting or maintaining the dwelling unit, plus no more than 1 non-inhabitant assistant or employee at any one time.
2. Interior or exterior storage of equipment, materials, supplies, container, finished products or associated vehicles associated with the home occupation is permitted providing it is limited to one-hundred and forty (140) square feet. Exterior storage of equipment,

materials, supplies, containers, finished products or vehicles associated with the home occupation must occur within a screened area that is not visible from the public right-of-way or a neighboring property. Structures used for screening must meet the requirements of this Code.

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.

89-44 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.

89-45 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.

89-46 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.

89-47 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 resident's freedom from excessive noise and traffic, nuisance, fire hazard, and other possible effects of adult oriented business being conducted in residential areas.

B. Special Permit for an Adult Oriented Business

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

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

89-48 Overlay District-2 (OD-2)

A. Applicability.

The requirements of this article shall apply to all solar energy systems installed or modified after its effective date, excluding general maintenance and repair and building- integrated photovoltaic systems.

B. Statement of purpose.

1. This solar energy provision is intended to advance and protect the public health, safety, and welfare of the Town of Corinth, including:
2. Taking advantage of a safe, abundant, renewable, and nonpolluting energy resource.
3. Decreasing the cost of energy to the owners of government, commercial and residential properties, including single-family houses; and
4. Increasing employment and business development in the region by furthering the installation of solar energy systems.

C. Definitions.

As used in this section, the following words and terms shall have the meanings indicated:

1. Abandonment.

Solar energy systems are considered abandoned after 90 days without electrical generation for consumption and re-sale.

2. Annual Payment.
The payment due under a PILOT Agreement entered into pursuant to Real Property Tax Law § 487(9).
3. Annual Payment Date.
The first day of January of each year.
4. Building-Integrated Photovoltaic System
A roof-mounted solar energy system of a principal or accessory building that is designed and constructed as an integral part of the roof frame, sheathing or surface. The components of a building-integrated system may be designed to replace or substitute for architectural or structural elements of a building's roof and complement, blend with or form part of a building's architectural appearance. Such components will maintain a uniform plane with, and/or form a part of, the roofline or roofing into which they are integrated. Such a system is used in lieu of a separate solar energy system where components of the system are designed and attached to a building independent of building architecture. A building-integrated system may occur within transparent skylight systems, within roofing systems, replacing traditional roofing materials. A combination of photovoltaic building components integrated into any building skylight systems, and roofing materials.
5. Capacity.
The manufacturer's nameplate capacity of the solar energy system as measured in kilowatts (kW) or megawatts (MW) AC.
6. Decommissioning.
The process of making a solar energy system inoperable, complete removal and proper disposal of all system components, and remediating either the land upon which the system was sited, and/or the building on or in which it was installed. The decommissioning process shall begin for a solar energy system that has been in a state of abandonment for a period of one year. Remediation may include restoration of building components, grading, seeding, replanting, and revegetating the area impacted by the removal of the system and any associated components or facilities.
7. Glare.
The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respect.
8. Ground-mounted solar energy system.
A solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, which generates electricity for onsite or offsite consumption.

9. Kilowatt (kW).
A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).
10. Kilowatt Hour (kWh).
A unit of energy equivalent to one kilowatt of power generated or expended for one hour of time.
11. Lot Coverage.
For the purposes of this Article, lot coverage includes the area covered by a solar panel or array as measured on a horizontal plane projected from the perimeter of said panel or array vertically to the ground. For panels or arrays where the tilt angle is adjusted by week, month, season or other period, lot coverage shall be determined by the tilt angle producing the greatest lot coverage.
12. Net Meter.
A meter which is used to measure the flow of electricity from the solar energy system to the electric utility grid for the purposes of net metering.
13. Net Metering.
A system in which solar panels are connected to a public-utility power grid and surplus power is transferred onto the grid, allowing customers to offset the cost of power drawn from the utility.
14. Owner.
The person, persons, and/or entity owning or possessing the property on which a solar energy system is located or installed, or their lessee, licensee or other person authorized to install and operate a solar energy system on the property.
15. Principal Use.
The main or primary purpose for which land or a building is used, occupied, or maintained. When more than one use is on a parcel, the most intense use shall be considered the principal use.
16. Residential Solar Energy System.
A solar energy system with a nameplate generating capacity less than 50 kW AC in size, ground-mounted, or installed on the roof or the property of a residential dwelling (including multi-family dwellings) and designed to serve the associated dwelling(s).
17. Roof-Mounted Solar Energy System.
A solar energy system consisting of panels and associated brackets and hardware installed on an existing roof of any legally permitted principle or accessory building for the purpose of producing electricity for on-site or off-site consumption.

18. Solar Energy Equipment.

Solar energy equipment consists of solar photovoltaic (PV) cells, panels and/or arrays, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware, or equipment necessary to the process by which solar radiation is:

- a. Collected.
- b. Converted into another form of energy such as thermal, electrical, mechanical, or chemical.
- c. Stored.
- d. Protected from unnecessary dissipation; and
- e. Distributed.

It also includes insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by New York law. A solar energy equipment does not include pipes, controls, insulation, or other equipment which are part of the normal heating, cooling, or insulation system of a building.

19. Solar Energy System.

An arrangement or combination of solar energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar energy and its conversion, storage, protection, and distribution.

20. Solar Energy System, Large (Utility)-Scale.

A solar energy system with the power generation capacity larger than a small-scale solar energy system (see definition of "Solar Energy System, Small-Scale") that feeds into the utility grid; or generates steam and drives a turbine (commonly referred to as concentrated solar power (CSP)) that also may feed directly into the utility grid.

21. Solar Energy System, Small-Scale.

A solar energy system for residential, business, or farm use that has the capacity to collect the sun's light energy and generate no more than 110% of the electricity consumed over the previous 12-month period by land use(s) existing on the lot where the solar energy system is located or on multiple lots in cases where remote net metering is allowed. For new construction that does not have a twelve-month log of electricity use, a projection of electricity use over the first 12 months shall be used. For the purposes of this Article, all small-scale solar energy systems shall be considered an accessory use.

22. Solar Panel.

A photovoltaic (PV) device capable of collecting and converting solar energy into electrical energy.

D. Permits and Transfers.

1. Permit requirement. No solar energy system shall be constructed, reconstructed, moved, or have modifications to physical size, location or placement undertaken in the Town of Corinth except by first obtaining a building permit from the Town of Corinth Building Department.

2. Exemptions. Replacement in-kind or repair of a solar energy system may occur without a permit or approval as specified in this Article when there shall be:
 - a. No increase in total height.
 - b. No increase in physical size.
 - c. No change in location.
 - d. No increase in rated capacity beyond the limits defined herein.
3. Transfer. The standards of this Article and/or the terms or conditions for approval of any solar energy system as approved by the Planning Board under the standards of this Article shall remain in effect regardless of the transfer of any solar energy system or solar energy system permit, or sale of the entity owning such facility.

E. Standards for Small-Scale Solar Energy Systems.

1. Location requirements for small-scale solar energy systems. Small-scale solar energy systems, whether roof-mounted or ground-mounted, are permitted in all land use districts.
2. Small-scale solar energy systems are permitted as accessory structures and shall not require site plan review.
3. All small-scale solar energy systems shall be installed by a qualified solar installer, as determined by the Town of Corinth Building Department.
4. All small-scale solar energy systems require a building permit from the Town of Corinth Building Department.
5. All small-scale solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and standards set forth in this Article and any applicable federal, state, and county laws, regulations, or codes.

F. Standards for small-scale, roof-mounted solar energy systems:

1. Small-scale, roof-mounted solar energy systems are permitted as an accessory use in all land use districts when attached to any lawfully permitted building or structure.
2. Height. Small-scale, roof-mounted solar energy systems shall not exceed the maximum height restrictions of the land use district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
3. Positioning requirements. Small-scale, roof-mounted solar energy system installations shall

incorporate, when feasible, the following design requirements: Panels must be mounted at the same angle as the roofs surface with a maximum distance of 18 inches between the roof and highest edge of the system and may not extend above a line 18 inches below the roofs peak nor below a line on the roof where the building wall would intersect with the roof.

G. Standards for small-scale, ground-mounted solar energy systems:

1. Height; location; and positioning requirements:

- a. Height requirement. The height of small scale, ground-mounted solar energy systems, regardless of tilt, orientation, or rotation shall be a maximum of 15 feet.
- b. Location and positioning requirements:
 - i. Small scale, ground-mounted solar energy systems are prohibited in the side or front yards.
 - ii. All components of small scale, ground-mounted solar energy systems shall be in the rear yard.
 - iii. All components of a small scale, ground-mounted solar energy systems are subject to rear and side lot line setback requirements of the land use district within which they are located.
 - iv. Solar panels and mounts of small scale, ground-mounted solar energy systems shall be positioned to minimize shading of property to the north while still providing adequate sunlight access for the panels.
- c. Lot coverage requirements. Small scale, ground-mounted solar energy systems regardless of the lot size on which they are located are limited to a coverage area of 1,000 square feet or 20 % of the lot size; whichever is less. The surface area covered by ground-mounted solar panels shall be included in calculating lot coverage for purposes of the maximum lot coverage of the land use district within which they are located.
- d. Screening requirements. To the maximum extent practicable, small scale, ground-mounted solar energy systems are to be positioned so that maximum screening from the view of pedestrians, bicyclists, and motorists on the public right-of-way, and from the view of neighboring property owners is achieved. Supplemental berming, grading, planting and fence installation may be used to further screen the view of the system.

H. Approval Procedure, Location Requirements, and Standards for Site Plan Review for Large-Scale Solar Energy Systems.

1. Approval procedure. The specific development plan for the large-scale solar energy system within the OD-2 district will be subject to site plan review and approval by the Town Planning Board.

2. Location requirements.
 - a. The location of large-scale solar energy systems is permitted in Overlay District-2 (OD-2) as indicated on the Town of Corinth Land Use Map. Location of large-scale solar energy systems in areas of the Town outside of the OD-2 District is prohibited.
 - b. The minimum setback from the boundary with adjoining lots for all large-scale solar energy system components (buildings, structures, and facilities) shall be 100 feet for the front, rear, and side yards of the lot or lots on which the system is proposed.
 - c. All large-scale solar energy systems components (buildings, structures, and facilities) regardless of the total lot size on which they are located, are limited to a coverage area of 60 percent of the total lot size. The surface area covered by ground-mounted solar panels shall be included in the lot coverage area.
 - d. The minimum lot size for large-scale solar energy systems is 10 acres.

- I. Application requirements. Application for site plan review and approval for installation and operation of a large-scale solar energy system shall be made to the Planning Board and shall include the following information:
 1. A description of the parcel or parcels upon which the solar energy system is to be located including the address, property owner information, and total lot area for all lots included with the proposed solar energy system. If the property of the proposed project is to be leased, legal consent among all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 2. A narrative description of the proposed large-scale solar energy system and the purpose to be served.
 3. A scaled site plan showing the existing conditions of the lot on which the large-scale solar energy system is to be located including, but not limited to soil types, slope, wetlands under federal or state jurisdiction with applicable buffers, and a description of existing vegetation, and wildlife or wildlife habitat.
 4. A scaled site plan of the proposed large-scale solar energy system showing:
 - a. The proposed location on which the large-scale solar energy system and its component elements are to be situated.
 - b. The surrounding area within 500 feet of the host lot(s) boundary.
 - c. The buildings and structures which are currently on the lot.
 - d. Any proposed amount of soil disturbance and/or vegetation removal.
 - e. Any demolition of existing structures/buildings.
 - f. The number, type, size, location, configuration, and coverage area of solar energy system panels or arrays to be utilized.
 - g. The size and location of accessory buildings and/or structures.
 - h. The method of connection to the existing electric grid.
 - i. The total energy to be generated; and
 - j. The site plan shall bear the stamp and signature of a professional engineer or architect licensed by the NYS Department of Education.

5. A description of land uses within 1,500 feet of the lot boundary on which the proposed large-scale solar energy system is to be located and how the proposed system will be compatible with these surrounding uses. The description shall include a quantification and assessment of potential adverse impacts and how each impact will be mitigated. The applicant shall indicate on the site plan and describe in written narrative form what best management practices are being undertaken to preserve the land in and around the area designated for the large-scale solar energy system. Such practices include but, are not limited to the provision of barriers to securely separate wildlife and from the solar equipment; a quantitative assessment of the cleared and/or disturbed lands (crop production, pasture lands, etc.) before and after installation of the large-scale solar energy system; and the inclusion of measures to maximize agricultural use of the land in and around the area of the large-scale solar energy system after the system is fully installed and operational.
 - a. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - b. Visual impact analysis describing the impact on views from adjoining and surrounding properties within 1,500 feet of the lot boundary on which the large-scale energy system is to be located. The analysis will include to extent necessary, narrative descriptions, mapping of the radius area analyzed identifying public lands and notable views, photographs of existing views, and rendered images of views at full build-out of the proposed system. The assessment shall include rendered images of the viewshed from publicly owned lands (parks, roads, streets, facilities), a description of the area impacted and mitigative measures taken to reduce any adverse visual impact.
 - c. To prevent unauthorized access, all ground-mounted, large-scale solar energy systems shall be enclosed by fencing up to eight feet in height. Warning signs with the owner's contact information shall be placed at each the entry gate. The type of fencing to be installed shall be determined by the Planning Board after consideration is made for the nature, use, and visual or aesthetic impacts on adjoining properties. The fencing and the system may be required to be further screened by landscaping to avoid adverse aesthetic impacts as determined by the Planning Board.
 - i. A complete Part 1 of a Full Environmental Assessment Form (EAF) to be utilized in the completion of Parts 2 and 3 under the State Environmental Quality Review Act (SEQRA).
 - ii. Any application under this section shall meet any substantive provisions contained in the site plan requirements in Article VII that, in the judgment of the Planning Board, are applicable to the system being proposed.
 - d. Property operation, maintenance, and decommissioning plan. A property operation, maintenance and decommissioning plan is to be submitted with the application for site plan review. The property operation, maintenance and decommissioning plan shall include the following:

- i. A written plan for maintenance and upkeep of the solar equipment, associated facilities and surrounding land shall be required. Such a plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming. As appropriate and at the sole discretion of the Planning Board, an escrow account or letter of credit may be required to cover the expenses associated with funding the maintenance plan in the event the applicant or designated responsible entity is not able to fulfill the terms of the maintenance plan as required as part of the site plan review application.
- ii. Removal of large-scale solar energy systems must be completed in accordance with a written decommissioning plan. The requirements for a complete decommissioning plan are as follows:
 - (a) The decommissioning plan shall specify the procedure for decommissioning, dismantling and complete removal of the solar equipment, and associated facilities.
 - (b) The decommissioning plan will ensure the proper removal of all large-scale solar energy systems and associated equipment and restoration of the site to a stable, vegetated condition.
 - (c) The plan must specify that should the system become inoperable or can no longer be used, it shall be removed by the applicant or any subsequent owner at their expense.
 - (d) The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation will be conducted to return the parcel to its original state prior to construction.
 - (e) The plan shall include a timeline for execution.
 - (f) The plan shall include provision of a cost estimate detailing the projected cost of executing the decommissioning plan. The cost estimate shall be prepared by a professional engineer or contractor. The cost estimate shall then be reviewed and confirmed by a qualified third-party professional engineer retained by the Town at the sole cost and expense of the applicant. The cost estimate shall consider inflation so that costs are covered at a future date to be determined by the Town Board.
 - (g) The amount of funds to fully cover the cost of the decommissioning of the solar energy system shall be in the form of a bond, letter of credit, or other security that is deemed acceptable by the Town Board.
 - (h) The decommissioning plan once deemed complete by the Planning Board shall be referred to the Town Board for their review and approval. Upon approval of the decommissioning plan by the Town Board, the Planning Board can then continue with the review of the site plan review application. The Planning Board cannot render a final decision on the site plan review application until the decommissioning plan has been approved by the Town Board.
 - (i) The decommissioning plan shall be submitted as part of the site plan review application and compliance with the plan shall be made a condition of the final decision associated with the applications' review.

- iii. The applicant seeking approval to construct and install a large-scale solar energy system shall submit a decommissioning plan and the agreed upon form of security in the form of a decommissioning agreement between the Town and the applicant. The decommissioning agreement as submitted shall be reviewed by the Town Attorney and the Planning Board. Upon conclusion of the review, the Town Attorney and Planning Board shall then submit the agreement to the Town Board with a recommendation for approval, approval with modification(s), or denial. The Town Board shall review the agreement and recommendations of the Town Attorney and Planning Board. Upon conclusion of the Town Board review, the Supervisor may be authorized to sign the decommissioning agreement.
- J. Standards for site plan review of large-scale solar energy systems. The Planning Board in reviewing the application for placement and operation of a large-scale solar energy system shall consider the following elements as a basis to approve, approve with modifications, or deny said application:
1. The degree to which the purpose of the proposed large-scale solar energy system is compatible with the Town Comprehensive Plan and the goals for the overall community, and neighborhood in which the system is to be located.
 2. The degree to which the proposed system is properly sized for the lot on which the proposed system is to be located and the design of system components have effectively mitigated potential adverse impacts.
 3. The degree to which the proposed system is compatible with the surrounding natural and built environs.
 4. The degree to which adverse visual impacts have been mitigated with no adverse impact to public health and safety.
 5. The degree to which the applicant has established the proper authority and permission from the property owner to undertake the proposed project.
 6. Lot coverage and system placement. The percentage of lot coverage by PV panels or arrays will vary depending upon the physical characteristics (slope, vegetated area, the relationship between viable areas for PV panels or arrays and solar orientation, proximity to electric grid connection points) of the lot on which the system is to be located. The proposed design for the placement of the large-scale solar energy system should be efficient, resulting in minimal impact to the land, minimal loss of natural resources, and minimal impact to adjoining property owners, and area residents and/or businesses.
 7. Visual impact. The design should result in minimal adverse impact to views from neighboring properties, public rights-of-ways, or other publicly owned properties (parks, conservation areas, governmental buildings, etc.)

8. After undertaking a hard look of potential adverse impacts through an environmental assessment under SEQRA involving completion of Parts 2 and 3 of the Complete EAF, the degree to which the proposed system design mitigation measures will eliminate; or reduce potential adverse impacts to the fullest extent practicable.
9. After undertaking the review procedures specified in items (a)-(h) above, the Planning Board may impose conditions on its approval of any site plan review application under this section to enforce the standards referred to herein, or to ensure compliance with the purpose and intent of the OD-2 District.

K. Abandonment and Decommissioning.

1. At the sole discretion of the Town of Corinth, large-scale solar energy systems are considered abandoned after 90 days without electrical energy generation. The owner shall begin the decommissioning process within nine months of abandonment or less if required by the project's decommissioning plan. Decommissioning and removal of the solar energy system shall be completed within the period as specified in the decommissioning plan approved by the Town Board. The decommissioning process can be extended by one 90-day period upon approval of the Planning Board as a modification to the approved site plan.
2. If the large-scale solar energy system is not properly decommissioned within the period required by the project's decommissioning plan, the Town at its sole discretion may utilize the funds as provided in the decommissioning agreement to remove the system and restore the property as specified in the decommissioning plan. In the event the funds available through the decommissioning agreement are insufficient to fully complete the system's decommissioning, the Town of Corinth may impose a lien on the property to cover the decommissioning costs.

L. Payment-In-Lieu of Taxes (PILOT)

1. PILOT required. The owner of a lot or parcel on which a solar energy system is located or installed (including any improvement, reconstruction, or replacement thereof), shall enter into a PILOT Agreement with the Town consistent with the terms of this Section, except for:
 - a. The owner of a residential solar energy system.
 - b. The owners of a solar energy system that do not seek or qualify for an exemption from real property taxes pursuant to Real Property Tax Law § 487(4).
2. The lessee or licensee of any owner of a property required to enter into a PILOT Agreement by this section, which owns or controls the solar energy system, may enter into the PILOT Agreement on behalf of the owner of the property.

3. Any owner or developer of a solar energy system that meets the requirements under Real Property Tax Law § 487(4) MUST notify the Town Assessor via certified mail of its intent to construct a solar energy system. Such notice must be sent to: Town Assessor, Town of Corinth, 600 Palmer Avenue, Corinth, New York 12822. Upon receipt of such notification from an owner or other person of intent to install a solar energy system, the Assessor shall immediately, but in no case more than 60 days after receipt of the notification, notify the owner or other person of the mandatory PILOT Agreement pursuant to the terms of this section. Any failure of the Assessor to timely send such notice that a PILOT Agreement is required shall not waive the requirement that the owner or developer enter into a PILOT Agreement as this Law alone is deemed sufficient notice.
4. The failure or refusal of an owner, developer, or other person of a solar energy system to enter into and execute a PILOT Agreement with the Town as required by this law shall result in the real property on which such solar energy system is situated being ineligible for the real property tax exemption authorized by Real Property Tax Law§ 487.
5. Nothing in this section shall exempt any requirement for compliance with state and local codes for the installation of any solar energy equipment or a solar energy system or authorize the installation of any solar energy equipment or a solar energy system. All solar energy systems must file a Real Property Tax Exemption application pursuant to Real Property Tax Law§ 487 to receive a tax exemption.
6. The annual payments under the PILOT Agreement shall not exceed the amounts that would be otherwise payable but for the exemption under Real Property Tax Section 487 as the same may be amended, superseded, or replaced.
7. Contents of PILOT Agreements. Each PILOT Agreement shall include:
 - a. Name and contact information of the owner or other party authorized to act upon behalf of the owner of the solar energy system.
 - b. The section, block, and lot {SBL} number for each parcel or portion of a parcel on which the solar energy system will be located.
 - c. A requirement for fifteen successive annual payments, to be paid commencing on the first annual payment date after the effective date of the real property tax Exemption granted pursuant to Real Property Tax Law § 487 as the same may be amended, superseded, or replaced.
 - d. The Capacity of the solar energy system. If the Capacity of the solar energy system is increased or increased because of a system upgrade, replacement, partial removal or retirement of solar energy equipment, the annual payments shall be increased or decreased on a pro rata basis for the remaining years of the Agreement.
 - e. That the parties agree that under the authority of Real Property Tax Law§ 487 as the same may be amended, superseded, or replaced, the solar energy system shall be considered exempt from real property taxes, except for special district fees for the 15-year life of the PILOT Agreement.

- f. That the PILOT Agreement may not be assigned without the prior written consent of the Town which consent may not be unreasonably withheld if the Assignee has agreed in writing to accept all obligations of the Owner, except that the Owner may, with advance written notice to the Town but without prior consent, assign its payment obligations under the PILOT Agreement to an affiliate of the owner or to any party who has provided or is providing financing to the owner for or related to the solar energy system, and has agreed in writing to accept all payment obligations of the owner.
- g. That a Notice of the Agreement may be recorded by the owner at its expense, and that the Town shall cooperate in the execution of any Notices or Assignments with the owner and its successors.
- h. The annual payment amounts or a formula to be used for the calculation of the annual payment amounts and any escalations thereof.
- i. That if the annual payment is not paid when due, that upon failure to cure within 30 days, the Town may cancel the PILOT Agreement without notice to the owner, and the solar energy system shall thereafter be subject to taxation at its full assessed value.
- j. In addition, if the annual payment is not paid when due, a late fee equal to 12% of the amount due shall be assessed on an annual basis.

M. Penalties for Offenses.

Any violation of this Solar Energy Article shall be subject to the same civil and criminal penalties provided for in the Land Use Code of the Town of Corinth.

N. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect. The provisions of this Local Law are severable. The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall apply only to the clause, sentence, paragraph, or provision adjudged invalid and shall not invalidate any other clause, sentence, paragraph, or part thereof and the rest of this Local Law shall remain valid and effective.

O. Effective Date.

This Local Law shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law.

89-49 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 waste 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. The 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 up gradient 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 Land Use Chapter 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.

89-50 **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 – The cutting of trees on one or more acres.

- i. Project must complete a no fee registration with the Land Use Chapter administrator/enforcement officer.
 - ii. The log landing must be 100 feet set back from the paved roadway.
 - iii. Log land should be screened from view.
 - iv. Follow New York State Department of Environmental Conservation timber harvesting guidelines.
 - v. 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.
 - vi. A harvesting plan must be submitted and filed with the land use chapter administrator.
- b. Level 2 – The clear-cutting of 10 or more acres.
- i. Above regulations
 - ii. A thinning plan must be submitted to show that the land will not be completely clear cut.

89-51 Wireless Telecommunications Facilities

A. Purpose and Intent.

The Telecommunications Act of 1996 affirmed the Town of Corinth's authority to make reasonable, nondiscriminatory decisions concerning the placement, construction, and modification of wireless telecommunications facilities. The Town of Corinth finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character and environment of the Town and its inhabitants. The Town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Town and of significant benefit to the Town and its residents. To ensure that the placement, construction, or modification of wireless telecommunications facilities is consistent with the Town's land use policies, the Town is setting forth certain standards and regulations listed below. Wireless communication facilities approved under these standards and regulations will accommodate the communications needs of residents and businesses in a manner that is consistent with the applicable federal and state laws and regulations, while protecting the health, safety, and general welfare of the residents of the Town and simultaneously preserving the character, appearance, aesthetic resources, environmental features, and property value of the Town.

1. For purposes of this Section, "wireless telecommunications facility" shall mean equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services.
2. The following regulations are intended:
 - a. To achieve the development and modification of safe and

effective telecommunication facilities by implementation of a fair, consistent, and efficient application process for persons seeking a wireless telecommunications special use permit.

- b. To implement the safe and efficient provision or expansion of telecommunication services, wherever possible, by promoting and encouraging the sharing and/or co-location of wireless telecommunications facilities among service providers; and
- c. To implement the modification, expansion, or installation in a responsible manner that minimizes the potential for adverse impacts to the residents by promoting and encouraging, wherever possible, the placement, height and visual quality of wireless telecommunications facilities in such a manner as to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable.

B. Special Use Permit Required.

1. All applicants for a wireless telecommunications special use permit or any modification of such permit shall comply with the requirements set forth in this Article as well as the requirements set forth at Article VII of this Chapter - Special Use Permits. To any extent that this Article and Article VII are inconsistent, this Article shall be controlling for purpose of wireless telecommunications facilities.
2. In accordance with Town Code §89-33, the Town Planning Board (hereinafter referred to as the "Board") is the officially designated agency of the Town that is authorized to review, analyze, evaluate, and make decisions with respect to granting, not granting, or revoking special use permits for wireless telecommunications facilities. The Board may at its discretion delegate or designate other consultants, official agencies, or officials of the Board to accept, review, analyze, evaluate, and make non-binding recommendations to the Board with respect to granting, not granting, or revoking wireless telecommunications special use permits.
3. Wireless telecommunication facilities involving new installations, co-location or modification require approval of a special use permit from the Board after a comprehensive review of the technical aspects and the potential adverse environmental impacts of such facilities. Except as otherwise provided by this Article, no person shall site, place, build,

construct, modify or prepare any site for the placement or use of wireless telecommunications facilities as of the effective date of this Article without having first obtained a wireless telecommunications special use permit from the Board.

4. All legally permitted wireless telecommunications facilities, constructed as permitted, existing on or before the effective date of this Article shall be allowed to continue as they presently exist; provided, however, that any visible modification of an existing wireless telecommunications facility will require the complete facility and any new installation to comply with this Article.
5. Once a wireless telecommunications special use permit for other than a new tower has been granted hereunder, no additional permits or approvals from the Town, such as site plan or land use chapter approvals, shall be required by the Town for wireless telecommunications facilities covered by the wireless telecommunications special use permit, except for any necessary building permits, and subsequent certificates of compliance. New wireless telecommunications towers shall require site plan review pursuant to Article VII in addition to the Special Use requirements set forth herein.
6. Exclusions. The following shall be exempt from this Section:
 - a. Wireless communications facilities owned or leased by the federal government, state, Town, or a special district within the Town, except for any part or component of the wireless communications facilities, including but not limited to an antenna, or an accessory structure, which is not owned or operated by the federal government, state, Town, or a special district within the Town.
 - b. Any repair and maintenance of a wireless telecommunications facility consisting of the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or involving the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
 - c. Any facilities expressly exempt or preempted from the Town's site plan review, building, and permitting authority pursuant to State or Federal Law.
 - d. Facilities exclusively for providing unlicensed spread spectrum technologies where the facility does not require a new tower.

- C. Permitted Locations. Telecommunication towers are prohibited in High Density Residential (R-1) District, the Mixed Density Residential (R-2) District, and the Moderate Density Residential (R-3) District. Permitted locations are limited to the circumstances and land use districts listed below. Applicants for wireless telecommunications special use permits involving a new tower shall locate, site, and erect said wireless telecommunications facilities in accordance with the following priorities in the list below, "(1)" being the highest priority and most preferred and "(7)" being the lowest priority and least preferred:
1. On existing towers or other suitable structures.
 2. A telecommunication facility involving a new tower on Town-owned properties.
 3. A telecommunication involving new tower on properties in the Industrial (I) District.
 4. A telecommunication facility involving a new tower on properties in the Commercial (C) District.
 5. A telecommunication facility involving a new tower on properties in the Resource Management (RM) District.
 6. A telecommunication facility involving a new tower on properties in the Rural Use (RU) District.
 7. A telecommunication facility involving a new tower on properties in the Rural Residential (RR) District.
- D. Shared Use.
1. The location of telecommunication facilities on existing towers or other structures is preferred over the installation of telecommunication facilities on a new tower.
 2. Such shared use shall consist only of the minimum antenna array technologically required to provide service primarily and essentially within the Town, to the extent practicable, unless good cause is shown.
 3. The owner of a proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other wireless service providers in the future, and shall:
 - a. Respond within 60 days to a request for information from a potential shared-use applicant.

- b. Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers.
- c. Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction, and maintenance financing, return on equity, less depreciation, and all costs of adapting the tower or equipment to accommodate a shared user.
- d. Failure to abide by the conditions outlined above may be grounds for revocation of the wireless telecommunications special use permit.

A. Site and Facility Requirements.

- 1. Lot size and setbacks. All wireless telecommunications facility buildings, structures and towers shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances:
 - a. A distance equal to the height of the proposed telecommunications facility building, structure or tower plus 10% of the height of the building, structure, or tower; or
 - b. the existing setback requirement of the underlying land use district, whichever is greater.

Any accessory building or structure shall be located to comply with the applicable minimum setback requirements for the land use district in which it is situated.

- 2. Lighting and visibility.
 - a. Wireless telecommunications facilities shall not be artificially lit or marked, except as required by federal or state law, rule, or regulation.
 - b. The wireless telecommunications facility and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which they may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or concealment technology as may be required by the Town.
 - c. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings, unless other standards are required by the FAA, and shall be maintained in accordance with the requirements of this Article.
- 3. Security. All wireless telecommunications facilities and antennas shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access. Specifically:
 - a. All antennas, towers, and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals, and constructed or shielded in such a manner that they cannot be climbed or collided with; and

- b. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to people authorized to operate or service them.
4. Signage.
- a. Wireless telecommunications facilities shall contain a sign no larger than four square feet.
 - b. An additional sign no larger than four square feet shall be installed to contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the owner of the equipment shelter or cabinet. If no equipment shelter or cabinet is present at the wireless telecommunications facility or no such sign placed on such equipment shelter or cabinet would be visible from the access point, the sign may be placed on a fence or may be freestanding.
 - c. On sites with a tower, an FCC registration sign as applicable shall also be present.
 - d. The signs shall not be illuminated in any manner unless applicable law, rule or regulation requires lighting.
 - e. No other signage, including advertising, shall be permitted.
5. Undergrounding. All utilities at a wireless telecommunications facilities site shall be installed underground whenever possible and in compliance with applicable laws, rules, and regulations including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code.
6. Access. At any wireless telecommunications facility site, an access road, turnaround space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- B. Wireless telecommunications special use permit application procedures.

1. Land Use Verification. A request for land use verification must be made to the Building Department prior to submission of the application form. No application for a wireless telecommunications special use permit shall be accepted by the Building Department unless a verification that the proposed land use meets the definition of wireless telecommunications facility as regulated by this Article is issued by the Building Department.

2. Application Requirements.
 - a. The applicant shall apply using the application form provided by the Town of Corinth Building Department and shall provide all requested information and attached supporting documentation as requested on the application form. The applicant shall provide written justification for any missing information.
 - b. An application for a wireless telecommunications special use permit shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
 - c. An applicant shall submit to the Town the number of completed applications that the Town of Corinth Building Department determines are needed for review by the Planning Board. Applications shall be submitted to the Board in care of the Town of Corinth Building Department.
 - d. The Board may reject applications not meeting the requirements stated herein or which are otherwise incomplete.
 - e. In consideration of the unique characteristics of a proposal for a wireless telecommunication facility, the following information is to be provided as part of the application submission in addition to the information required by Article VII:
 - i. The owner of a tower, building or structure on which co-location is proposed, if the owner is not the applicant.
 - ii. Documentation to verify that the applicant has the right to proceed as proposed on the site. This requires an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
 - iii. An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant.

- iv. The names of other authorized service providers proposing to co-locate on the wireless telecommunications facility.
- v. The number, type, and model of the antenna(s) proposed with a copy of the specification sheet.
- vi. The make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users.
- vii. Construction plans showing the elevation of the proposed wireless telecommunications facility, tower, antennae, and/or accessory facilities or structures. Show all foundations, piers, structural supports, cross arms, guy wires and anchors, antenna-mounting mechanisms, lighting, and signage. Label the size, material and color sample of wireless telecommunications facilities, towers, antennas, and accessory facilities or structures, including but not limited to equipment cabinets, fencing and storage.
- viii. The frequency, modulation, and class of service of radio or other transmitting equipment.
- ix. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts.
- x. Signed documentation such as the FCC's "Optional Checklist for Local Government to Determine Whether a Facility is Categorically Excluded" to verify that the wireless telecommunications facility with the proposed installation will be in full compliance with the current FCC RF emissions regulations (NIER). If not categorically excluded, a complete RF emissions study is required to verify compliance with FCC emissions regulations.
- xi. A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities.
- xii. A written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new tower or existing structure intended to support wireless facilities is compliant with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also apply for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application. If lighting is required by law or regulation, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

- xiii. Certification with documentation (structural analysis) including calculations that the wireless telecommunications facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, Town, state, and federal structural requirements for loads, including wind and ice loads. To protect municipal services, any tower located on Town property must be designed to withstand one-hundred-mile-per-hour winds and one inch of radial ice.
- xiv. In the case of an application for a co-location or modification of an existing tower, the applicant is to provide signed documentation of the tower condition such as an ANSI report as per Annex E, Tower Maintenance, and Inspection Procedures, ANSI/TINEIA-222F or most recent version. The inspection report must be performed every three years for a guyed tower and five years for monopoles, and self-supporting towers.
- xv. A statement in writing that the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the wireless telecommunications special use permit, without exception, unless specifically granted relief by the Town in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including all applicable Town, state and federal laws, rules, and regulations; and that the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the state.
- xvi. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements.
- xvii. Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily and essentially within the Town. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, include an analysis of current and projected usage.

- xviii. The applicant for a new telecommunication facility involving a tower and/or new antenna shall submit documentation justifying the total height of any tower, facility and/or antenna requested and the basis, therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of 10 feet lower height to allow verification of the height requested.
- xix. Documentation demonstrating that the facility will be sited to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect practicable on the environment and its character and on the residences around the wireless telecommunications facility.
- xx. If a new tower, proposal for a new antenna attachment to an existing structure, or modification adding to a visual impact, the applicant shall furnish a visual impact assessment. The visual assessment shall include a computer-generated zone of visibility map at a minimum of one-mile radius from the proposed structure, without foliage and pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the Town as determined by the members of the Board.
- xxi. In the case of a new telecommunications tower the applicant shall conduct a "balloon test" in association with the public hearing on the application. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be for a period of three days prior to the scheduled public hearing. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The balloon shall be flown for at least four consecutive hours between 7:00 a.m. and 4:00 p.m. on three days prior to the public hearing. In the event of high wind or poor weather, secondary dates may be selected and agreed upon with the Town Building Department. In addition to the notification of the balloon test, a written report with pictures from mutually agreed upon vantage points (public rights-of- way, trails, parks; and/or viewsheds of local or regional importance) shall be provided to the Planning Board.

- xxii. An applicant for a new tower shall submit a comprehensive report inventorying existing towers and other suitable structures within two miles of the location of the proposed new tower. The report must contain conclusive information as to why an existing tower or other suitable structure cannot be used.
- xxiii. In the case of an application for a new tower, a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the Town. Copies of written requests and responses for shared use shall be provided to the Town in the application, along with any letters of rejection stating the reason for rejection.
- xxiv. The applicant shall examine the feasibility of designing the proposed tower to accommodate future demand for at least four additional commercial applications, for example, future co locations. The tower shall be structurally designed to accommodate at least four additional antenna arrays equal to those of the applicant and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower are not technologically feasible, are commercially impracticable or create an unnecessary and unreasonable burden, based upon:
 - (a) The foreseeable number of FCC licenses available for the area.
 - (b) The kind of wireless telecommunications facilities site and structure proposed.
 - (c) The number of existing and potential licenses without wireless telecommunications facilities spaces/sites; and
 - (d) The available space on existing and approved towers.
- xxv. In the case of a new telecommunications tower the applicant shall provide a detailed analysis for each alternative location considered to address the identified gap in wireless service coverage.

3. **Application Fee:** At the time that a wireless telecommunications special use permit application is submitted, a nonrefundable application fee shall be paid by the applicant. The Town Board by Resolution shall establish the application fees. A fee schedule shall be posted in the Town Hall and made available upon request. No required fee shall be substituted for any other fee.
4. **Pre-application Meeting.** A pre-application meeting may be held as deemed necessary by the Town Building Department. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting may consist of a conference call, in-person meeting and/or a site visit. Costs of the Town's consultants to prepare for and attend the pre- application meeting will be borne by the applicant.
5. **Public Hearing and Balloon Test.**
 - a. Prior to the approval of any application for a wireless telecommunications special use permit, a public hearing shall be held by the Planning Board. The Planning Board, at any stage prior to issuing a wireless telecommunications special use permit, may require such additional information as it deems necessary for a complete application pursuant to this Section. Once all requested information is provided by the applicant, the Planning Board shall deem the application complete, and the Board shall schedule the public hearing under the enhanced notification procedures described below.
 - b. The Town shall publish a legal notice of the public hearing at least thirty (30) calendar days prior to the date of such hearing. Such notice shall include the hearing date, time, location, and purpose and the notice shall be published in the official newspaper of the Town.
 - c. The Applicant shall provide notice of the hearing date, time, location, and purpose 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 Planning Board may deem advisable, of the land involved in with the proposed action. The Applicant shall provide such notice by certified mail at least thirty (30) calendar days prior to the hearing, with compliance with this notification procedure certified to by a US Postal Service receipt. The names of the owners notified shall be taken from the last completed tax roll of the Town. The Applicant shall provide written proof of proper notification and a listing of property owners notified to the Planning Board in advance of the opening of the public hearing.
 - d. Written notification of the public hearing shall be provided to adjacent municipalities as provided by General Municipal Law §239- nn.
 - e. As described above, in the case of a new telecommunications tower the applicant shall conduct a "balloon test" in association with the public hearing on the application to better inform the public. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be for a period of three days prior to

- the scheduled public hearing. The balloon shall be flown for at least four consecutive hours between 7:00 a.m. and 4:00 p.m. on three days prior to the public hearing. In the event of high wind or poor weather, secondary dates may be selected and agreed upon with the Town Building Department. The public hearing notice shall include notification of the balloon test and its purpose. In addition to the notification of the balloon test, a written report with pictures from mutually agreed upon vantage points (public rights-of-way, trails, parks; and/or viewsheds of local or regional importance) shall be provided to the Planning Board.
- f. In addition to the basic standards for proper conduct of a public hearing as specified in this Chapter, the notice of public hearing shall contain a description of the balloon test described above.
6. Environmental Review. The Board shall conduct an environmental review of the proposed project pursuant to the State Environmental Quality Review Act (SEQRA) in combination with its review of the application.
 7. Consultant Referral, Escrow Account. The Town may refer any application or part thereof to any consultant, committee or other person or entity for a nonbinding recommendation.
 - a. The Board may retain the services of any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the pre-application meeting, construction, modification of the site, modification of an existing building or structure, and/or the operation of the proposed telecommunication facility.
 - b. In making the decision to designate a consultant to review an application for a special use permit, the Board shall have the authority to create an escrow account to fund the costs associated with the review. Funding of the escrow account shall be provided by the applicant upon mutual agreement with the Board that the amount is reasonable for the level of services to be provided.
 - c. An applicant shall deposit with the Town funds sufficient to reimburse the Town for all costs of said consultant in connection with the evaluation of the proposed telecommunication facility. A deposit in the amount to cover the entire review cost shall be the sole responsibility of the applicant and must be deposited in a separate escrow account at the Town under the name of the applicant as listed on the application. The review of the application will not continue until the entire fee amount is in the escrow account. The Town's consultants/experts shall invoice the Town for services related to the application.

- d. If at any time during the process this escrow account has a balance less than \$500, upon notification by the Town the applicant shall immediately replenish said escrow account so that sufficient funds are in the account to fully pay for the estimated cost of the remaining consultant review. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. If the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of its review of the project, the remaining balance shall be refunded to the applicant without interest.

G. Decision:

1. The Board will undertake a review of an application pursuant to this Article in a timely fashion, consistent with its responsibilities, and shall act within a reasonable period given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, the applicant's desire for a timely resolution and the requirements of Town Law Section 274-b.
2. After the public hearing and after formally considering the application, the Board may approve, approve with conditions, or deny a wireless telecommunications special use permit. The Board's decision shall be in writing and shall be supported by substantial evidence contained in a written record of the application's degree of compliance with the requirements of this Article. The burden of proof for the granting of the permit shall always be upon the applicant.
3. If the Board approves the wireless telecommunications special use permit, then the applicant shall be notified of such approval in writing within 10 calendar days of the Board's action and the wireless telecommunications special use permit shall be issued within 30 days after such approval.
4. If the Board denies the wireless telecommunications special use permit, then the applicant shall be notified of such denial in writing within 10 calendar days of the Town's action.

H. General requirements.

1. Other Permits and Licenses. A holder of a wireless telecommunications special use permit granted under this Article shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation, or code, and shall maintain the same in full force and effect for as long as required by the Town or other governmental entity or agency having jurisdiction over the project.
2. Compliance Required. All wireless telecommunications facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Town, state, or federal government, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.
3. Modification. The holder of a wireless telecommunications special use permit shall notify the Town of any intended modification of a wireless telecommunications facility and shall apply to the Town to modify, relocate, or rebuild a wireless telecommunications facility.
4. Assignment. A wireless telecommunications special use permit shall not be assigned, transferred, or conveyed without the express prior written notification to the Town.

5. Performance security. The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall be jointly required to execute and file with the Town prior to issuance of the building permit a bond or other form of security acceptable to the Town as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a new tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the Town to assure the faithful performance of the terms and conditions of this Article and conditions of any wireless telecommunications special use permit issued pursuant to this Article. The full amount of the bond or security shall remain in full force and effect throughout the term of the wireless telecommunications special use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original wireless telecommunications special use permit.

6. Inspection. In order to verify that the holder of a wireless telecommunications special use permit and any and all lessees, renters, and/or licensees of wireless telecommunications facilities place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and land use codes, laws, ordinances and regulations and other applicable requirements, the Town may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

7. Liability insurance.
 - a. The holder of a wireless telecommunications special use permit shall secure and maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the wireless telecommunications special use permit in amounts as set forth by the Board during its review of the special use permit application.
 - b. For a wireless telecommunications facility on Town property, the commercial general liability insurance policy shall specifically include the Town and its officers, boards, employees, committee members, attorneys, agents, and consultants as additional insureds.
 - c. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days' prior written notice in advance of the cancellation of the insurance.

- d. Renewal or replacement policies or certificates shall be delivered to the Town at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
 - e. Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than fifteen (15) days after the granting of the wireless telecommunications special use permit, the holder of the wireless telecommunications special use permit shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.
8. Indemnification.
- a. Any application for wireless telecommunication facilities that is proposed to be located on Town property shall contain a provision with respect to indemnification.
 - b. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town.
 - c. Notwithstanding the requirements noted above, an indemnification provision shall not be required in those instances where the Town itself applies for and secures a wireless telecommunications special use permit.
9. Default: Revocation.
- a. If a wireless telecommunications facility is repaired, rebuilt, placed, moved, relocated, modified, or maintained in a way that is inconsistent or not in compliance with the provisions of this Section or of the wireless telecommunications special use permit, then the Town shall notify the holder of the wireless telecommunications special use permit in writing of such violation. If a violation is not corrected to the satisfaction of the Town within

a reasonable period depending on the complexity of the violation, the wireless telecommunications special use permit is subject to revocation.

- b. Following a hearing held by the Board upon prior written notice of not less than twenty (20) days to the holder of the wireless telecommunications special use permit, a wireless telecommunications special use permit may be revoked, canceled or terminated for a violation of the conditions and provisions of the wireless telecommunications special use permit or for a material violation of this Article.
- c. In addition to the default and revocation provisions contained herein, any violation of this Section or any condition or requirement of a Special Use Permit issued under this Article shall be subject to the enforcement provisions under Article IX of the Town of Corinth Land Use Code.

I. Required Removal.

- 1. The Town Board may determine that the health, safety, and welfare interests of the Town warrant and require the removal of wireless telecommunications facilities under the following circumstances:
 - a. Wireless telecommunications facilities with a permit have been abandoned (i.e., not used as wireless telecommunications facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365-day period, except for periods caused by force majeure or acts of God, in which case repair or removal shall commence within 90 days.
 - b. Permitted wireless telecommunications facilities fall into such a state of disrepair that they create a health or safety hazard; or
 - c. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required wireless telecommunications special use permit or any other necessary authorization and the special use permit has been revoked.
- 2. If the Town makes such a determination as noted above, then the Town shall notify the holder of the wireless telecommunications special use permit and the property owner of record within 48 hours that said wireless telecommunications facilities are to be removed. Said notice shall be sent by certified mail return receipt requested. The Town Board may approve an interim temporary use agreement/permit to enable the sale of the wireless telecommunications facilities.

3. Within 90 days of the mailing of the written notice from the Town, the holder of the wireless telecommunications special use permit or its successors or assigns shall dismantle and remove such wireless telecommunications facilities and all associated structures and facilities from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the Town Board.
4. If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within 90 days after the mailing of the notice to the permit holder and property owner of record, then the Town Board may order officials or representatives of the Town to remove the wireless telecommunications facilities at the sole expense of the owner or wireless telecommunications special use permit holder, which may include use of the performance security provided for in Section 89-83(5). The Town's cost of removal may be assessed collected against the real property in the same manner as real property tax assessments.
5. If the Town removes, or causes to be removed, wireless telecommunications facilities, and the owner of the wireless telecommunications facilities does not claim and remove them from the site to a lawful location within 10 days, then the Town may take steps to declare the wireless telecommunications facilities abandoned and sell them and their components.

6. Notwithstanding anything in this Section to the contrary, the Town Board may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more than 90 days, during which time a suitable plan for removal, conversion, or relocation of the affected wireless telecommunications facilities shall be developed by the holder of the wireless telecommunications special use permit, subject to the approval of the Town Board, and an agreement to such plan shall be executed by the holder of the wireless telecommunications special use permit and the Town. If such a plan is not developed, approved, and executed within the 90-day period, then the Town may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this Article.

J. Adherence to state and/or federal rules and regulations.

1. To the extent that the holder of a wireless telecommunications special use permit has not received relief, or is not otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a wireless telecommunications special use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

2. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security, are changed and/or are modified during the duration of a wireless telecommunications special use permit, then the holder of such a wireless telecommunications special use permit shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

K. Conflict with other laws.

1. Where this Section differs or conflicts with other laws, rules, and regulations, unless the right to do so is preempted or prohibited by the Town, state or federal government, this Section shall apply.

2. The provisions of this Section shall be applicable to special use permits for wireless telecommunications facilities. Except as otherwise specified in this Section, those procedures are intended to supplement the procedures for review of special use permits stated above. To the extent that a provision of Article VIII is inconsistent with this Section, this Section is controlling for review of wireless telecommunications facilities.

L. Severability.

1. If any word, phrase, sentence, part, Article, subsection, or other portion of this Article or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, Article, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Article, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
2. Any wireless telecommunications special use permit issued under this Article shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the Board.

89-52 Keeping of Animals

- A. General requirements concerning the lawful keeping of animals in all land use districts.
1. It is unlawful for any person to injure any animal intentionally or carelessly within the Town.
 2. Sanitary keeping. It is unlawful to keep any animals within the Town unless the places where they are kept are at all times maintained in a sanitary condition. If the animal control officer determines that the condition of the place where the animals are kept is unsanitary, the party so keeping the same shall have a period not to exceed five days in which to place the same in a sanitary condition in accordance with the direction of the animal control authority. If the unsanitary condition is not abated within the five-day period, the premises may be abated as a nuisance.
 3. Abandonment. It is unlawful for any person to transport any animal within the Town limits for the purpose of abandoning it either within or without the Town limits, or to place any animal on public or private property for the purpose of abandonment.
 4. Transporting or confining in an unsafe manner. It is unlawful for any person to willfully transport or confine or cause to be transported or confined any domestic animal or animals

in a manner, posture, or confinement that will jeopardize the safety of the animal or the public.

5. Mistreatment. It is unlawful for any person to keep or harbor an animal within the Town without providing a suitable dry place for the housing thereof, or to fail to provide a suitable amount of wholesome food and clean water for the nutrition and comfort thereof, or to leave the premises upon which such animal is confined, or to which it customarily returns, for more than 24 hours without providing for the feeding and care of such animal in the absence of such person.
- B. The keeping of hen chickens, turkeys, ducks, and rabbits is a permitted accessory use in the R-1, R-2, and LI Districts providing the following requirements are met:
1. The keeping of roosters is not allowed under any circumstance.
 2. The minimum lot size for harboring and maintaining hen chickens, turkeys, ducks, and rabbits in the Town shall be 5,000 square feet.
 3. A total of six hen chickens, turkeys, ducks, and rabbits in any combination is permitted for each 5,000 square feet of lot area.
 4. One additional hen chicken, turkey, duck, or rabbit is permitted for every 1,000 square feet of lot area over 5,000 square feet of property.
 5. The maximum number of hen chickens, turkeys, ducks, or rabbits permitted under any lot size is 30.
 6. In determining the number of hen chickens, turkeys, ducks, and rabbits permitted, only those animals eight weeks or older in age shall be counted.
 7. Coops and/or cages are not permitted in the front yard.
 8. No more than one animal shelter building each for the housing of rabbits and hen chickens shall be permitted on one lot.
 9. The on-site breeding of chickens is prohibited.
 10. Hen chickens shall be confined in a coop not less than 36 inches in height. The coop must be used for chickens only and must be well ventilated. The coop shall have a minimum of four-square feet of floor area for each hen chicken.
 11. No pens, cages, crates, or enclosures, etc., shall be located closer than 15 feet to the side or rear property line or any residential building.
 12. All hen chickens, turkeys, ducks, and rabbits shall be confined to the private property on which they are kept.

13. All pens, cages, crates, and enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition by the person owning, possessing, or using any such premises for said purposes.
14. No person owning, possessing, or using any such premises shall permit any nuisance arising from such animals to be formed or to accumulate thereon.
15. The run must be well drained so there is no accumulation of moisture. The coop shall be constructed in a manner to prevent dogs, vermin (raccoons, fox, weasel, etc.) and other predators from entering.
16. Coops and cages shall be kept clean, sanitary, and free from accumulation of animal excretion and objectionable odors.

ARTICLE X ADMINISTRATION AND ENFORCEMENT

89-53 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 performing his or her duties. The Code Enforcement Officer shall also determine the compliance with the provisions of this Local Law.

89-54 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. 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 foundation components (footings fully installed and slab fully installed and basement walls – if applicable – fully installed) of the building have not been completed.

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 Zoning 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 Zoning 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 provide a warning in the form of a written letter to the appropriate person responsible that a violation exists and that a specified corrective action(s) must be taken within twenty (20) consecutive days of the date of the letter. If the violation persists beyond the specified period as referenced in the letter, then 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) consecutive days from the date of notice; and
3. If the person served fails to comply within the prescribed period, 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, to recover said costs.

89-55 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.

ARTICLE XI PLANNING BOARD

89-56 **Creation, Appointment, Organization, Training and Removal**

- A. The Town Board shall appoint a Planning Board pursuant to Section 271 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 terms 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 will be responsible for any/all personnel and member appointment decisions. The Town Board shall also appoint an alternate member (s) to the Planning Board according to Town Law, Section 271, 15.
- B. The Saratoga County Planning Department has established a training program for members serving on planning boards among the towns, villages, and cities within the county. The program offers introductory and advanced level training on a year-to-year basis. Members of the Town of Corinth Planning Board are encouraged to participate in the annual training and keep their knowledge base current.
- C. The following actions are cause for removal of any member by the Town Board:
 - 1. Three (3) consecutive unexcused absences.
 - 2. Failure to make a good faith effort to obtain training as offered through the Saratoga County Planning Department.
 - 3. Violation of the code of ethics.
 - 4. Misconduct.

89-57 **Powers and Duties**

- A. The intent of this Article is to provide a means for undertaking review of certain land uses and subdivisions of land so that the overall purpose, and standards of this Chapter are considered and implemented.
- B. In fulfillment of the stated intent, the purpose of this section is to establish the Town's Planning Board with the authority, powers and duties as specified in NYS Town Law, Article 16, §271, as well as the specified authority, powers and duties listed below.
 - 1. Provide reports and or opinions to the Town Board regarding the review of a change of zone or a planned development district (PDD) as specified in this Chapter.
 - 2. Conduct site plan review and render a decision according to the procedures set forth in Article VII of this Chapter.
 - 3. Conduct review of applications for a special use permit and render a decision according to

the procedures set forth in Article VIII of this Chapter.

4. Review and approve subdivisions as per Chapter 112 of the Corinth Town Code.
5. Undertake special projects or assigned duties as authorized by the Town Board.
6. General reports. The Planning Board shall have authority to make such investigations, maps, and reports and recommendations relating to the planning and development of the Town as it deems desirable, providing the total expenditures shall not exceed the appropriation for its expenses.

89-58 Compliance with State Environmental Quality Review Act

The Planning Board 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.

ARTICLE XII ZONING BOARD OF APPEALS

89-59 Creation, Appointment, Organization, Training and Removal

- D. 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 terms 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 will be responsible for any/all personnel and member appointment 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.
- E. The Saratoga County Planning Department has established a training program for members serving on zoning boards of appeals among the towns, villages, and cities within the county. The program offers introductory and advanced level training on a year-to-year basis. Members of the Town of Corinth Zoning Board of Appeals are encouraged to participate in the annual training and keep their knowledge base current.
- F. The following actions are cause for removal of any member by the Town Board:
 - 1. Three (3) consecutive unexcused absences.
 - 2. Failure to make a good faith effort to obtain training as offered through the Saratoga County Planning Department.
 - 3. Violation of the code of ethics.
 - 4. Misconduct.

89-60 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 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:
 - i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - ii. Whether the benefit sought by the Applicant can be achieved by some method feasible for the Applicant to pursue, other than an area variance.
 - iii. Whether the requested area variance is substantial.
 - iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - v. Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.
- b. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. Use Variances

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

- a. No use variance shall be granted by the Zoning Board of Appeals without a showing by the Applicant that applicable zoning restrictions have caused unnecessary hardship. To prove such unnecessary hardship, the Applicant shall demonstrate to the Zoning Board of Appeals that for every permitted use under the Land Use Chapter regulations for the district where the property is located:
 - i. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

- ii. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
 - iii. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - iv. That the alleged hardship has not been self-created.
- 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/or 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 Board of Appeals shall determine if the Applicant is to undergo site plan review with the Planning Board.

89-61 Procedures

A. Meetings and Voting Requirements

Meetings shall be held on the call of the Chairperson or at such other times as the Zoning Board of Appeals may determine. A quorum shall consist of 3 members. To reverse a decision of the Code Enforcement Officer or to authorize a variance, an affirmative vote of at least 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 Zoning 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 application requirements which it feels are inapplicable.

C. Public Notice and Hearing

The Board shall fix a reasonable time, date, and place for a public hearing on any such appeal and the appellant shall be given notice at which hearing he/she 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 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 Zoning Board of Appeals may deem advisable. Notice shall be provided by certified mail at least 5 calendar days prior to the hearing, with compliance with this notification procedure certified to by a US Postal Service receipt. The names of the 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 Zoning 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 Zoning 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 5 business days thereof. The Board shall also notify the Code Enforcement Officer, the Secretary of the Planning Board and any affected municipality provided with notice

of a public hearing of its decision in each case. If applicable, a report on the action taken shall also be filed within 7 calendar days of said action with the Saratoga County Planning Board.

F. Attachment of Conditions

In all cases where the Zoning 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 Zoning Board of Appeals.

89-62 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.

89-63 Appeals

Any person or persons, jointly or severally aggrieved by any decision of the Zoning 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 proceedings 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 XIII AMENDMENTS

89-64 Authority

This Local Law, or any part thereof, including the Land Use District 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.

89-65 Initiation

- A. An amendment to this Local Law may be initiated in one of two ways:
1. The drafting a proposed change by the Town Board, 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.
 2. The drafting of a proposed change by a committee appointed by the Town Board for the purpose of amending this Land Use Chapter.

89-66 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 a change is consistent with the purposes embodied in this Local Law as applied to the districts concerned.
 2. Which area and establishments in the Town will be directly affected by such a change.
 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 because of such a change.
 4. The indirect implications of such a 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 a 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.

89-67 **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, 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.

89-68 **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.

89-69 **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 XIV MISCELLANEOUS PROVISIONS

89-70 **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 public health, safety, or 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 higher standards shall govern.

89-71 **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.

89-72 **Severability**

Should the courts decide any Section or provision of this Local Law 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.

89-73 **Effective Date**

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

Appendix A

Definitions

Appendix A Definitions

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

ACCESSORY OUTDOOR STORAGE - The keeping, in an unenclosed area, of any goods, material, merchandise or vehicles incidental to the permitted use, for more than 24 hours.

ACCESSORY USE – A use of a building/structure, lot, or portion thereof that is customarily incidental and subordinate to, and does not change the character of, a principal land use or development and that customarily accompanies or is associated with such principal land use or development.

ACRE – A measure of land area containing 43,560 square feet.

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

ADIRONDACK PARK AGENCY, (APA) – A state governmental agency as created in Section 803 of Article 27 of the Executive Law of the State of New York to develop long-range land use plans for both public and private lands within the Adirondack Park.

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

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

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

AEROBIC COMPOSTING – The process of decomposition of organic matter in an environment with oxygen present. The micro-organisms responsible for the decomposition consume oxygen and produce carbon dioxide. This type of composition is known to produce little or no offensive odor.

AGRIBUSINESS – Sale of agricultural products, including, but not limited to crop-based goods (i.e., corn, potatoes, tomatoes, etc.) and dairy-based goods (i.e., milk, eggs, etc.) for a fee.

AGRICULTURAL USE – Use of land for agricultural purposes, including farming, growing and harvesting crops, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds and including the necessary accessory structures for packing, treating, storage or production, including any barn, stable or other building or structure directly and customarily associated with agricultural use.

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

AMUSEMENT AND RECREATION SERVICES – The provision of entertainment, excluding adult entertainment, either enclosed in a building, or outside a building, for a fee.

ANAEROBIC COMPOSTING – The process of decomposition of organic matter in an environment with little or no oxygen present. The micro-organisms responsible for the decomposition do not need oxygen. This method of composting decomposes compostables more slowly than aerobic composting and is known to produce hydrogen sulfide and ammonia-like compounds which have offensive odors.

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

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

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

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

ARTISAN WORKSHOP – A commercial facility or home occupation primarily selling items of a unique and artistic nature which are constructed and/or manufactured on the premises but not producing noisy or otherwise objectionable disturbances such as vibration, dust, odors, or heavy truck traffic, and not involving the use of heavy machinery or mass production. This includes artisans such as glassblowers, woodworkers, portrait painters, and jewelry makers.

AUTOMOTIVE DEALER – The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks, or vans, trailers, or recreation vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

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

AUXILIARY – See Accessory.

BANK – An establishment chartered by the state and federal government to conduct financial transactions, including deposit and withdrawal of funds, cashing checks, making loans, and maintaining depositories.

BANK, DRIVE THROUGH – An establishment chartered by the state and federal government to conduct financial transactions, including deposit and withdrawal of funds, cashing checks, making loans, and maintaining depositories where such transactions may occur between the establishment and the person(s) in a vehicle.

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

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

BOARDING HOUSE – See ROOMING HOUSE.

BOAT STORAGE, COMMERCIAL – A place, site, building, or structure used to store more than 3 vessels on any 1 lot for a fee, including any rental of private residential docks.

BOAT STORAGE, PRIVATE – A place, site, building, or structure used to store less than 3 vessels on any 1 lot.

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

BUILDING – Any structure over one hundred and forty (140) sq. ft. in size intended for the housing, shelter or enclosure of persons, animals, or property.

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

BUILDING LINE, FRONT – The line of that wall of the building nearest the front line of the lot. This front wall includes sun parlors, covered porches, and edges of uncovered decks, whether enclosed or open, but does not include steps. Side and rear building lines involving side and rear walls shall be determined in the same manner.

BUILDING, PRINCIPAL – A building in which is conducted the most intense or principal use of the lot on which said building is situated.

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

CARPORT – A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

CAR WASH – A structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

CARE FACILITY, EXTENDED – An establishment or distinct part of an establishment licensed or approved as a nursing home, infirmary unit, or a home for the aged, or a governmental medical institution providing continuous personal care services for more than thirty (30) days.

CARE FACILITY, INTERMEDIATE – An establishment that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for up to thirty (30) days, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

CEMETERY – A delineated place operated and maintained by a church or governmental agency or others that provide burial or end of life services including a crematorium, Columbaria, and above ground storage vaults.

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

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

CLEARCUTTING – To cut all the trees on a lot, in a stand of timber, or within a specified area.

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

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

COMMERCIAL SAND AND GRAVEL EXTRACTION – Any extraction from the land of more than fifty (50) cubic yards in any two-year period of sand, gravel, or topsoil for the purpose of sale or use by persons other than the owner of the land, or for the purpose of use by any municipality.

COMMERCIAL USE – The use of a parcel of land/building for the purpose of retail/wholesale business or trade of products or commodities; the provision of services or entertainment; and the preparation, processing, or repair of such articles, substances, or commodities for on premise transactions continued for a fee.

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

COMMUNITY FACILITY – A building or structure owned and operated by a governmental entity or not-for-profit organization to provide a public or semi-public service, such as libraries, museums, governmental buildings, firehouses, and churches.

COMMUNITY SERVICES – The provision of public utilities and activities that are integral to the operations of governmental, educational, and institutional entities.

COMPOSTABLES – The solid organic constituents of leaves, grass clippings, evergreen needles, plants, branches brush, vegetative pruning and garden and yard waste. For the purposes of this chapter, all other materials are non-compostables. Non-compostables include but are not limited to the following: inorganic material, paper sludge, sewage sludge, sludge, septage, bio-solids, food, animal products and carcasses, human wastes, medical wastes, animal wastes, construction and demolition debris and any other wastes not listed in the first sentence of this definition. Non-compostables are not permitted in a composting facility.

COMPOSTING FACILITY – A facility used for thermophilic, aerobic composting to produce a stable, humus-like material as part of a private commercial business, including but not limited to storage building(s), processing area(s)/building(s) and non-composting-related building(s). No anaerobic composting is allowed.

COMPOSTING OPERATOR – The person responsible for the operation of a composting facility.

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

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

CULTURAL FACILITY – An establishment used for the display and/or performance of historic artifacts, sculptures, or other artistic interests.

DAY CARE FACILITY I – A place, person, association, corporation, agency, or institution which provides day care for less than three (3) children placed there by parents, guardians, or others responsible for their care.

DAY CARE FACILITY II – A place, person, association, corporation, agency, or institution which provides day care in a facility licensed by the New York State Division of Child Care Services for three (3) or more children placed there by parents, guardians, or others responsible for their care.

DENSITY – The number of principal dwelling units per unit area of land.

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

DRIVING RANGE – A tract of land designed and used for driving golf balls.

DWELLING, CONDOMINIUM – A building, or group of buildings, in which residential units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, individual basis.

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

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

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

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

DWELLING, SINGLE FAMILY – A detached building containing one (1) dwelling unit designed for occupancy by one (1) family. Manufactured homes (mobile homes) are not considered to be single-family dwellings.

DWELLING, TIMESHARE – A form of joint ownership of property under which owners, either singly or severally, receive the use of the property, condominium, or other property for a specified period each year, such as one or more weeks.

DWELLING, TOWNHOUSE – A one (1) -family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any unit by one (1) or more vertical common, fire-resistant walls.

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

DWELLING UNIT – One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities for the exclusive use of a singly family maintaining a household.

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

FACADE – The face of a building.

FAMILY – One (1) or more persons, not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit. For this ordinance, “FAMILY” does not include a group occupying a boarding house, lodging house, club, fraternity, or hotel; or any group of individuals who are in a group living arrangement because of criminal offenses.

FENCE – An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FORESTRY – The act of growing trees, harvesting timber or replanting trees in accordance with a management plan endorsed by the Department of Environmental Conservation.

FORESTRY, CLEAR CUTTING – Any cutting of all or a substantial number of trees over six inches in diameter at breast height over any ten-year cutting cycle.

FORESTRY, SELECTIVE CUTTING – The removal of single or scattered number of trees of a specified size or species, on a lot, in a stand of timber, or within a specified area and resulting in the appearance of the land area as not having been substantially disturbed.

FORESTRY USE – Management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid ways, landings, fences, and forest drainage systems.

FUNERAL HOME – A building used by a licensed mortician for burial preparation, funeral, and related services.

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

GARAGE, PUBLIC PARKING – A structure or portion thereof used primarily for the parking and storage of vehicles and available to the public.

GASOLINE STATION – Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and which may include a canopy, facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment.

GASOLINE STATION AND RETAIL SALES - Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and which may include a canopy, along with a retail establishment selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

GOLF COURSE – A tract of land designed for playing the game of golf and consisting of at least nine (9) holes. The course may include a clubhouse, dining and snack bars, pro shop, driving range and practice facilities.

GREENHOUSE, PRIVATE – An accessory building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

GREENHOUSE, COMMERCIAL – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants for subsequent sale. These shall be considered an agribusiness.

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

HEAVY EQUIPMENT REPAIR – Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, trucking yard terminals, tractor and farm implement repair services, and machine shops, specifically excluding dismantling or salvaging of vehicles.

HOME OCCUPATION I – Any activity carried out for gain by a resident and conducted in the resident’s dwelling unit or accessory building, and carried out by the inhabitants thereof, and having no non-inhabitant employees, which use is clearly incidental and secondary to the use of the premises for residential purposes, that does not change the residential character thereof, or involve the retail sale of goods or services. There shall be no exterior evidence, including signs, of such home occupation. All home occupations must meet the standards set forth in Article 8 Section 4 of this Local Law.

HOME OCCUPATION II – Any activity carried out for gain by a resident and conducted in the resident’s dwelling unit or accessory building and carried out by the inhabitants thereof and having no more than one (1) non-resident employee, and which use is clearly incidental and secondary to the use of the premises for residential purposes, and does not change the character thereof, or involve the retail sale of goods or services. Any home occupation that requires signage or the use of onsite interior or exterior storage of equipment, materials, supplies, container, finished products or associated vehicles associated with home occupation and intended for use off premises shall be considered a Class II home occupation. A special use permit is required for all Class II home occupations. All home occupations must meet the standards set forth in Article 8 Section 4 of this Local Law.

HOMEOWNERS ASSOCIATION – A community association that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities. The association may be responsible for enforcing certain covenants and restrictions agreed to by individual owners.

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

HOSTEL – An establishment providing transient, overnight accommodations, typically characterized by low cost, shared use of a self-service kitchen, common areas, sleeping rooms, and bathing facilities.

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

HOUSEKEEPING UNIT – The functional equivalent of a traditional family; whose members are a non-transient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities (e.g., meals, chores, and expenses). This does not include a boarding house.

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

HYDRIC SOILS – Soils that are saturated, flooded, or ponded long enough during the growing season to develop anoxic conditions in the upper part of the soil profile.

IMPERVIOUS SURFACE – A surface that has been compacted or covered with a layer of material (i.e., asphalt, gravel, stone, and concrete pavers) so that it is highly resistant to infiltration by water.

INDUSTRIAL USE - Those fields of economic activity include forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

INDUSTRIAL PARK – A tract of land that is planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, signage, utility needs, aesthetics, and compatibility.

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

INDUSTRY II – A use involving manufacturing, processing of a product and/or the operation of heavy machinery that may produce objectionable noise, vibration, dust, odors, truck traffic or other disturbances, which could have a potentially adverse impact on surrounding properties.

INDUSTRY/MANUFACTURING – An industrial process for the manufacturing, processing, cleaning or assembly of any product, commodity or article which is not considered light industry; but not including:

1. Refineries.
2. Cement Manufacturing.
3. Slaughterhouses.
4. Explosives Manufacturing.
5. Manufacture, fabrication or assembly of nuclear weapons or components of nuclear weapons.
6. Any storage, transfer, use and/or processing of toxic or hazardous wastes, including medical wastes, sewage sludge and any materials containing pathogens.
7. Any manufacture, storage, use, processing, generation and/or storage of corrosive, highly toxic, oxidizing, pyrophoric, water-reactive, highly combustible, flammable, or explosive materials that constitute a high fire, explosion, or health hazard, including but not limited to loose, combustible fibers, dust, and unstable material.
8. Any manufacture, storage, transportation, processing and/or any other use of any substance potentially dangerous to the public health, safety, and welfare, including generation of any such material as a byproduct or waste product; or
9. The burning, gasification or other combustion or chemical conversion, by any process, of any fuel or material of any form or nature; whether solid, liquid, gaseous, or other; which would result in the generation, creation or release of heat, electricity or any other form of energy or fuel, whether directly or indirectly.

INN – See HOTEL

JUNK – Any scrap, waste, reclaimable material, or debris, whether stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or of other use of disposition. This may include unregistered and inoperable vehicles, tires, vehicle parts, equipment, metal, glass, building materials, household appliances, machinery, brush, wood, lumber, or other discarded materials.

JUNKYARD – Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, dismantling, purchase, sale, salvage, or disposal of junk.

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

LANDFILL – Any disposal area or tract of land, unit, or a combination, licensed or approved by the appropriate governmental agency, which is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain solid waste.

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

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

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

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

LOT AREA – See AREA LOT.

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

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

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

LOT LINE – Any line dividing one lot from another.

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

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

LOT, THROUGH – An interior lot having frontage on 2 parallel or approximately parallel streets.

LOT WIDTH – The width of the lot measured at the front building line of the principal building, if no principal building exists, the lot shall be measured from the front setback line.

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

MANUFACTURING – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as oils, plastics, resins, or liquors.

MAXIMUM LOT COVERAGE – The maximum percentage of the lot area that may be covered by the combined area of all buildings, structures, or impervious surfaces on the lot.

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

MEDICAL CLINIC – A facility in which 1 or more doctors are trained in the healing arts, and/or are assisted by a staff; treat patients for a length of time that does not include overnight care.

MINING – The excavation, stockpiling or processing of sand, gravel, clay, topsoil, rock, stone, or other natural material deposits as resource material for other manufacturing processes or construction activities.

MIXED USE – Areas with more than one land use either stacked or integrated.

MOTEL – See HOTEL.

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

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

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

NURSERY/TREE FARM, RETAIL – The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products to the public.

NURSERY/TREE FARM, WHOLESALE – The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizer to landscapers, developers, builders, and retail nurseries.

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

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

ON SITE SEPTIC DISPOSAL – A set of components or systems that treat, convey, and dispose of domestic wastewater on the same parcel or adjoining parcel.

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

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

OUTDOOR FURNACE – Any equipment, device or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

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

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

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

PARKING LOT – Any space for the storage of more than three vehicles on a continuing basis, such space being either for hire or accessory to an existing building or use of land.

PERMANENT FOUNDATION – Shall include footings below frost line.

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

PERSONAL SERVICES – Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

PHYSICAL CONSTRAINTS – The physical elements of a site (i.e., steep slopes, wetlands, hydric soils, lakes, ponds, streams, etc.) that are not conducive to the development of buildings, structures and/or roads and driveways.

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

PLANNED DEVELOPMENT DISTRICT – An area of land, in which a variety of land use types are accommodated in an integrated and preplanned manner under more flexible standards than would normally apply under these regulations; the approval of which involves requirements in addition to those of the standard subdivision, such a building design and landscaping and open spaces.

PLANNING BOARD – The Planning Board of the Town of Corinth.

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

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

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

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

PUBLIC SEWER AND WATER SERVICE – Any system of components other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, public utility, or transportation corporation for the collection, treatment, and disposal of wastes and the furnishing of potable water.

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

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

RECREATION, ACTIVE – Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, and taking place at prescribed places, sites, or fields.

RECREATION FACILITIES OR USE – A use of land, water, structures, or buildings designed and equipped for the conduct of sports and leisure-time activities.

RECREATION, PASSIVE – Activities that involve inactive or less energetic activities, such as walking, sitting, picnicking, board, and table games.

RECYCLING CENTER – A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

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

RESTAURANT, DRIVE THROUGH – An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RESTAURANT, FAST FOOD – An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, off premises, in vehicles on or off the premises.

RETAIL SALES – The selling or rental of goods or merchandise to the public or to business clients, for personal use or household consumption and the rendering of services incidental to the sale of such goods within a building less than 5,000 sq. ft. in size.

RETAIL SALES II - The selling or rental of goods or merchandise to the public or to business clients, for personal use or household consumption and the rendering of services incidental to the sale of such goods within a building greater than 5,000 sq. ft. in size.

RETAIL SALES OUTDOORS – The display and sale of products and services, primarily outside of a building or structure, including vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires, and motor oil; food and beverages; boats and aircraft; farm equipment; motor homes; burial monuments; building and landscape materials; and lumberyards.

ROOMING HOUSE – A dwelling unit or part thereof in which, for compensation, lodging and meals are provided.

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

SCHOOL – Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

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

SENIOR CITIZEN HOUSING – Dwellings designed for, and primarily occupied by, at least one (1) person fifty-five (55) years of age or older per dwelling unit, and which has significant facilities and services specifically designed to meet the physical or social needs of older persons.

SENIOR LIVING COMMUNITY – An integrated group of dwellings providing independent living community in which the premises, building or buildings provide congregate living arrangements in which at least one person occupying each residential unit meets the definition of elderly.

SETBACK – The distance between the building line and any lot line.

SHOPPING CENTER – A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

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

SIGN AREA – The entire area within a single, continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between and adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. All faces of the sign shall be counted in computing the area.

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

SLOPE – The degree of deviation of a surface from the horizontal, usually expressed in a percentage of degrees.

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

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

STEEP SLOPES – Land areas where the slope exceeds 15 percent.

STRUCTURE – A combination of materials that form a construction for use, occupancy, or ornamentation installed above the surface of land or water.

SUBDIVISION – A division of any residential, commercial or industrial land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy by any person or by any other person controlled by or under common control with any such person or group of persons acting in concert as part of a common scheme or plan; provided, however, that this shall not apply to conveyances of small amounts of land to correct a boundary of a lot, so long as such conveyance does not create additional lots. The sale of a landowner’s entire ownership on one side of a public road or highway will not be considered a subdivision requiring approval. Any lot created pursuant to the preceding sentence will be deemed created as of the date of the conveyance which divides the land along the road or highway.

SWIMMING POOL – A water filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used, and maintained for swimming and bathing.

TAVERN – An establishment in which alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold.

TRAIN STATION – The use of any building, land area, or other premises for the storage or parking of trains and the loading and unloading of passengers or freight.

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

TRANSFER STATION – An intermediate destination for solid waste that may include separation of different types of waste and aggregation of smaller shipments into larger ones.

TELECOMMUNICATION TOWER – Any structure greater than 35 feet in height which can receive and/or transmit signals for the purpose of communication.

VARIANCE – A use or area variance as defined herein.

VARIANCE, AREA – The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable land use regulations.

VESSEL – Any description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

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

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

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

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

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

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

Appendix B
Class A Regional Projects

Appendix B – Class A Regional Projects

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

A. Hamlet areas.

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

B. Moderate intensity use areas.

1. All land uses and development, except subdivision of land, located in the following critical environmental areas:
 - a. Within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic, or recreational in accordance with the Environmental Conservation Law during the period of such designation.
 - b. Involving wetlands.
 - c. At elevations of 2,500 feet or more.
 - d. Within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in 8 below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
2. All land uses and development, except subdivisions of land, involving seventy-five (75) or more residential units, whether designed for permanent, seasonal, or transient use.
3. Commercial or agricultural service uses involving ten thousand (10,000) or more square feet of floor space.
4. All structures more than forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
5. Tourist attractions.
6. Ski centers.
7. Commercial or private airports.
8. Timber harvesting that includes a proposed clear-cutting of any single unit of land or more than 25 acres.
9. Sawmills, chipping mills, pallet mills and similar wood using facilities.
10. Mineral extractions.
11. Mineral extraction structures.

12. Watershed management and flood control projects.
13. Sewage treatment plants.
14. Major public utility uses.
15. Industrial uses.
16. Any material increase, or expansion of an existing land use or structure included on this list that is twenty-five percent (25%) or more of the original size of such existing use or twenty-five percent (25%) or more of the original square footage of such structure.

C. Low intensity use areas.

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:
 - a. Within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic, or recreational in accordance with the Environmental Conservation Law during the period of such designation.
 - b. Involving wetlands.
 - c. At elevations of 2,500 feet or more.
 - d. Within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in 8 below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
2. All land uses and development, except subdivisions of land, involving 35 or more residential units, whether designed for permanent, seasonal, or transient use.
3. Commercial or agricultural service uses involving 5,000 or more square feet of floor space.
4. All structures more than forty (40) feet in height, except residential radio and television antennas, and agricultural use structures.
5. Tourist attractions.
6. Ski centers.
7. Commercial or private airports.
8. Timber harvesting that includes a proposed clear-cutting of any single unit of land or more than 25 acres.
9. Sawmills, chipping mills, pallet mills and similar wood using facilities.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management and flood control projects.
13. Sewage treatment plants.
14. Waste disposal areas.
15. Junkyards.
16. Major public utility uses.
17. Industrial uses.
18. Any material increase, or expansion of an existing land use or structure included on this list that is twenty-five percent (25%) or more of the original size of such existing use or twenty-five percent (25%) or more of the original square footage of such structure.

D. Rural use areas

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:
 - a. Within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic, or recreational in accordance with the Environmental Conservation Law during the period of such designation.
 - b. Involving wetlands.
 - c. At elevations of 2,500 feet or more.
 - d. Within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single-family dwelling and accessory uses or structures thereto.
 - e. Within 150 feet of the edge of the right-of-way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto.
 - f. Within 150 feet of the edge of the right-of-way of county highways designated by rule or regulation of the Agency adopted pursuant to Subdivision 14 of §809 of the Adirondack Park Agency Act, as major travel corridors by the Agency, except for an individual single-family dwelling and accessory uses or structures thereto.

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

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

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

E. Resource management areas

1. All land uses and development, except subdivisions of land, located in the following critical environmental areas:
 - a. Within a quarter (1/4)-mile of rivers navigable by boat designated to be studied as wild, scenic, or recreational in accordance with the Environmental Conservation Law during the period of such designation.
 - b. Involving wetlands.
 - c. At elevations of 2,500 feet or more above mean sea level.
 - d. Within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single-family dwelling and accessory uses or structures thereto.
 - e. Within 300 feet of the edge of the right-of-way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto.
 - f. Within 300 feet of the edge of the right-of-way of county highways designated as major travel corridors by rule or regulation of the Agency adopted pursuant to Subdivision 14 of §809 of the Adirondack Park Agency Act, or an approved land use program, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in #10 below and sand and gravel pits associated with such uses located within 300 feet of the edge of the right-of-way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within 300 feet of the edge of the right-of-way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.
2. All subdivisions of land (and all land uses, and development related thereto) involving two or more lots, parcels, or sites.
3. Campgrounds involving 50 or more sites.
4. Group camps.
5. Ski centers and related tourist accommodations.
6. Agricultural service uses.
7. All structures more than 40 feet in height, except residential radio and television antennas, and agricultural use structures.
8. Sawmills, chipping mills, pallet mills and similar wood using facilities.
9. Commercial sand and gravel extractions.
10. Timber harvesting that includes proposed clear-cutting of any single unit of land of more than twenty-five (25) acres.
11. Mineral extractions.
12. Mineral extraction structures.
13. Watershed management and flood control projects.

14. Sewage treatment plants.
15. Major public utility uses.
16. Any material increases or expansion of an existing land use or structure included on this list that is 25% or more of the original size or such existing use or 25% or more of the original square footage of such structure.

F. Industrial use areas.

1. Mineral extractions.
 2. Mineral extraction structures.
 3. Commercial sand and gravel extractions.
 4. Major public utility uses.
 5. Sewage treatment plants.
 6. Waste disposal areas.
 7. Junkyards.
 8. Any material increase, or expansion of an existing land use or structure included on this list that is twenty-five percent (25%) or more of the original size of such existing use or twenty-five percent (25%) or more of the original square footage of such structure.
- G. Any amendment to the Class Regional Project list in §810 (1) of the Adirondack Park Agency Act subsequent to the adoption of this Local Law shall be deemed to effect a corresponding change in this Appendix B without action by the Town, except so far as that amendment affects the delineation of subdivisions which are Class A Regional projects.

Appendix C
Class B Regional Projects

Appendix C – Class B Regional Projects

A. Moderate intensity use areas.

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Commercial or agricultural service uses involving less than ten thousand (10,000) square feet of floor space.
6. Tourist accommodations.
7. Marinas, boatyards, and boat launching sites.
8. Golf courses.
9. Campgrounds.
10. Group camps.
11. Commercial seaplane bases.
12. Commercial sand and gravel extractions.
13. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
14. Any land use or development not now or hereafter included in the applicable primary or secondary compatible lists of the APA Act.
15. An individual single-family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
16. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic, or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
17. Any material increase, or expansion of an existing land use or structure included on this list that is twenty-five percent (25%) or more of the original size of such existing use or twenty-five percent (25%) or more of the original square footage of such structure.

B. Low intensity use areas.

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Commercial or agricultural service uses involving less than five thousand (5,000) square feet of floor space.
6. Tourist accommodations.
7. Marinas, boatyards, and boat launching sites.
8. Golf courses.
9. Campgrounds.
10. Group camps.
11. Commercial seaplane bases.
12. Commercial sand and gravel extractions.

13. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
14. Any land use or development not now or hereafter included in the applicable primary or secondary compatible lists of the APA Act.
15. An individual single-family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
16. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic, or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
17. Any material increase, or expansion of an existing land use or structure included on this list that is twenty-five percent (25%) or more of the original size of such existing use or twenty-five percent (25%) or more of the original square footage of such structure.

C. Rural use areas

1. Multiple family dwellings.
2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Marinas, boatyards, and boat launching sites.
6. Golf courses.
7. Campgrounds.
8. Group camps.
9. Commercial sand and gravel extractions.
10. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
11. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic, or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
12. Any land use or development not now or hereafter included in the applicable primary or secondary compatible lists of the APA Act.
13. Commercial and agricultural service uses involving less than twenty-five hundred (2,500) square feet of floor space.
14. An individual single-family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water described in paragraph (d), subparagraph (1) of Appendix A or within one hundred fifty (150) feet of a travel corridor described in such paragraph.
15. Any material increase, or expansion of an existing land use or structure included on this list that is twenty-five percent (25%) or more of the original size of such existing use or twenty-five percent (25%) or more of the original square footage of such structure.

D. Resource management areas

1. Single family dwellings.
2. Individual mobile homes.
3. Forestry use structures.
4. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred (500) or more square feet of floor space.
5. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
6. Any land use or development not now or hereafter included in the applicable primary or secondary compatible use list of the APA Act.
7. Municipal roads.
8. Golf courses.
9. An individual single-family dwelling within one-eighth (1/8) mile of tracts of forest preserve land or water described in paragraph (3), subparagraph (1) of Appendix B or within three hundred (300) feet of a travel corridor described in such paragraph.
10. Campgrounds involving fewer than fifty (50) sites.
11. All land uses and development, except subdivisions of land, within one-quarter (1/4) mile of rivers designated to be studied as wild, scenic, or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
12. Any material increase, or expansion of an existing land use or structure included on this list that is twenty-five percent (25%) or more of the original size of such existing use or twenty-five percent (25%) or more of the original square footage of such structure.

E. Industrial use areas.

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

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

Appendix D
Land Use District Map

Page Reserved for Land Use District Map