

# **ZONING LAW**

## **TOWN OF GREIG LEWIS COUNTY NEW YORK STATE**

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## **ARTICLE I ENACTING CLAUSE, TITLE, PURPOSES, APPLICATION**

### **Section 105 Enacting Clause**

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Greig hereby adopts and enacts as follows.

### **Section 110 Title**

This law shall be known as the "Town of Greig Zoning Law."

### **Section 115 Purposes of the Zoning Law**

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan, to lessen congestion on the roads, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to protect historical and recreational, and natural attributes, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and to promote the health, safety, and general welfare of the public.

This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

### **Section 120 Prior Local Laws or Ordinances**

This zoning law super cedes and repeals in their entirety the following ordinances of the Town of Greig:

1. Town of Greig Mobile Home Ordinance and any amendments thereof.
2. Town of Greig Building Permit Ordinance and any amendments thereof.
3. The Town of Greig Litter Law

However, the above repealed laws shall not affect any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, and prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

Said repeal shall not revive any laws or ordinances enacted prior to and dealing with the subject matter of the above enumerated and repealed local laws and ordinances.

## ARTICLE II. DEFINITIONS

Except where specifically defined herein all words used in this law shall carry their customary meanings. Words in the present tense include the future, the singular number includes the plural and the plural the singular; and the word "lot" includes the word "plot." Doubt as to the precise meaning of any word used in this law shall be clarified by the Zoning Board of Appeals under their powers of interpretation.

**Accessory Structure:** A customarily incidental and subordinate structure located on the same lot with the main structure, and which does not change the character of the principal land use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure. This shall include but not be limited to garages, storage sheds, satellite dishes, or similar structures. (see section 405 pg 20 for WF2 restrictions.)

**Accessory Use:** An accessory use is the use of land that is subordinate, incidental to and customarily found in connection with the principal use allowed on the lot by the Zoning Law. (e.g. a garage is incidental to the principal use of a lot as a single family residence and customarily found on a single family parcel.)

**Adjacent:** With reference to the location of a parking facility, land located across an alley, easement, road or highway from the building incidental to which such space for vehicle storage or off-road parking facility is required.

**Adult Arcade:** An establishment where film, or any other images of "specific sexual activities" or "specified anatomical areas," are available for viewing by the public.

**Adult Bookstore or Adult Video Store:** A bookstore or video-store where as one of its principal business purposes offers for sale or rental any printed matter, videocassettes, DVD's or other media that depict "specified anatomical areas" or "specified sexual activities." For the purpose of this definition, a principal business purpose shall mean that part of the business that constitutes 25 percent or more of the printed material or videocassettes for sale or rent in the establishment.

**Adult Cabaret:** A nightclub, bar, restaurant, juice bar or similar establishment where persons appear in a state of nudity, or where there are live performances, films, video-cassettes, slides, or displays on other media that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

**Adult Use or Entertainment Establishment:** An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or wait staff, strippers, topless hair care or massages, entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade, adult bookstore, or adult video-store.

**Agriculture:** The raising of crops, animals, or animal products, the selling of products grown on premises, and any other commonly accepted agricultural operations, including incidental mechanical processing of products, except animals or crops raised for personal consumption or recreational purposes.

**Agricultural Business:** A business engaged in performing agricultural, animal husbandry, or horticulture services on a fee or contract basis including corn shelling; hay baling and threshing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; fruit picking; grain cleaning; land grading; harvesting and plowing. This shall not include the commercial manufacturing, mixing, or storage of regulated pesticides or herbicides.

**Agricultural Structure:** Barns, silos, storage buildings, equipment sheds, and other accessory structures customarily used for agricultural purposes.

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

**Animal Hospital:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**Amusement Arcades:** An establishment providing three or more video amusement machines and/or arcade machines separate from established restaurants and bars.

**Amusement Machine:** Any mechanical, electronic or computerized machine or device or any combination thereof intended for use as game, entertainment or amusement and shall include: Pinball machines, television/video games, shooting galleries, racing machines and other similar devices. A vending machine that dispenses food or drinks shall not be considered an amusement machine.

**Anaerobic Digesters:** (accessory/principal) An anaerobic digester used to convert biogas into electricity, heat, and water .

**Area (of a sign):** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with the frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed on signs with more than one face, only that face or faces visible from any one direction at one time will be counted.

**Asphalt/Black Top/Cement Facilities Permanent:** A facility designed to combine bonding agents with sand, gravel and stone to create asphalt or concrete that will exist more than three years.

**Asphalt/Black Top/Cement Plants Limited:** (not to exceed three years) A facility designed to combine bonding agents with sand, gravel and stone to create asphalt or concrete.

**Bed and Breakfast:** An owner occupied residential dwelling that makes available a room or rooms for overnight accommodation to transient paying guests.

**Boathouse:** A covered structure with direct access to a navigable body of water.

**Building:** Shelter having a roof supported by column or walls and intended for the shelter or enclosure of persons, animals, or property'.

**Building Height:** The measured height of the highest point of the structure to the lowest point of the original or finished grade or base of any supporting fill, whichever is lower. A structure is comprised of all components, including decks, porches, garages, roofs and chimneys.

**Building size/ measurement;** Is to the outer most point of the structure including the eaves or other projections.

**Campground/Travel Trailer Park:** Land on which are located two (2) or more cabins, travel trailers, tents, shelters, or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes.

**Chimney:** Flue or flues that carry off exhaust from an Outdoor Wood Furnace/Boiler, firebox or burn chamber and other solid fuel burning devices.

**Code Enforcement Officer:** A person appointed by the Town Board to carry out the regulations of this law and the New York State Building Code.

**Commercial Removal of Natural Resources:** A business primarily involved in the collection, and / or wholesale / retail sales and distribution of water, minerals and soils obtained within the Town of Greig.

**Community Center:** Includes public or private meeting hall, or place of assembly, not operated primarily for profit.

**Condo:** A single living unit within a condominium development.

**Condominium** – A mode of ownership wherein each unit of enclosed space may be owned in fee simple individually and separately from all others, but where all such owners have an indivisible interest in the common areas. Thus, they share ownership and attendant responsibilities for the provision, maintenance and/or repair of common internal facilities, utilities, services, exterior building surfaces, land, landscaping, parking, lighting and other outdoor facilities. Shared septic and water systems are allowed subject to New York State Department of Health approval. Subject to provisions of the New York Condominium Ownership Act. This includes: residential, non-residential and other spaces.

**condominium association:** The community association which administers and maintains the common property and common elements of a condominium

**condominium conversion:** The conversion and subdivision of a single-ownership parcel of existing improved real property into a form of ownership for residential, commercial or industrial purposes involving the right of exclusive ownership of individual units

**Coverage:** That percentage of the plot or lot area covered by the building area.

**Day Care Facility:** A licensed facility where pre-school / school age children are cared for (no overnight care). Regulated by section 390 of Social Services Law. No restrictions or fees can be imposed by local zoning regulations.



**Decks/Patios and Porches:** A structure supported by footings, structures built with wood, composite material, brick pavers or similar material, or poured concrete. Zoning Permits required. Building Permits may be required.

**Dock:** A floating or fixed structure that extends into or over a body of water immediately adjacent to shoreline or boathouse.

**Duplex:** A structure containing two dwelling units, joined side by side, each of which has direct access to the outside. No part of one of the dwelling units is over any part of the other dwelling unit.

**Dwelling:** Building or part thereof used as living quarters for one family. The terms "dwelling," "one family dwelling," "two family dwelling," or "multi-family dwelling" shall not include a motel, hotel, but shall include modular and manufactured homes.

**Dwelling, One Family:** Detached building designed for or occupied exclusively by one (1) family.

**Dwelling, Two Family:** Building designed for, or occupied by, two (2) families living independently of each other.

**Dwelling, Multifamily:** A building designed for, or occupied by, three (3) or more families living independently of each other.

**Dwelling Unit:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Essential Facilities:** Telephone exchange and dial centers or repeater station, cell towers, electrical or gas substations, water treatment or storage facilities, pumping stations, sewage facilities, and similar facilities operated or maintained by municipal agencies or utilities.

**Exercise and Dance Studios:** Facility used for instruction in dance or for exercising for a fee. Excluding facilities used exclusively by the owner or resident.

**Existing Use:** Under private ownership the purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

**Excavation:** A lot or land or part thereof used for the purpose of extracting 1,000 yards or more of stone, sand, gravel or minerals for sale.

**Extraction:** (or water extraction or extraction of water) means withdrawal, removal, diversion, taken, obtained or collected by any means, of water from ground, subsurface, or surface sources, including aquifers, springs, wells, cisterns, or other sources.

**Family:** One (1) or more persons occupying a dwelling as a single housekeeping unit.

**Finance, Insurance, and Real Estate:** Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, brokers, lessors, lessees, buyers, sellers, agents, and developers of real estate.

**Floating Zone:** A Floating Zone is a Zoning District that is added to Zoning Law, but that “floats” until an application is made to apply the new District to a certain parcel. Upon the approval of the application, the Zoning Map is amended to apply the Floating District to that parcel of land.

**Flea Market/Sale:** A market, indoors or out of doors, where new or used items are sold from individual locations by any person or group of vendors whether professional or non professional, with each location being operated independently from the other locations. Items sold include but not limited to, household items, antiques, rare items, decorations, used books and magazines, crafts. The term “Flea Market” shall not include any business or occupation, which has a valid Special Permit which pertains to the sale, trade or barter of goods.

**Front Setback:** Distance from the closest road line or front property line to closest point of building.

**FTE:** Full Time Equivalent Employee i.e. 2 people occupying the same job on a part time basis. (Not working at the same time).

**Garage Sale/Yard Sale:** A “Garage, Patio or Yard Sale” means a sale conducted by any occupant of a residence from any location on the premises, in any Zone of personal property accumulated during the course of ordinary residential living by selling the same to the public. Includes, but not limited to, all sales titled rummage, lawn, porch, yard, room, backyard, patio, basement, attic, tag sales.

**General Plan:** A comprehensive or master plan for the development of the Town.

**Gross Leasable Area (GLA):** The gross size of the floor area of a commercial/retail facility, which is leasable.

**Handicap Ramp:** A temporary structure used to provide access for a person with disabilities. Considered to be a temporary structure and therefore exempt from Zoning setback requirements and permits.

**Home Occupation:** A non-residential activity conducted within a dwelling or mobile home in accordance with the provisions of Section 550 of this law. Where the activity does not operate in accordance with Section 550 of this law, the use shall be required to conform with the standards specific to that use.

**Hostel:** An establishment providing transient overnight accommodations typically characterized by low cost, shared use of self-use kitchen, common areas, sleeping rooms, and bathroom facilities.

**Hub Height:** The distances measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

**Indoor Recreation Building:** A building designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

**Industry (Heavy):** Any facility, which assembles, fabricates, processes or packages products from raw materials or component parts which are hazardous materials as regulated by State and Federal Laws or Regulations or where the by-products and wastes from the assembling, fabricating, processing or packaging activities are hazardous materials.

**Industry (Light):** A facility which manufactures, assembles, fabricates, processes or packages a product for wholesale or retail sale, from raw materials or component parts, which does not produce hazardous materials as regulated by New York State or Federal Laws or Regulations and does not produce by-products or wastes from the assembling, fabricating, processing or packaging activities of hazardous materials or unacceptable volumes of pollution and is compatible with the surrounding neighborhood.

**Junkyard/Junk Vehicle:** Are as defined by the County of Lewis Junkyard Law and are incorporated by this reference.

**Kennel:** An establishment in which more than five (5) dogs more than six (6) months old are housed, groomed, bred, boarded, trained, or sold.

**Laundromat:** An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

**Loading Space:** Off-road space, which is at least twelve (12) feet wide and forty (40) feet long, not including access driveway, and having direct access to a road, used for the temporary location of one licensed motor vehicle.

**Lot:** A parcel of land occupied, or capable of being occupied, by at least one (1) principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law, which is recorded by deed or survey in the office of the Lewis County Clerk.

**Lot Frontage:** The distance between the boundaries of a lot measured at their points of intersection with the road right-of-way line, and the distance between the boundaries of a lot measured at the shoreline of the rivers, streams, and all other bodies of water. If a lot is bounded by two roads front footage will be the sum of the two frontages. Must be contiguous.

**Lot Line:** Property lines bounding a lot.

**Lot of Record:** A lot which exists as of this law's enactment, or such lesser portion of an existing lot as results from a subsequent sale, at arms length, pursuant to a written agreement entered into prior to this law's enactment.

**Manufactured Homes:** A structure transportable in one or more sections that, in the travel mode is 8 ft or more in width or 40 ft. or more in length, or when erected on a site is a minimum of 220 sq. ft. and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" shall include any structure that meets all the requirements and complies with the standards established under the National Manufactured Home Construction and Safety Act of 1974 as amended.

**Manufactured Home Parks:** Land on which two (2) or more mobile/manufactured homes are parked and occupied for living purposes.

**Marina:** A facility for storing, servicing, fueling, berthing, or securing of pleasure boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

**Mean High Water Mark:** The point at which terrestrial vegetation meets aquatic vegetation along rivers, streams, lakes and all other bodies of water. Terrestrial vegetation being defined as trees, grasses, shrubs and associated plant life, and aquatic vegetation being defined as cattails, floating or emergent vegetation, and associated plant life.

**Mini Storage:** A commercial storage building divided into individual compartments having direct access to the outside of the building and intended to be used principally to provide rental spaces to the general public for storage purposes.

**Miscellaneous Non-Residential Uses:** All other non-residential uses not listed under Article IV, Section 405, Regulated Uses by Zones. (i.e. Hospitals, Bowling Allies, Airports etc.)

**Mobile Home:** A movable or portable dwelling unit that was built prior to June 15, 1976 and designed and constructed to be towed on its own chassis. It is comprised of a frame and wheels connected to utilities and designed and constructed without a permanent foundation for year round living. This excludes travel trailers. Relocation or installation of this type unit is prohibited as of the date of this law.

**Modular Home:** A structure designed primarily for residential occupancy which is constructed by a method or system of construction whereby the structure or it's components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation.

**Motel/Hotel:** A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

**Motor Vehicle Repair Shop:** A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles and licensed by the State of New York.

**Natural Wood:** Wood, which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives, does not contain resins or glues as in plywood or other composite wood products.

**Net Metering:** A mechanism that provides a simplified approach for interconnection and metering on site renewable generating facilities such as solar PV systems. It allows customers to use excess solar electric generation to offset utilities purchased electricity on a monthly or annual basis.

**Non-Commercial Removal of water, minerals or soil:** Residential/domestic use for individual households and individual commercial operations for onsite consumption and sanitary use, including swimming pools. Removal of soil for landscaping and construction purposes is allowed.

**Nonconformity:** A lot, building, structure, or use of land legally and substantially existing at the time of enactment of this law which does not conform to the regulations of the district in which it is situated.

**Nonresidential Uses:** Any use listed in Section 405 (Zoning District Uses) except one, two, and multi-family dwellings, mobile/manufactured homes, and accessory structures.

**Nursery/Garden Shop:** A commercial facility, which primarily includes the sale of trees, shrubs, plants, landscaping materials and utensils incidental to gardening. This shall not be interpreted to include the large-product retail sales of farm equipment and implements. (See **Retail, Large Product**)

**Nursing/Convalescent Home:** An extended or intermediate care facility licensed or approved to provide fulltime convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**Off-Street Parking Facility:**

An area for temporary parking of motor vehicles off public road right-of-ways.

**Outdoor Wood Furnaces/ Boiler:** Any equipment device, appliance, or apparatus or any part thereof which is installed, affixed or situated outside of the principal structure 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 or water source. An Outdoor Wood Furnace may be referred to as an Outdoor Wood Boiler or an Outdoor Wood-fired Hydronic Heater.

**Paint Shop:** Any building, or structure, or part thereof, used for the purposes of sanding, grinding, or painting vehicles, machinery, or similar materials

**Permit:** A temporary permit, special permit, or zoning permit issued in accordance with this Law.

**Permitted Use:** A use not requiring Planning Board review, but requiring a zoning permit issued by the Code Enforcement Officer.

**Person:** An individual person, co-partnership, voluntary association or corporation.

**Personal Service:** Includes barber, hairdresser, beauty parlor, shoe repair, shoeshine, photographic studio, and businesses providing similar services.

**Pipelines:** A line of pipe, with or without pumps, valves, and other devices for conveying liquids, gases, or finely divided solids.

**Portable Sign:** Any sign, which by its design is able to be and is commonly moved from place to place.

**Professional Office:** Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, engineers, and similar professions.

**Public and Semi-Public Facility:** Any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

- A. Religious Institutions
- B. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
- C. Schools
- D. Public Libraries
- E. Not-For-Profit fire, ambulance and public safety building.

**Quarry:** See Excavation.

**Rear Lot Line:** That lot line which is opposite and most distant from the road line.

**Recreation, Indoor:** A building designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

**Recreation, Outdoor:** Includes golf driving range, golf pitch and putt course, par three golf courses, recreation court, open space, playfield, swimming pool, bike trails, hiking trails, and similar facilities for outdoor recreation.

**Recreational Vehicle:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own drive power or is mounted on or towed by another vehicle. Recreational vehicles are deemed to include, but are not limited to, camping trailers, fifth wheel trailers, motor homes, travel trailers as defined herein, and truck campers.

**Recycling Center:** Means any recycling center, mobile recycling center, recycling collection or buyback center, recycling materials processing facility, or recycling materials sorting facility. A facility designed and operated to receive, store, or process recyclable materials, which have been separated at the source from all but residual waste.

**Religious Institution:** Includes church, temple, parish house, convent, mosque, seminary and retreat house.

**Restaurant:** Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar, fast food establishment, or refreshment stand at a public or semi-public community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

**Retail Gasoline Outlet:** Any establishment that sells gasoline to the public. This includes service stations, convenience stores, car washes or any other facility that sells gasoline.

**Retail, Large-product:** A commercial facility including sales and service for new and used automobiles, trucks, mobile/manufactured homes, recreational vehicles, and farm implements.

**Retail, Small-product:** A commercial activity characterized by the direct on premise sale of goods and services to the ultimate consumer, including on premise manufacturing, processing, and servicing and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores, food markets and similar establishments. Small retail shall not include large-product retail.

**Retaining Walls:** A permanent structure of cribbing, wood, masonry, stone, concrete or other materials that supports a mass of soil.

**River:** That portion of a flowing body of water to the mean high water mark thereof, not including any tributary thereto unless expressly included in these regulations. For the purposes of this law river shall mean the Black and Independence Rivers exclusively.

**Road:** A public or private way to 3 or more lots or vehicular traffic which affords the principal means of access to abutting properties or sites.

**Road Line:** Right of way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be twenty-five (25) feet from the centerline of the road.

**Saw Mill:** Any use engaged in the processing, milling, and/or dimensioning of logs.

**School:** Includes parochial, private, public and nursery school, college, university, and their accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

**Setback, Water:** Distance measured between the building line closest to the river, stream, or other body of water and the shoreline.

**Shopping Center:** Facilities providing retail and services, large product retail and services or offices and business services in excess of 25,000 square feet gross leasable area.

**Shoreline:** That line at which land adjoins the water of rivers, lakes, ponds, and streams at the mean high water mark.

**Side Lot Line:** A lot line that is not a road line or a rear lot line.

**Sidewalks/walkways:** Continuous masonry blocks, concrete pavement or asphalt. These structures are permanent in nature in contact with the earth. These structures are exempt from permit requirements.

**Sign:** Any structure or natural object or part thereof or device or inscription located upon, attached thereto or painted or represented on any land or on the outside of any building or structure or part thereof or affixed to the glass of a window so as to be seen from the outside of a building which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, words, numerals, emblems, symbols, models, banner, trade flags, pennants, insignia, trademarks, devices or representation used as, or which is in the nature of an announcement, direction, advertisement, warning or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, industry, or public performance. Sign shall include any letter, word, model, banner, pennant, insignia, trade flag, or other device or representation used as, or which is in the nature of, an advertisement, announcement or direction, but excluding any public traffic or directional signs.

**Slaughterhouse:** A place where the primary activity is the killing, butchering, or packaging of animals for compensation on a year-round basis. This shall not be interpreted to include: seasonal or incidental butchering of deer, bear, or livestock; or facilities that kill, butcher, or package less than two hundred (200) animals a year.

**Solar Collection System:** A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

**Solar Energy System Accessory:** A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to twenty five (25) kilowatts (for electricity) or rated storage volume of the system of less than or equal to two hundred forty (240) gallons or that has a collector area of less than or equal to one thousand (1,000) square feet (for thermal), and is intended to primarily reduce on-site consumption of utility power.

A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**Solar Energy System Principal:** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than twenty five (25) kilowatts (for electricity) or rated storage volume of the system of more than two hundred forty (240) gallons or that has a collector area of more than one thousand (1,000) square feet (for thermal).

**Solar Related Equipment:** – Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy.

**Special Events:** An outdoor public event which the Town of Greig, Town Board has reason to believe will attract 500 people or more; such as circuses, fairs, carnivals, festivals, and other types of special events which are not directly related to the existing use of the property where the special event is to be located. Special events that are likely to attract less than 500 people are exempt to this law.

**Special Permit:** A permit issued by the Planning Board for a special use after review and approval in accordance with the procedures in Article VII of this law. Also, referred to as Special Use Permits in Town Law, Article 16, Section 274-b.

**Special Use:** A use in a particular zone listed in Section 405 as SP and requiring a special use review prior to the issuance of a special permit.

**Specified Anatomical Areas:** (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the areola, or (b) human male genitals in a discernible turgid state; even if completely and opaquely covered.

**Specified Sexual Activities:** (a) Human genitals in a state of sexual stimulation or arousal, (b) Acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

**State of Nudity:** The appearance of bared buttocks, male genitals, female genitals, or full female breast.

**Storage: (Store)** The holding or safekeeping of goods in a warehouse or other depository to await the happening of some future event or contingency that will call for the removal of the goods.

**Structure:** Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, satellite dishes, tanks, and any fixtures, additions, and alterations thereto. The word fences shall not be included in the definition of structure.

**Tavern, Bar, Nightclub:** An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.



**Tent:** A collapsible shelter of canvas or other material stretched and sustained by poles and or ropes, and used for camping outdoors or as a temporary building.

**Temporary Storage:** Temporary storages shall include trailers, PODS, tents, temporary shelters.

**Temporary Use:** An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction, which are removed after the completion of the construction work, and seasonal produce stands.

**Town:** The term Town (with capital letter not required by standard English usage) means the municipal government of the Town of Greig or its employee or official designated by statute law or this law to function as its agent. The term town without capital letter means the Town of Greig as an area of land governed by the Town.

**Town House (One family attached dwelling):** A building containing three or more dwelling units, none of which share common floors or ceilings, and which share at least one common wall in the case of an end unit, or two common walls in the case of interior units.

**Travel Trailer:** Shall include motor homes, truck campers, camping trailers, travel trailers and pop-up trailers used for recreation, travel and occasional dwelling purposes.

**Travel Trailer Park:** See **Campground**.

**Use:** The specific purposes, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**Variance:** A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner. This is a form of administrative relief that allows property to be used in a way that does not comply with the requirements of the Zoning ordinance. There are two basic types of variance: **Use** variances and **Area** variances. See pages 51 and 52 for definitions.

**Water:** Ground or surface water contained within the Town of Greig.

**Warehousing:** A building used primarily for the storage of goods and materials and may include terminal facilities for handling freight.

**Wetlands:** Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107 (1) and are mapped pursuant to 6 NYCRR 664, and are filed with the State, County or Town Clerk.

**Wind Energy System Accessory (WESA):** A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of less than or equal to fifty (50) kilowatts and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**Wind Energy Production Facility Principal (WESP):** An area of land or other area used for a wind energy conversion system principally used to capture wind energy and convert it to electrical energy. Large wind energy production facilities consist of one or more wind turbines, tower, and associated control or conversion electronics and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities, which has a rated capacity of more than one fifty (50) kilowatts.

**Withdrawal:** the act or process of withdrawing a material or substance by any means or method. It includes a process or methodology by which water is captured, collected, impounded and then transported for removal by any means or method from the commercial water extraction site

**Withdraw:** As a corresponding meaning.

**Wholesale:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Yard:** Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard

**Yard, Front:** The space within and extending the full width of the lot from the road line to the part of the principal building or accessory structure, which is nearest to such road line. If a lot adjoins two (2) or more roads or highways, it shall be deemed to have a front yard respectively on each.

**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 or accessory structure, which is nearest to such lot line.

**Yard, Side:** The space within the lot extending the full distance from the front yard to the rear yard and/or from the side lot line to the part of the principal building or accessory structure, which is nearest to such side lot line. However, in the case of a lot that fronts on two or more roads or on a road and a body of water the side yard shall be that space from the side lot line to the part of the principal building nearest to such side lot line.

**Zoning District:** A Zoning District is a portion of a community designated by the local Zoning Law for certain kinds of land uses.

**Zoning Permit:** A permit issued under this law by the Code Enforcement Officer, allowing the alteration, construction, or demolition of any building, structure, or system within a building area

## **ARTICLE III. ESTABLISHMENT OF ZONES**

### **Section 305 Types of Zones**

For the purpose of this law, the Town of Greig is hereby divided into the following zones:

- |                         |  |
|-------------------------|--|
| (1) Hamlet              | (H)  |
| (2) Rural Residential-1 | (RR -1 )   |
| (3) Waterfront-1        | (WF -1 )   |
| (4) Forest              | (F)  |
| (5) Rural Residential-2 | (RR-2)   |
| (6) Waterfront-2        | (WF - 2)   |
| (7) Light Industry      | (LI) (No area designated at present time) See Floating Zone Requirements |

### **Section 310 Zoning Map**

Said zones are shown, defined and bounded on the map accompanying this law entitled "Town of Greig Zoning Map," dated May 9, 1990, and filed in the office of the Town Clerk. Said map and all explanatory matter thereon is by this reference incorporated into this law.

### **Section 315 Interpretation of Zone Boundaries on Zoning Map**

Where uncertainty exists concerning the boundaries of the various zones, as shown on the Zoning Map, the following rules shall apply:

- A. Where the designation on the Zoning Map indicates a boundary approximately upon a road line, such line shall be construed to be the boundary.
- B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
- C. Where a zone boundary line divides a lot of record at the time such line is adopted, the use, authorized on, and the zone requirements of the least restricted portion of such lot shall be understood as extending to cover the lot to a maximum of fifty (50) feet into the more restrictive zone.
- D. Distances shown on the Zoning Map are perpendicular distances from road lines measured back to the zone boundary line, which lines in all cases where distances are given are parallel to the road line.
- E. In other cases the boundary line shall be determined by the use of the scale on the 1" = 2000' Town of Greig Zoning Map.
- F. In the event that a mete-and-bound description has been filed for a change of zone or variance of use as required by this law, such mete-and-bound description shall be used in lieu of other provisions of this section
- G. Any dispute concerning district boundaries shall be referred to the Town of Greig Board of Appeals for final interpretation

## ARTICLE IV

### Section 405 Zoning District Uses

Key: Not Permitted – (-) Permitted by right - P Special Permit - SP

	Hamlet	RR 1	WF1	Forest	RR 2	WF2	LI
One Family Dwelling	P	P	P	P	P	P***	
Two Family Dwelling	SP	SP	SP	SP	SP	-	
Multi Family Dwelling	SP	SP	SP	-	SP	-	
Manufactured Home	P	P	P	P	P	-	
Mobile Homes	-	-	-	-	-	-	-
Adult Use/ Entertainment Estab	-	-	-	SP	-	-	-
Agricultural Business	SP	SP	-	-	-	-	
Agricultural Structure	P	P	P	P	P	-	
Amusement Arcades	SP	-	-	-	-	-	
Anaerobic Digesters	-	-	-	-	-	-	
Animal Hospitals	SP	SP	-	-	-	-	
Bed and Breakfast / Hostels	SP	SP	SP	SP	SP	-	
Campground / Trailer Park	SP	SP	SP	SP	-	-	
Community Center	P	P	-	-	-	-	
Condominium	SP	SP	SP	SP	SP	-	SP
Day Care **	P	P	P	P	P	P	P
Duplex	SP	SP	SP	SP	SP	-	SP
Essential Facilities	SP	SP	SP	SP	SP	-	
Excavation	-	SP	-	SP	SP	-	
Exercise / Dance Studios	SP	SP	SP	SP	SP	-	
Financial, Insurance, Real estate	SP	SP	SP	SP	-	-	
Home Occupation	SP	SP	SP	SP	SP	SP	
Indoor Recreation	SP	SP	SP	SP	-	SP	
Junk Yards *	-	SP	-	-	-	-	
Kennels ****	-	SP	-	SP	-	-	
Laundromat	SP	-	-	-	-	-	
Manufactured Home Parks	-	SP	-	-	-	-	
Marina	-	-	SP	-	-	SP	
Mini Storage	-	SP	-	-	-	-	
Misc. Non Residential Use	SP	-	-	-	-	-	
Motels / Hotels	SP	SP	-	-	-	-	
Motor Vehicle Repair / Paint Shops	SP	-	-	-	-	-	
Nursery / Garden Shops	SP	SP	-	-	SP	-	
Nursing/Convalescent Home	SP	SP	-	-	-	-	
Outdoor Recreation	SP	SP	SP	SP	SP	SP	
Personal Service	SP	SP	SP	SP	SP	-	

	Hamlet	RR 1	WF 1	Forest	RR 2	WF 2	LI
Pipe Lines	SP	SP	SP	SP	SP	SP	SP
Professional Offices	SP	SP	SP	SP	-	-	
Public/Semi-Public Facilities	SP	SP	SP	SP	-	-	
Restaurants	SP	SP	SP	SP	-	-	
Retail Gasoline Outlet	SP	-	-	-	-	-	
Retail, Large Products	-	-	-	-	-	-	
Retail, Small Products	SP	SP	-	-	-	-	
Saw Mills	-	SP	-	SP	SP	-	
Shopping Center	SP	-	-	-	-	-	
Slaughter House	-	SP	-	-	-	-	
Solar Energy Systems Accessory	P ++	P++	P++	P++	P++	SP +	
Solar Energy System Principal	-	-	-	-	-	-	SP
Tavern, Bar, Nightclub	SP	-	-	-	-	-	
Town House	SP	SP	SP	-	SP	-	SP
Warehousing	-	SP	-	SP	-	-	
Wind Energy Systems Accessory	-	P	P	P	P	-	
Wind Energy System Principal	-	SP	SP	SP	SP	-	SP
Wholesale	SP	-	-	-	-		

\*Junk Yards; Refer to Section 545

\*\*Daycare allowed by State Social Services Law in all districts with no Special Permit

\*\*\* No Accessory Structures shall contain bathroom, kitchen or sleeping facilities

\*\*\*\*See Section 685 (D) for lot size requirements

+ Solar Collector facilities shall not be located in WF 2 except as noted below.

Small Solar Collectors may be attached to residences in WF 2 providing they are not visible from the Lake or Roadway, and meet side setback requirements. Side set back requirements shall be a minimum of those stated in section 415 of this law. No allowance for pre-existing non-conforming lots will be given. All applications require a Special Permit and additional screening and set back requirements may be required

++ May require Special Permit Approval

**Section 410**  
Minimum Lot Dimensions

**Section 415**  
Required Setback of Structure

ZONE USE	AREA	BLDG HT MAX *	LOT FRONTAGE	FRONT YARD***	SIDE YARD	REAR YARD
<b>HAMLET</b>						
One-Family Dwelling / Manufactured Home	30,000	40 '	150'	50'	20'	20'
Two-Family Dwelling	35,000	40'	150'	50'	20'	20'
Multi-Family Dwelling	See**	40'	150'	50'	30'	30'
Nonresidential Uses	40'000	40'	200'	50'	50'	30'
Accessory Structures		40'		50'	20'	20'
<b>RR - 1</b>						
One-Family Dwelling/ Manufactured Home	40,000	40'	200'	50'	50'	50'
Two-Family Dwelling	45,000	40'	200'	50'	50'	50'
Multi-Family Dwelling	See **	40'	200'	50'	50'	50'
Nonresidential Uses	80,000	40'	300'	50'	50'	50'
Accessory Structures		40'		50'	50'	50'
<b>WF - 1</b>						
One-Family Dwelling/ Manufactured Home	40,000	40'	200'	50'	20'	50'
Two-Family Dwelling	45,000	40'	200'	50'	20'	50'
Nonresidential Uses	80,000	40'	200'	50'	20'	50'
Accessory Structures		40'		50'	20'	50'
<b>FOREST</b>						
One-Family Dwelling/ Manufactured Home	5 Acres	40'	300'	50'	100'	100'
Two-Family Dwelling	5 acres	40'	300'	50'	100'	100'
Nonresidential Uses	5 Acres	40'	300'	50'	100'	100'
Accessory Structures		40'		50'	100'	100'
<b>RR - 2</b>						
One-Family Dwelling/ Manufactured Home	3.2Acres	40'	200'	50'	50'	50'
Two-Family Dwelling	3.2Acres	40'	200'	50'	50'	50'
Non-Residential Uses	3.2Acres	40'	200'	50'	50'	50'
Accessory Structures		40'		50'	50'	50'

**Section 410**  
Minimum lot dimensions

**Section 415**  
Required Setback of Structure

WF - 2 (See Note)						
One-Family Dwelling	40,000	40'	200'	50'	20'	50'
Nonresidential Uses	80,000	40'	200'	50'	20'	50'
Accessory Structures		40'		50'	20'	50'
<b>LI</b>						

\* Religious Institutions and Agricultural Structures are exempt from building height maximum requirements.

Section 410 and 415 shall not apply to essential facilities

\*\* Area requirements for 30,000 square feet per dwelling unit shall apply when multiple family development is not connected to public or centralized water or sewer system. Area requirement where such system (S) are installed is 10,000 square feet per dwelling unit.

\*\*\* Measurement from the closest edge of the road boundary or right of way to the closest point of the structure.

**Note:** See Article V, Section 510 for additional shoreline requirements in WF - 1.

The APA Zone around Brantingham Lake, Moderate Intensity, extends 528 feet from the Lake high water mark. This differs from the Town of Greig WF - 2 boundary on Cottage Road, and at the end of the Lake.

Only one principal structure shall be permitted on any one residential lot except: More than one residential structure may be permitted on a single lot provided that the structures are situated such that if the property were to be subdivided in the future, each structure would be situated on a lot that complies with all lot size, lot dimensions, setbacks, and other requirements as specified in this Section.

## **Section 420 Floating Zones**

The following are procedures for establishing Floating Zones:

- A. In order to establish Floating Zones, the Zoning Map must be amended by the following procedures outlined herein and the prescribed regulations for amendments to this Zoning Law found in Section 940.
- B. Application for establishment of a Floating Zone shall be made to the Town Board by the owner(s) of property proposed to be included in the zone. The Town Board shall refer such application to the Town Planning Board for consideration within seven (7) working days of the filing of such an application.
- C. The applicant must provide a development plan and detailed program which would enable the Town Board and Planning Board to evaluate the proposed development and its effects on nearby land uses and public services. Such a plan and program must consist of the application requirements specified under Special Use Procedure Section 715. Once this information is accepted by the Planning Board, the Board shall review the proposal in light of the requirements specified for Floating Zones.
- D. The Planning Board must discuss the proposal with the applicant at a regular meeting of the Board within thirty-one (31) days of the filing of the required information by the applicant with the Town Board. Within ten (10) working days of such a meeting, the Planning Board must report its recommendations to the Town Board.
- E. The Planning Board shall consider, where appropriate, the need for the proposed use in the proposed location; its consistency with the General Plan and the existing character of the neighborhood in which the use would be located. It also must consider safeguards to minimize possible detrimental effects of the proposed use on the adjacent properties, on public services and on the historic character of the area.
- F. It shall be the authority of the Planning Board to prescribe conditions for the proposed use and make a recommendation for siting the zone based upon this. It is the Town Board's authority to review this recommendation (from the Planning Board) and enact or disapprove an amendment thereon. Within forty-five (45) days of receipt of the Planning Board recommendation, the Town Board must, following public notice provided by this Law (see Section 715 C.) hold a public hearing on the proposal; and must then approve or deny the proposal.
- G. If the proposal is approved by the Town Board, and the Zoning Map has been amended to create the appropriate zone, the applicant must within six (6) months submit application for a special use permit as provided in Section 715 of this law.
- H. If such an amendment is enacted, the permitted development must be confined to the specific designated area and adhere to the approved development plan and program. Anything different from this constitutes a violation of this Zoning Law.
  - 1. In order to exceed any of the above time frames for adoption of a Floating Zone there must be agreement by the applicant, Town Board and Planning Board.



## **Section 425 Planned Development Zones (PD)**

- A. Intent. Planned Development Zones may be established in the Town and designated as specific locations on the Zoning Map using the procedure for establishing floating zones in Section 420 of this law. The purpose for establishing such Zones is to allow compatible development of a variety of multi-family and mixed uses and to vary the strict application of the regulations of this law.

It is the intent of this Planned Development Zone to provide flexible land use and design regulations so that neighborhoods or portions thereof may be developed within the town that incorporate a variety of residential and non-residential uses, and contain both individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed to function as a separate neighborhood without necessarily needing other building sites or other common property. This section encourages innovations in residential development so that the growing demands for housing may be met by greater variety in type, design, and siting of dwellings and by the more efficient use of land. Planned developments do not require a mix of residential and nonresidential uses to be considered for Planned Development Zone status.

The standard zoning functions (use and bulk) are appropriate for the regulation of land use in some areas or neighborhoods, these controls represent a type of regulatory strictness which may be inappropriate to the innovative techniques of land development contained in the Planned Development Zone concept. A rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Where PD techniques are deemed appropriate through the rezoning of land to a Planned Development Zone by the Town Board, the use and dimensional specifications found elsewhere in this law are herein replaced by the general requirements below and Special Permit Criteria and standards as outlined in Articles VII and VIII.

- B. General Requirements. Following is a list of the requirements that a proposal must meet to be considered for PD status.
1. Minimum area: The zone must comprise at least ten (10) acres of contiguous land.
  2. Maximum building height: No building shall be more than 40' above ground level.
  3. 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 owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
  4. Required Buffer: Where a planned development proposes multi-family dwellings and/or commercial uses adjacent to residential areas, the Planning Board shall require a minimum seventy-five-foot (75') vegetative buffer area. Plant material shall be six (6) to eight (8) feet in height when planted, and shall be spaced to form an opaque screen in multiple rows with alternate spacing. Berms may be substituted for plant material screening upon approval of the Planning Board.

5. Permitted Uses: Following are descriptions of residential and non-residential uses permitted in the PD Zone. These uses may be mixed, separated, or the development may accommodate only one type of use (i.e., residential or non-residential).
- a. Residential Uses: Residences may be of any variety of types including one, two, and multifamily dwellings. No mobile/manufactured homes will be permitted.
  - b. Accessory, business, recreational, and other non-residential uses: Non-residential uses Allowed shall include small retail business operations, community centers, public and semi-public facilities, outdoor recreation, restaurants, home occupations, accessory uses/structures. All such uses shall be in keeping with the residential character of the adjacent areas. No industrial uses shall be permitted in the PD Zone.
- (1) The non-residential uses of a business nature shall not exceed the square footage devoted to residential (and its accessory) uses. This shall be determined by building floor area. Such commercial or service area may be in separate buildings or incorporated within two family or multi-family structures or in suitable combinations of these alternatives.
  - (2) Customary accessory or associated uses, such as private garages, storage spaces, community activities, churches and schools shall also be permitted as appropriate to the PD Zone.
6. Common property in the PD: Common property is not required to be considered for PD status; however, it is often characteristic of such proposals. Common property in a PD is a parcel or parcels of land, with or without improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the long term improvement, operation and maintenance of such common property and facilities, including private roads, drives, service and parking areas, plus recreational and open space areas.

### **Section 430 Industrial Zones (I)**

- A. Intent. Industrial zones may be established in the town and designated as specific locations on the zoning map using the procedure for establishing floating zones in Section 420 of this law. There are, at the time of adoption of this law, no centers of industrial use in the Town. With this in mind and the fact that there are some potentially adequate sites for industry, it is not feasible to select or limit the use to a few arbitrary spots. But, it was also intended that industrial uses should not conflict with existing uses. For this reason, review criteria have been written in this section to mitigate any potential conflicts.

It is the intention of this law that once a substantial area has been zoned for industry, this section will be repealed by the Town Board. There will then be an Industrial Zone and therefore no need for a floating zone.

B. General Requirements and Review Criteria. The following are standards that apply when forming an Industrial Zone:

1. The zone change shall be for a minimum of ten (10) acres.
2. The proposed industrial use shall not cause interference or a nuisance that may be detrimental to adjacent uses.
3. The proposed industrial use shall be compatible with the surrounding neighborhood and in harmony with the general plan for the community.

### **Section 435 Cluster Development**

#### A. Authorization

The Planning Board of the Town of Greig is hereby authorized to modify applicable provisions of this zoning law pursuant to Section 281 of the Town Law simultaneously with the approval of any plat within the Town subject to the conditions set forth in this Article.

#### B. Purpose

The purpose of cluster development is to permit a procedure for development which will result in improved living and working environments; promote more economic subdivision layout; encourage a variety of types of residential dwellings; encourage ingenuity and originality in total subdivision and individual site design; preserve open space to serve recreational, scenic, and public service purposes, and other purposes related thereto within the densities established for the gross tract.

#### C. Density Transfer

In each zone allowing cluster development the lot size may be reduced from the general lot size of that zone to a specific minimum lot size for cluster development. All such lot reductions shall be compensated for by an equivalent amount of land in open space to be preserved and maintained for its scenic value, for recreation or conservation purposes.

In the approval of a cluster subdivision, in no case shall the applicable regulations or use limitations for the zone be changed or modified.

#### D. Review Criteria

A permit for a cluster development shall be granted only if evidence is presented which establishes:

1. That the proposed development is compatible with the general purpose, goals, objectives, and standards of the General Plan, this law, and the Town of Greig Subdivision Regulations.
2. That the proposed building or use complies with all applicable regulations of this law

except as modified pursuant to the authority of this Article.

3. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities, and other matters affecting the public health, safety, and general welfare.
4. That the proposed cluster development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property, in accordance with the applicable zone regulations.
5. That the proposed cluster development will be served adequately by essential public facilities and services such as highways, roads, parking spaces, police and fire protections, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
6. That the proposed cluster development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

#### E. Open Space Requirements

1. Depending on the size and design of the development, it may be necessary that a common open space, permanently reserved and maintained as landscaped park or recreational space, is provided to serve the homeowners within the development. The area, configuration, and location of such open spaces shall be subject to review and approval of the Town of Greig Planning Board.
2. The land so set aside shall be provided in such a manner that it is usable for recreation or other activities and is accessible to all residents of the subdivision or, where the land has been deeded to the Town, to the public.
3. Cluster open space shall be made available for the use of all residents of the Town unless the Planning Board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.
4. If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning Board; and any specifications deemed necessary by the Planning Board.

## **ARTICLE V. GENERAL STANDARDS FOR ALL ZONES**

### **Section 505 General**

The following regulations shall apply to all uses.

### **Section 510 Shoreline Requirements**

The following requirements shall apply to shoreline land:

- A. Setback, Water. The minimum setback from water of all principal and accessory buildings or structures in excess of one hundred (100) square feet other than docks, boathouses, or swimming floats, shall be a minimum distance from the mean high water mark as follows:
  - 1. 100' adjacent Copper Lake, Drunkard Creek, Pine Creek, Bohlings Creek, Black River and Independence River.
  - 2. 75' in RR2, Forest, and WF-I zones within the Adirondack Park blue line, except Copper Lake, Drunkard Creek, Pine Creek and Bohlings Creek.
  - 3. 50' in WF-2 within the Park and all other bodies of water outside the Park, except the Black River and Independence River.
- B. Sanitary Sewage. The minimum setback of any on-site sewage tile field, seepage pit, or other sewage disposal system shall be one hundred (100) feet from the mean high-water mark.

### **Section 515 Parking General**

- A. All uses shall be provided with off-road parking for all vehicles during typical peak use periods. Off-road parking may be located off-site.
- B. No non-residential parking area shall be located within ten (10) feet of a side lot line.
- C. A parking space shall not be less than nine (9) feet by eighteen (18) feet exclusive of access ways and driveways.
- D. Existing uses need not provide additional off-road parking unless one or more of the following conditions occur:
  - 1. The use changes.
  - 2. The use expands its gross floor area by twenty-five percent (25%) or more in a three (3) year period.
- E. Where possible parking areas should be located behind the facility served and out of roadside view. Where parking areas must be located in front of a facility adjacent to a public highway, landscaping or visual barriers shall be provided.
- F. Where possible the size of all parking areas other than those for dwelling units and dwelling unit with a home occupation shall be based on gross leasable area. Where gross leasable area figures are unavailable, gross floor area figures shall be used.
- G. All fractional portions of parking spaces as calculated by Gross Leasable Area shall be deleted if the fraction is less than .50; otherwise one additional parking space is required.



**Section 525 Off Road Loading**

A. All uses other than dwellings, agriculture, or home occupations must comply with the following off road loading standards:

First 10,000 sq. ft GLA	1 berth
Each additional 20,000 sq. ft.	1 berth

B. Where the use, traffic generation or function of a site is such that it can be shown by the applicant that the number of berths required is not justified, the Planning Board may vary these requirements.

**Section 530 Signs, Exempt**

A permit shall not be required for the following signs:

A. Temporary Signs

1. Announcing Signs. One (1) sign per road frontage of a building which is under construction or structural alteration or repair announcing the character of the building enterprise or the purpose for which the building is intended, one (1) sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, provided the area of such, sign shall not exceed thirty-two (32) square feet. Such sign shall not remain for longer than one (1) month following completion of the project

2. Real Estate Signs. One (1) sign per road frontage not exceeding sixteen (16) square feet advertising the sale, rental, or lease of the premises on which displayed. All such signs shall be removed within five (5) days after the sale or lease of the property has been consummated and .all such signs must be set back at least fifteen (15) feet from any designated road line.

3. Subdivision Signs. One (1) sign per road entrance to the subdivision and located on the property to be subdivided, provided such sign shall not exceed thirty-two (32) square feet in area. Such sign may not be erected until the subdivision has been approved by the appropriate officials and may be displayed for a period of one (1) year from the date of erection. Erection date will be determined to be the same as the subdivision approval date.

The display period may be extended by written approval of the Planning Board for a reasonable period of time, not to exceed one (1) year at any given time.

4. Sale Ad Signs. Signs advertising sales of goods or merchandise. The area of such sign shall not exceed thirty-two (32) square feet in sign area.

B. Institutional Signs. One sign or bulletin board per road front, setting forth or denoting the name of any public, non-commercial, charitable, or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed thirty-two (32) square feet in area.

- C. Public Signs. Signs of a public or non-commercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, and all signs erected by a public officer in the performance of a public duty.
- D. Subdivision, Mobile Home Parks, or Tract Name Signs. One non-illuminated sign not to exceed twenty (20) square feet in area per entrance to a subdivision or tract, such signs shall be restricted to the subdivision or tract name.
- E. Flags. Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of religious, charitable, public, and nonprofit organizations.
- F. Plaques. Commemorative plaques placed by historical agencies recognized by the town, the County of Lewis or the State of New York
- G. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- H. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- I. Signs not exceeding three square feet in area and bearing only property numbers, post office box numbers, or names of occupants of premises.
- J. For multiple dwelling projects, one (1) sign, building or ground mounted, indicating the name of the project. Such sign shall not exceed twenty (20) square feet in area or per side if double-faced.

**Section 535 Signs Prohibited**

The following sign types shall not be allowed at any location within the Town of Greig.

- A. Any sign, which advertises an activity, not conducted on the premises or a product not available for sale on the premises upon which such sign is maintained.
- B. All portable signs over thirty-two (32) square feet in size.
- C. Any sign, which has flashing, lights, moving parts, or projections beyond its area.
- D. Any sign which projects above the roofline of a building.



## **Section 540 General Standards**

All signs shall be subject to the following general standards.

- A. All signs shall be erected and constructed so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected. All signs shall be compatible within the context of its visual and physical environment. In making such determination consideration shall be given to the following elements:
1. Size, bulk, and mass.
  2. Texture and materials.
  3. Colors.
  4. Lighting and illumination.
  5. Orientation and elevation.
  6. General and specific location.
  7. Proximity to roads and highways.
  8. Design, including size and character of lettering, logos, and related contents.
  9. Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision.
- B. The sign area of all signs unless otherwise specified shall not exceed ten percent (10%) of the total square footage of that side of the building upon which said sign is to be affixed or in front of which side said sign is to be placed. However, in no case shall a sign, excluding a farm name or other farm identification, exceed thirty-two (32) square feet in area.
- C. All signs advertising home occupations shall not exceed sixteen (16) square feet in area and shall be attached flush to the building.
- D. No sign shall project into the public right of way.
- E. All signs shall be limited in wording and graphics to the name of the establishment and its principal service or purpose.
- F. No sign shall exceed twenty (20) feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.

- G. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity.
- H. No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public road, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.
- I. All signs must be set back at least fifteen (15) feet from any designated road line unless said sign is to be attached to a building which is set back less than fifteen (15) feet from any designated road line. In this case any sign, which is attached to, said building must be attached flush to building and/or not protrude more than twelve (12) inches from the surface of the building.
- J. All signs shall not exceed one sign per road frontage of the building or use being advertised except that each five hundred (500) feet of frontage shall be considered an additional frontage. Provision can be made for more than one (1) sign but no more than two (2) signs per five hundred (500) feet of frontage provided that the cumulative total of sign areas does not exceed the standard set in Section 540 B., above.
- K. In the event any standard set forth in this law conflicts with any other standard set forth in this law the more restrictive standard shall apply.
- L. No signs shall be placed, painted or attached upon trees, works or natural features on the site, or on utility poles, bridges, or culverts.
- M. All signs, together with their surfaces shall be kept in good repair. The display surfaces shall be kept neatly painted at all times.
- N. Any nonconforming sign existing in the town at the time of the adoption of this law, or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this district.
- O. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove their signs within ninety (90) days of such cessation.

### **Section 545 Junkyards/Junk Vehicles**

All junkyards and junk vehicles shall comply with the provisions of the Lewis County Junkyard Law, adopted October 6, 1987, and as amended. Not more than three junkyards may exist/operate in the Town at any one time. Nothing in this law shall be construed to pre-empt the enforcement of the Lewis County Junkyard Law by the County of Lewis in all areas of the Town of Greig.

## **Section 550 Home Occupation**

- A. A home occupation must be conducted within a dwelling that is a bona fide residence of the principal practitioner or within an accessory building on the residential property such as a garage.
- B. Such uses shall clearly be incidental and secondary to the use of the dwelling unit for residential purposes and shall not utilize or occupy more than 20 percent of the gross floor area of the dwelling and its accessory buildings.
- C. There shall be no outdoor display of goods or products, nor shall there be any outdoor storage of materials used in the home occupation, without prior review and approval by the Planning Board.
- D. Permitted signage shall be as specified in Section 540 herein.
- E. Off-street parking shall be provided for expected average peak weekday numbers of clients customers, patients or other visitors in the side or rear yard, in addition to parking required for the dwelling. Such off-street parking shall be located at least (10) ten feet from any side or rear property line, shall be surfaced, screened or fenced as directed by the Board, and shall be so lighted that there will be no direct light into adjacent properties or streets.
- F. No dwelling shall include more than one (1) home occupation.
- G. Not more than one person other than residents of the dwelling shall be employed as part of the home occupation. (Equivalent to one (1) FTE – see definitions).
- H. In no way shall the appearance of the structure be altered or the operation within the residence be conducted in a manner which would cause the residence to differ from its residential character either by use of colors, materials, construction, lighting, or the emission of sounds, noises or vibrations.
- I. No use shall create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent than usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- K. A home occupation shall not include any of the following: garages and shops for the repair or maintenance of motor vehicles, commercial stables and kennels, restaurants, tourist homes, rooming or boarding houses, clinics; musical and dancing instruction to groups exceeding four (4) pupils, or other trades and businesses of a similar nature.
- L. A home occupation shall not include any trucking business, construction business, well-drilling business, excavation business or similar business that involves parking or storing on the property at any time any truck or trailer greater than 24 feet in length, any piece of earth moving equipment, any well drilling rig, or any other similar heavy equipment or vehicle used in the conduct of the business.
- N. No home occupation shall be conducted without a conditional Special Permit authorized and approved by the Planning Board.

## **Section 551 Garage Sales**

Garage, Yard or Patio sales as defined in this law may be conducted as follows:

- A. Each sale shall last no more than 3(three) consecutive days beginning each day no earlier than 8:00 am and ending no later than 8:00 pm. Personal property sold at the sale shall not include goods obtained for the purpose of resale.
- B. Only temporary advertising signs conforming to zoning regulations shall be permitted. Signs may not be posted earlier than four days prior to the sale. All signs must be removed the day following the sale. One on premises sign shall be allowed.
- C. Off premise sign: no more than four signs advertising the garage sale shall be placed off the premises on which the sale is being conducted, but the sign shall not be attached to any telephone or electric company pole.
- D. Violations of any provision of this section shall be subject to the normal penalties of this Zoning Law.
- E. In no case shall any sales become outlets for wholesale or retail commercial sales.
- F. No personal property offered for sale at a yard sale shall be displayed in any public right of way.
- G. Any and all items that remain from the yard sale after the third day must be removed or stored in an enclosed area within 48 (forty eight) hours after said yard sale.
- H. Any person selling a single item of personal property, which is specifically named or described in an advertisement offering the item for sale, is exempt from the above regulations.

## **Section 552 Flea Markets**

- A. Flea Markets are permitted in the Hamlet Zoning District only.
- B. No organization shall conduct more than 2 sales in any calendar year.
- C. Time and duration and signage are the same as Garage Sale requirements.
- D. The sponsoring organization must provide for adequate parking, and traffic control.
- E. Appropriate sanitation facilities shall be provided by the sponsoring organization.
- F. If attendance at any given time is anticipated to exceed 500 people, the Town of Greig Mass Gathering Law #1-2007 or as amended, must be complied with.
- G. No person shall sell or offer for sale at any Flea Market any goods known by such person to be stolen.
- H. No flea market seller shall purchase any used household items, antiques, or used articles whatsoever for or from any person under the age of 18 years unless such person is accompanied by the persons parent or guardian.

No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without obtaining a Special Permit from the Town Planning Board.

Flea Markets sponsored by churches, charitable organizations, schools and other non-profit organizations are exempt from obtaining a Special Permit.

## **Section 555 Access Standards**

Access to all sites shall be consistent with the standards set forth in the "Policy and Standards for Entrances to State Highways," as revised, published by the State of New York Department of Transportation.

## **Section 560 Septic Systems**

If a use is not connected to public sewerage, systems installed after 12-1-90 must meet the requirements of NYS Public Health Law Appendix 75A. Alterations will be in accordance with the Town of Greig On Site Sewage Treatment and Dispersal Law # 2-2005 Dated 5-19-05 or amended.

## **Section 565 Roads**

All public or private roads serving 3 or more lots, constructed to serve or intended to serve as thoroughfares, shall meet town road standards as set forth by the Greig Town Board, in the Town of Greig, Subdivision Control Law dated 11-16-05 or as amended.

1. Private rights of way serving 1 or 2 properties shall have a minimum thirty (30) feet right of way, sixteen (16) feet of which must be at least six (6) inches of crushed stone or approved alternate. Except where the right of way is defined by deed.

## **Section 570 Individual Mobile/Manufactured Home**

### A. General:

No mobile /manufactured home shall locate in the Town except when permitted by right, with the following exceptions:

1. Emergency Dwelling: With the permission of the owner or lessee, a mobile home may be temporarily placed and occupied as an emergency dwelling on any property in the Town, regardless of prior development on or current use of such property, exempt from the requirements of Section 570 B, C, and D. conditioned upon the following:
  - a. The need for such emergency dwelling resulted from the loss by flood, fire or other disaster of an existing dwelling within the Town;
  - b. Temporary arrangements for safe access to the property, adequate potable water supply, sanitary disposal of sewage, safe storage of liquefied petroleum gas and anchoring are provided within forty-eight (48) hours of such placement and occupancy by means either onsite or off-site;
  - c. A temporary permit application shall be obtained from the Office of the Town Clerk. Such application shall be filed with the Code Enforcement Officer within seventy-two (72) hours of the placement of the emergency dwelling;
  - d. The emergency dwelling is removed from such temporary site not more than three (3) days after service of a notice of determination by the Planning Board denying the temporary permit on account of failure to meet any of the foregoing conditions.
  - e. Except as provided herein, no other improvements to or alteration or disturbance of the property shall be caused by such placement and occupancy of an emergency dwelling and no rights to develop such property shall be thus established other than as are permitted in full compliance with the provisions, regulations, standards and procedures of this law.

2. Temporary Dwelling: The Planning Board may grant a temporary permit for the installation of a mobile/manufactured home as a temporary dwelling or office on a individual lot during the construction of a principal building(s) on such lot. The mobile/manufactured home shall be exempt from the requirements of Section 570 B.
3. Agricultural Use: Upon proof of special necessity for an agricultural dwelling where a dwelling is needed for a person employed full-time in the operation of the farm the Enforcement Officer may grant a zoning permit for the installation of a single mobile home to be placed on the same lot as the principle use conditioned upon the following:
  - a. The mobile/manufactured home must be occupied by a person employed full-time in the operation of the farm.
  - b. The mobile/manufactured home shall be removed within six (6) months from the date when the special necessity ceases.

#### B. Restrictions on Occupancy

1. Every manufactured home shall have a pitched roof of a minimum ratio of 1/4.
2. Any manufactured home located in the Town of Greig shall be in compliance with standards equal to or more strict than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976), and as amended. The owner or applicant is responsible for providing adequate assurance that these standards have been complied with. The presence of a permanent certification label affixed to the manufactured home by the manufacturer shall be presumptive evidence that the construction of a manufactured home is in compliance with such standards.
3. Every manufactured home shall be equipped with at least one smoke or heat detector to give warning to occupants in case of fire.

#### C. Manufactured Home Skirting

1. Each manufactured home shall be provided with a skirt to screen space between the manufactured home and the ground.
2. Such skirts shall be of permanent material providing a finished exterior appearance.
3. The materials used for skirting shall be fire resistant.

### **Section 575 Flood Plain Standards**

All uses shall also comply with the Town of Greig Flood Damage Prevention Local Law, Local Law 4-08, of 2008, and as amended.

## **Section 580 Individual Travel Trailers**

- A. Travel trailer shall not in any calendar year, be situated or remain within the Town of Greig on an overnight basis for more than fourteen (14) consecutive days, nor more than thirty (30) days in aggregate, with the following exceptions:
1. Recreational Camping Vehicles shall not be used for overnight occupancy except on private land with the consent of the owner for a period not to exceed fourteen (14) consecutive days. A Recreational Camping Vehicle may be occupied for a longer than thirty (30) day upon approval of a Special Use Permit by the Planning Board. Such permit may be issued upon a showing of special necessity or in the case of an emergency. Recreational Camping Vehicles used for overnight occupancy shall meet all the requirements of the New York State Sanitary Code. Approved septic system or other disposal method of waste approved by the Town Code Enforcement Officer must be installed. Travel Trailers must remain mobile, no accessory structures may be added. (decks, porches, rooms, roofs)
  2. The travel trailer is located on a site within a campground/travel trailer park in compliance with, or established prior to the effective date of the Town of Greig Zoning Law, Local Law No. 2, 1990 for which evidence can be provided by the owner; or,
  3. The travel trailer is unoccupied and being stored upon the premises of the owner or consenting landowner for the purpose of storage; or,
  4. The travel trailer is being sold in a retail business.
  5. The owner of the lot or property shall not rent or lease the lot or property for the placement of a recreational vehicle to others.
  6. No recreational vehicle shall be occupied or used as a residence.
  7. The placement of all recreational vehicles shall meet all required yard setback requirements of the zoning district in which it is located when in use. (Temporarily stored units are exempt from setback requirements)

## **SECTION 581 Retaining Walls**

Retaining walls within 50 feet of water, and within the Adirondack Park (WF 2), are regulated by the APA. Retaining walls located anywhere on a lot, that exceeds four (4) feet in height, requires a Zoning Permit and may require a Building Permit. A retaining wall along street frontage must be located at least 10 feet from the edge of the road right of way and must also have the approval of the Town of Greig Highway Superintendent and Code Enforcement Officer.

## **SECTION 582 Tents**

Tenting is allowed for recreational use only and not as a primary residence.

## **Section 585 Accessory Structures - Waterfront, Docks, Boathouses, Floating Rafts**

Accessory structures whose primary purpose is related to the recreational use of the waterway such as boathouses, docks, anchored swimming floats, and other similar structures shall be permitted only according to the following:

1. One Boathouse and one dock shall be permitted on any shoreline lot containing at least one residential structure, including any shoreline lot separated by a street from the dwelling lot in the same ownership
2. No dock, boathouse, or anchored swimming float shall project across the extension of the side lot lines of any lot or right-of-way as such lines are projected in a continuous straight line into the waterway.
3. Boathouses and docks shall not extend more than 40 feet into the water or to a 6 foot depth of water, whichever comes first measured from the shoreline, except that such structures in no case extends into water to any distance which interferes with navigation or access to adjoining lots. All boathouses and docks shall conform to the required side yard setback applying to the principal building in the district.
4. Boathouse: means a covered structure with direct access to a navigable body of water which:
  - A. Is used only for the storage of boats and accessory equipment;
  - B. Does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind;
  - C. Does not contain kitchen facilities of any kind;
  - D. Does not contain any heating system of any kind;
  - E. Does not contain any beds or sleeping quarters of any kind and;
  - F. Does not exceed a single story.
  - G. No knee walls will be allowed. If there is any floor above the 1<sup>st</sup> floor ceiling joist (as opposed to open framing) then there cannot be any windows or dormers above the level of the ceiling joist and no fixed stationary stairs or ramps (exterior or interior) may access the attic storage area, although stairs can be used for access to an attached deck, and in the area above the 1<sup>st</sup> floor ceiling joist there can be rough framing only with no finished flooring, walls or ceiling.
5. Dock: means a floating or fixed structure that:
  - A) extends into or over a lake, pond, or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse.
  - B) is no more than eight (8) feet in width a; or in the case of inter-connected structures intended to accommodate multiple watercraft or other authorized use, each element of which is no more than eight (8) feet in width; The surface area of a dock including all finger docks or similar components, shall not exceed 300 square feet in area, and
  - C) is built or used for the purposes of securing and/or loading or unloading watercraft and/or for swimming or water recreation.
6. Other than a dock, any structure, which exceeds 100 square feet in size, which provides access to the boathouse from the shore, will require a variance from the APA and Town from the rear lot line set back requirements. Decks or porches, which are above the water level and extend beyond the footprint of any boathouse, are subject to shoreline setback restrictions, if these portions, which extend beyond the structural footprint, exceed 100 square foot in aggregate.
7. One mooring buoy and one swimming float of not more than 100 square feet of surface area shall be permitted within the waters adjacent to and within the boundaries of the extensions of the sidelines of the lot, provided, however, that such objects and boats secured to such objects, shall not extend more than 100 feet from the shoreline or beyond the boundaries of the extensions of the side lot lines, further provided that such objects may in no case be placed in a navigable channel or in any location which might pose navigation hazards or interfere with navigation or with access to adjoining lots.



## **Section 586 Solar Energy Systems Accessory**

**Permitted Accessory Use-** Active solar energy systems shall be allowed as an accessory use (except in W F 2) zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in C, below will require a Special Permit. Zoning Permits are required for all installations.

- A. **Height** – Active solar energy systems must the following height requirements:
1. Building –or- roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
  2. Ground – or pole-mounted solar energy systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.
- B. **Set-back** – Active solar energy systems must meet the accessory structure setback for the zoning district, on the lot which the system is located. (no relief will be allowed for pre-existing non-conforming lots)
1. **Roof-mounted Solar energy systems** – In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall not be allowed to extend beyond the perimeter of the building on a side yard exposure.
  2. **Ground –mounted Solar energy systems** – Ground –mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
- C. **Visibility** – Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys, including Lake Front. The color of the solar collector is not required to be consistent with other roofing materials.
1. **Building Integrated Photovoltaic Systems** – Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback land use or performance standards for the district in which the building is located.
  2. **Solar Energy Systems with Mounting Devices** –Solar Energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of way other than an alley. Roof mounted systems that are visible from the nearest edge of the street frontage right-of-way, or lake front, shall not have a highest finished pitch that is more than five (5) percent steeper than the roof pitch on which the system is mounted and shall be no higher than twelve (12) inches above the roof.
  3. **Coverage**- Roof or mounted solar energy systems, excluding building integrated systems shall not cover more than 80 percent of the south facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one (1) foot. The surface of pole or ground mounted systems shall not exceed half the building foot print of the principal structure.

- D. **Approved Solar components** – Electric solar energy system components must have a UL listing and solar hot water systems must have and SRCC rating.
- E. **Plan approval required** – All solar energy systems shall require plan approval by the Code Enforcement Officer.
  - 1. Plan applications for solar energy systems shall be accompanied by a scale, horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for ground mounted systems including the property lines.
    - a) **Pitched Roof Mounted Solar Energy Systems** – for all roof mounted systems other than a flat roof the elevation must show the highest finish slope of the solar collector and the slope of the finished roof surface on which it is mounted.
    - b) **Flat Roof Mounted Solar Energy Systems** – for flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building and the highest finished height of the solar collector above the finished surface of the roof.
  - 2. **Plan Approvals** – Applications that meet the design requirements of this ordinance and do not require an Administrative Variance shall be granted approval by the Code Enforcement Officer. Plan approval does not indicate compliance with Building Code or Electrical Code.
- F. **Compliance with Building Code** – All active Solar Systems shall meet New York State Building Code. **Note:** Roof mounted units require stamped engineered approval of the roof structure.
- G. **Compliance with the National Electric Code** – All photovoltaic systems must meet National Electric Code requirements.
- H. **Installation or Decommissioning requirements**- if a Solar Collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities by no later than 90 days after the end of the twelve (12) month period.

### **Section 587 Wind Energy Systems Accessory (WESA)**

- A. A WESA system shall be located on a parcel consisting of a minimum of five (5) acres in size. Five (5) acres may include not more than two adjacent parcels meeting all the other criteria of this law.
- B. The WESA shall be setback from all property lines, public roads, residences a distance equal to at least 1.5 times the total height of the WESA.
- C. The WESA shall comply with all FAA regulations.
- D. The systems tower and blades shall be painted a non-reflective unobtrusive color that blends the system and its components into the surrounding landscape.
- E. The systems tower shall be free standing.
- F. The system shall be designed and located in such a manor to minimize adverse visual impact from public viewing areas, (i.e. public parks, roads and trails) or historic sites. To the greatest extent possible a WESA shall use natural land forms and vegetation for screening.
- G. All onsite electrical wires associated with the system shall be installed underground except for “tie-ins” to the public utility company, and public utility company transmission poles, towers and lines.
- H. The WESA shall be operated such that no disruptive electromagnetic interference is caused.
- I. All WESA shall be designed and constructed in compliance with the pertinent provisions of the unified Building Code and National Electric Code.
- J. All the WESA shall be equipped with manual and automatic over-speed control.
- K. All WESA units shall be maintained in good condition and in accordance with all requirements of this section.

## **Section 590 Fences**

No owner or occupant of a lot or premises located within the Town shall erect or maintain any perimeter fence or gate except in accordance with the following provisions. Agricultural fences are exempt from these provisions except for provision G.

- A. A fence erected or maintained in the front yard of any lot or premise shall not exceed four (4) feet in height within the front yard setback area (fifty (50) feet) or the front of the present structure, whichever is closer.
- B. A fence erected or maintained on the side of any lot or premise shall not exceed four (4) feet in height from the road edge to the front yard setback requirement fifty (50) feet or the front of the present structure, whichever is closer.
- C. The height of a fence shall be measured from the unaltered grade at the base of the fence to the highest point in the fence.
- D. The good or finished side of the fence is to face the adjoining properties in the case of an interior lot line or to the public street or right-of-way in the case of a property line contiguous with a public place.
- E. All fences must be maintained in a sturdy, safe condition and must be structurally sound and suitably painted or otherwise finished at all times, unless the fence has a natural wood finish. Any slats, components or members must be replaced as and when they become loose or missing.
- F. The fence must be located fully within the property lines of the subject premises.
- G. In no case shall any fences, hedges, trees or shrubbery be located less than fifteen (15) feet from the road edge, or in the judgment of the Supervisor of Highways to be a safety hazard or obstruct the view of vehicular or pedestrian traffic on such roads.
- H. The perimeter of the property as referred to in this section is defined as:  
The area between the property line and the appropriate set back distance as defined in Section 415 .

## **Section 595 Special Events**

All special events shall comply with the provisions of the Town of Greig Mass Gathering Law Local Law 1-2007 dated 5-16-07 and as amended.

A Town of Greig Mass Gathering Permit shall be required in accordance with such local law and shall constitute compliance with Permit requirements of this law.

## **Section 596 Outside Wood Furnaces/Boilers**

1. All new furnaces/boilers installed after the effective date 5-13-2009 of this law must obtain a Solid Fuel Burning Permit prior to installation of said furnace/boilers.

## 2. Standards:

- A. An outdoor wood furnace/boilers shall be tested and listed to appropriate safety & standards such as Underwriters Laboratories, CAN/CSA (Canada National Standards) ANSI (American National Standards) and meet NYS EPA Standards.
  
- B. Owners must submit a site plan to show where unit will be located on the property. Said plan will state distances from owner's structure, from property line and distance from neighbor's residence, not being served by furnace/boiler. This plan will be submitted along with the application for permit to the Town of Greig Code Enforcement Officer.
- C. Outdoor wood furnaces/boiler shall be installed, operated and maintained per the manufacturer's instructions, and law of Town of Greig.
- D. Only natural clean wood or the manufacturer's listed fuels may be burned. Burning of any other materials is prohibited and shall include but not limited to: trash, plastic, gasoline, rubber, naphtha, household garbage, materials treated with petroleum products, particle board, railroad ties, pressure-treated wood, leaves, painted wood, varnished or coated wood containing resins or glue, newspapers or cardboard with any in or dye products, household or commercial grease/oils.
- E. Users must follow the manufacturer's written instructions for recommended loading times and amounts.
- F. Lighter fluid, gasoline or chemicals to start the furnace/boiler are prohibited.
- G. Stack Location:
  - 1. No stack pipe less than 10' in height.
  - 2. If located from the front lot line - no closer than house.
  - 3. 3. From side/rear of lot line - no closer than 50 feet off property line.
  - 4. If located more than 100 feet from another residence not being served by the furnace/boiler, stack requirement (See Item H #4) must be met
- H. Stack Requirements
  - 1. As per stated, no stack less than 10 feet in height (Measurement: elbow to top of pipe)
  - 2. If located 50 feet to any adjoining residence not served by the furnace/boiler, the stack must be at least two feet higher than the peak line of that residence, plus additional two feet.
  - 3. If located more than 50 feet, but no more than 100 feet, to any residence not being served by the furnace/boiler, the stack must be at least 75% of the height of the peak line of that residence, plus an additional two feet.
  - 4. If located more than 100 feet but no more than 150 feet to any residence nor served by the furnace/boiler, the stack must be at least 50% of the eave line of that residence, but an additional two feet.
  - 5. If located more than 150 feet but no more than 200 feet to any residence not served by the furnace/boiler, the stack must be at least 25% of the height of the eave line, plus additional two feet
  - 6. If located more than 300 feet from any residence nor served by the furnace/boiler, the stack must be stated required 10 feet height.

## 3. Inspection / Enforcement

- A. Any residence who has secured a permit to install an outdoor furnace/boiler in doing so will also be agreeing to allow the Town of Greig Code Enforcement Officer or any other person designated by the Town to inspect outdoor furnace/boiler if a complaint is filed in writing relative to any violation of this chapter.
- B. Said inspection will be made by Town of Greig Code Enforcement Officer prior to installation, after receiving paid permit and site plan; and after completion of installation. All furnace/boiler owners will provide to the Code Enforcement Officer an approval certificate from electrical inspection.
- C. Any written/signed complaint of violation will be investigated by the Code Enforcement Officer. Violators will be provided with written suspended permit to burn until violation is corrected; unless no violation is found.
- D. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not reoccur after inspection by the Code Enforcement Officer.

4. Effect On Other Regulations:

- A. Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by United States Environmental Protection Agency, New York State Department of Environmental Conservation, Adirondack Park Agency or any other Federal, State, Regional or Local Agency.
- B. Outdoor furnaces/boilers, and any electrical plumbing, apparatus or device used in connection with an outdoor furnace/boilers shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations.

**Section 598 Two Family Dwelling by Conversion**

- A. Floor area, health, safety and sanitary conditions shall be adequate to insure livability and in particular will provide a minimum floor area of six hundred (600) square feet per dwelling unit.
- B. Conversion shall not physically alter the structure so that it is inconsistent with the size, scale and character of surrounding dwellings; the size of the lot and available yards shall be sufficient to provide reasonable outdoor space and privacy for the two households and the numbers of persons to be housed.
- C. Special Permit, Building Permits, and Zoning Permits are required for conversions.

**Section 599 Two Family Dwelling / Duplex; Multiple Family Dwelling; Condominiums; Townhouses**

- A. The intent of such Special Uses which may be permitted in all Zoning Districts except WF 2 is to accommodate the need for a variety of dwellings in the Town, including but not limited to rental dwellings, dwellings provided by commercial uses for seasonal employees, and attached one-family owner-occupied dwellings, without disrupting or otherwise adversely impacting on the integrity, harmony, scale and character of existing concentrations of detached one family dwellings. Multiple family dwellings; condominiums may be permitted in the Hamlet, RR 1, RR 2 (may require APA approval) and WF 1 Zoning Districts.

- B. Town Houses i.e. those designed to be sold as attached individual units are not allowed in the Town of Greig unless public water and sewer is available. Lot size will be determined by the Planning Board at the time of issuance of a Special Permit.
- C. The location of such use shall not attract or generate additional vehicular traffic through existing one-family dwelling areas to the extent that such traffic will exceed the capacity of the roadway system, and shall not produce other adverse effects on sewer, water, or other services, or the community and environmental setting of such one-family dwellings.
- D. The architectural scale and character of such use shall be consistent and harmonious with the existing dwellings and the neighborhood.
- E. In general, the lot area and yards provided for such use shall exceed minimum requirements and/or otherwise provide liberal separation from existing uses through clustering, screening or other development techniques.
- F. Development of such use shall not entail substantial removal, modification, or disruption of natural resource features, characteristics and values.
- G. Fire inspections of multiple family dwellings are required by the New York State Fire Code and Town of Greig Enforcement Law once every 3 years or as amended.

## **ARTICLE VI. SPECIAL USES**

### **Section 605 General Requirements**

All Special Uses shall require Special Use Review as specified in Article VII. The following uses shall also meet the requirements as specified in this Article and as specified in Article VIII before final consideration by the Planning Board. The requirements of this Article (and Article VIII) may be waived by the Planning Board, where the requirements are found not to be requisite in the interest of the public health, safety, or general welfare or inappropriate to a particular Special Permit.

### **Section 610 Retail Gasoline Outlets**

- A. Location: A retail gasoline outlet lot shall not be located within three hundred (300) feet of any lot occupied by a school, library, or religious institution.
- B. Setbacks: Gasoline and/or fuel pumps and underground fuel storage tanks shall not be located closer than seventy-five (75) feet to any side, rear, or front lot line.
- C. Screening: Such operation shall be screened from adjacent residential property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property.

### **Section 615 Motor Vehicle Repair and Paint Shops**

- A. Setback: All motor vehicle repair and paint shops shall be so arranged as to require all servicing on the premises no closer than fifty (50) feet to any lot line.
- B. Storage of Waste Material: All refuse, discarded parts, etc., as a result of servicing motor vehicles, equipment, etc., shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent lots until disposed of. None of these materials may be disposed of on the

lot.

### **Section 620 Large Product Retail**

- A. Setback: Such sales, rental or storage operations shall be located at least seventy-five (75) feet from side and rear lot lines.
- B. Screening: Such operation shall be screened from adjacent residential property by a fence, hedge or other planting or structure so as not to be visible from the adjacent property.
- C. Servicing Facilities: Such operation that also have service facilities for the same shall meet the requirements of Motor Vehicle Repair and Paint Shops, Section 615.

### **Section 625 Essential Facilities**

- A. Location: The proposed installation in a specific location must be demonstrated to be necessary and convenient for the efficiency of the essential service or the satisfactory and convenient provision of service to the area in which the particular use is located.
- B. Buildings: The design of any building or structure in connection with such facility shall conform to the general character of the area and shall not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.
- C. Landscaping and Screening: Landscaping and screening shall be provided to create a visual and sound buffer between such facilities and adjacent property.
- D. Access: All points of necessary access, or transformers, shall be placed in secure structures at ground level.
- E. Fencing: All electrical transformer facilities or substations, if above ground, shall be secured by a fence. Except where totally enclosed.

### **Section 630 Commercial Excavation, Mineral Extraction**

Except where incidental to the construction of a building on the same lot, the excavation, extraction, processing, or sale of top soil, earth, sand, gravel, clay or other natural deposits are subject to the following standards. Such activity shall not endanger the stability of adjacent land, structures, streets, waterways, other property or water table.

- A. The mining and reclamation plan prepared for the Department of Environmental Conservation review shall also be reviewed and found acceptable by the Planning Board prior to Planning Board issuance of a special permit.
- B. Excavation applications shall be accompanied by a restoration and rehabilitation plan. Bonding will be required by the Town when not required by DEC.
- C. Setback: Excavation activities shall be set back one hundred (100) feet from any property line or public road.
- D. Excavation activities shall be designed and conducted so as not to cause any excessive dust, noise, traffic, or other conditions inappropriate for the neighborhood in which it is located.
- E. No excavation shall endanger the stability of adjacent land or structures.
- F. Screening: All excavation activities shall be screened from the view of public roads and all residential structures, as approved by the Planning Board.

## **Section 631 Asphalt/Black Top/Concrete Plant Limited**

Limited asphalt or concrete plants may be allowed by permit for Town/County road, State or Federal highway projects in RR 1 Zoning District on a temporary basis. All standards within this section shall be complied with in order to qualify as a limited asphalt or concrete plant. If any one of these standards cannot be complied with, the plant shall be required to be located only in an approved Floating Zone/ Industrial Zone where a plant is allowed by Special Permit, and a Special Permit shall first be obtained and comply with all of the provisions outlined in this Section and Sections 420 and 430 of these Regulations. The standards for a limited asphalt or concrete plant are as follows:

- A. The limited asphalt or concrete plant permit shall be renewed annually and shall be limited to a total of three consecutive years. An inspection by the CEO and a site visit by the Planning Board will be conducted annually to ensure compliance with Special Permit requirements and this section of the law. Additionally a letter from other agencies having jurisdiction indicating that there are no violations, will be required before renewal of the Plants Operating Permit.
- B. The limited asphalt or concrete plant and related materials and equipment shall be located no closer than 1,000 feet to any residence other than the residence of the owner of the land upon which the limited plant is to be located.
- C. The asphalt or concrete plant shall comply with state air pollution regulations and a permit from the New York State Department Environmental Conservation (NYSDEC) shall be obtained by the applicant prior to operating the plant.
- D. The applicant shall comply with the State of New York Sanitation Codes.
- E. No contaminated soils shall be stockpiled on the site, used for remediation, or used in the operation of the asphalt or concrete plant.
- F. All fuel tanks shall include fuel / spill containment systems as approved by the NYSDEC.
- G. Any spill of materials capable of contaminating ground water shall be cleaned up immediately to the satisfaction of the NYSDEC.
- H. No washing or cleaning of trucks or truck beds shall be allowed on site unless a wastewater containment system is installed and used to the satisfaction of the NYSDEC.
- I. No waste, production materials, discarded equipment or other such items shall be buried on site.
- J. All equipment and materials utilized in the operation of the limited asphalt or concrete plant shall be removed from the site and the site shall be returned to its original condition, or better, within 30 days following completion of the construction project for which the plant was established.
- K. Surety in the form of a performance bond and/or letter of credit assuring the site will be returned to its original or improved condition shall be submitted to the town prior to issuance of a permit. If not required by NYSDEC.
- L. The application for Permit shall include name, address, phone number of the owner of record, tax parcel number, contractor including a list of officers, and current name and address of all owners of record of abutting parcels.
- M. An approved site plan containing hours of operation, volume and type of material, number of haul vehicles, batch plant description, name and address and location of any residents within 1000 feet of the project, surveyed property map indicating plant location, stockpiles, entrance/exit locations. A written reclamation plan and surety approved by the NYSDEC shall be provided. A map dictating designated haul roads may be required.
- N. A Permit Fee established by the Town Board will be imposed annually.
- O. Additional requirements may be imposed by the Town Planning Board, or Town Board.



### **Section 635 Heavy Industry**

- A. Location: A heavy industrial use shall not locate within two hundred (200) feet of a state designated wetland.
- B. Setback: Heavy industrial uses shall not be located closer than two hundred (200) feet to any front, side, or rear lot line.
- C. Screening: All industrial operations shall be screened from roads, and adjacent property that are other than an industrial use, by a minimum seventy-five (75) foot vegetative buffer area. Plant material shall be six (6) to eight (8) feet in height when planted and shall be spaced to form an opaque screen in multiple rows with alternate spacing or other equally acceptable screening techniques upon approval of the Planning Board.

### **Section 640 Light Industry and Saw Mills**

- A. Setback: A light industrial use or sawmill shall not be located closer than seventy-five (75) feet to any front, side or rear lot line.
- B. Screening: All such operations shall be landscaped and screened to provide a visual and sound buffer from adjacent property.

### **Section 645 Slaughterhouse**

- A. Setback: A slaughterhouse shall be set back at least one hundred (100) feet from the side and rear lot line.
- B. Screening: Slaughterhouses shall be screened from adjacent property by hedges, trees, or other plant material, so as not to be visible, year round, from adjacent properties.

### **Section 650 Restaurants**

- A. All restaurants shall meet the following additional requirements:
  - 1. The restaurant ingress and egress shall be a minimum of five hundred (500) feet from the ingress and egress of any other restaurant of this type.
  - 2. The minimum distance of any driveway to side lot line shall be fifty (50) feet.
  - 3. The parking lot shall be set back at least thirty (30) feet from the road line. Such setback area shall be landscaped with native trees and shrubs in substantial compliance with the standards of Section 815 of this law.
  - 4. Exterior lighting proposed for the site shall be planned, erected, and maintained so it will not cast direct light or glare upon adjacent properties, roadways, or public right-of-way. The light source shall not be higher than twenty (20) feet.
  - 5. Landscaping shall be provided to minimize conflicts with adjacent land uses.

### **Section 655 Campgrounds/Travel Trailer Parks**

- A. Park Location and Condition
  - 1. Each campground/travel trailer park shall have adequate access to a public highway, and each camp/travel trailer site shall be serviced from interior roadways.
  - 2. Mobile homes shall not be parked, whether permanently or temporarily, in any campground/travel trailer park except for the owner/operator.

#### B. Camp/Travel Trailer Site

1. Camps/travel trailer sites shall be located on generally level terrain, not to exceed eight percent (8%) slope, that is well drained, and free of flood hazard.

#### C. Camp/Travel Trailer Site Size

1. An overnight camp/travel trailer site shall be a minimum two thousand five hundred (2,500) square feet in size.

#### D. Setbacks and Spacing

All buildings and camp/travel trailer sites shall have a setback of one hundred fifty (150) feet from the road line of all public roads with the setback area being adequately landscaped to provide screening from all public roads.

#### E. Park Access

Access to all sites shall be consistent with the standards set forth in "Policy and Standards for, Entrances to State Highways," as revised, published by the State of New York Department of Transportation.

#### F. Sewer, Water, and Public Facilities

1. All water supplies and sewage dispersal systems shall comply with the applicable standards of this law, Town Sanitary Code and the State of New York Dept of Health and Environmental Conservation requirements before any permit is issued for occupancy.
2. All campground/travel trailer parks shall provide a building containing at least one (1) toilet, lavatory and shower for each sex, for each twenty (20) travel trailer lots.
3. Additional requirements may be stipulated by the Planning Board in their review in specific projects.

#### G. Recreation

A minimum of ten percent (10%) of the total area of the campground/travel trailer park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.

#### H. Responsibilities of Park Owner

The owner or manager of a campground/travel trailer park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents; home address; and make, description, year, and license or identification number of the trailer. These records shall be available to any law enforcement official or the Town of Greig Zoning Enforcement Officer.

## **Section 660 Manufactured / Mobile Home Parks**

### **A. Park Location and Conditions**

1 The site of a proposed mobile/manufactured home park:

1. Shall be located where orderly development of a mobile/manufactured home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering;
2. Shall have generally level topography not to exceed eight percent (8%) in slope over an area of sufficient size to allow development. of the mobile/manufactured home park without significant alteration or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock out-cropping, and;
3. Shall be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, smoke, noise, odors, or toxic or volatile substances.

### **B. Screening**

Each mobile/manufactured home park shall maintain a fifty (50) foot vegetative buffer area from public lands and adjacent property lines. The buffer area shall be made up of a mixture of native shrubs, and trees, which at the time of planting will provide an opaque screen year round six (6) to eight (8) feet in height. Other equally acceptable screening techniques may be substituted upon approval of the Planning Board.

### **C. Restrictions on Occupancy**

No mobile home shall be admitted to any park unless it meets the standards of Article V.

### **D. Site Requirements**

1. Mobile/manufactured home site. Each mobile/manufactured home park shall be divided (exclusive of internal roads, open space or common areas) and marked-off into mobile/manufactured home sites numbered consecutively, with such number to correspond to the lot shown on the site plan.
2. Site size. Each mobile/manufactured home site shall be thirty thousand (30,000) square feet in size.
3. Site width. There shall be a minimum one hundred (100) foot site width.
4. Site depth. There shall be a minimum two hundred (200) foot site depth.

#### E. Setbacks and Spacing

1. All mobile/manufactured homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a mobile/manufactured home park shall satisfy the following setback requirements. A detached structure accessory to and located on the same site with an individual mobile/manufactured home shall be considered part of the mobile/manufactured home for the purpose of spacing requirements.
  - a. minimum of fifty (50) feet from the front lot line.
  - b. minimum of twenty-five (25) feet from the center line of any roadway internal to the mobile/manufactured home park.
  - c. minimum of forty (40) feet spacing between adjacent mobile/manufactured homes and any other structures in the mobile/manufactured home park.
  - d. minimum of twenty (20) feet from side and rear lot lines.
2. No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within fifty (50) feet of a property line external to the mobile/manufactured home park.

#### F. Park Design Requirements

1. Access. Each mobile/manufactured home park shall provide for safe, legal means of access from one or more public roads as follows:
  - a. access roads shall meet the public roads at right angles and at compatible grades;
  - b. entrances shall be located directly opposite or at least two hundred (200) feet from the nearest intersection of public roads, if any, and at least one hundred fifty (150) feet from any other entrances to the mobile/manufactured home park, if any; entrances must meet the approval of the Town/County Highway Department.
  - c. entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile/manufactured homes attached and of service or delivery vehicles;
  - d. entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road;
  - e. at least one (1) common entrance and access road shall be required to serve any mobile/manufactured home park having less than twenty (20) mobile/manufactured homes; such entrance and internal road shall be sufficient to accommodate fire and emergency vehicles for safety purposes. Approval of the Chief of the Fire Department providing coverage to the Town is required.
  - f. at least two (2) independent entrances and access roads shall be required to serve any mobile/manufactured home park having twenty (20) or more mobile/manufactured homes; and
  - g. access roads connecting mobile/manufactured home park interior roads with the public road shall meet town road standards.

## 2. Internal Roads

- a. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile/manufactured homes attached.
- b. All mobile/manufactured home sites shall face on and be serviced by internal roads.
- c. All roads shall be at least 6" crushed stone, oil and stone, or approved alternative and shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of fifteen (15) miles per hour.
- d. Cul de sacs shall be provided in lieu of closed end roads with a turn around having an outside roadway character of at least ninety (90) feet.
- e. All internal roads shall have a minimum thirty (30) foot right- of-way, sixteen (16) feet of which must be at least 6" crushed stone, oil and stone, or approved alternative.

3. Recreational Areas and Open Space. Easily accessible and usable open spaces shall be provided in all mobile/manufactured home parks. Such open space shall have a total area equal to at least ten percent (10%) of the net land area of the park and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed. Recreation areas to be usable for active recreation purposes. Setback and buffer areas shall not be included when determining the net area of the park.

4. Water supply and sewage disposal systems shall be designed and constructed in compliance with all New York State Health Department and Environmental Conservation Department requirements and approvals. Proof of such compliance for the mobile/manufactured home park must be submitted prior to final approval.

5. Garbage and Refuse. Each mobile/manufactured home park owner shall provide a plan to collect and properly dispose of garbage and refuse.

## 6. Fuel Supply and Storage.

### a. General Requirements:

All fuel supply systems, provided for mobile/manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the New York State Uniform Building and Fire Prevention Code.

## 7. Electrical Service.

a. Every mobile/manufactured home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must meet the requirements of the Uniform Fire Prevention and Building Code.

b.. All utilities/wiring shall be installed underground.

8. Park Office. The owner or manager of a park shall maintain an office in the park or post available office hours.

#### 9. Service Buildings

- a. Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
- b. All service buildings and the grounds of the mobile/manufactured home park shall be lighted and maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

#### 10. Fire Protection and Control

No open fires shall be permitted any place within the mobile/manufactured home park with the exception of outdoor grills used for the preparation of foods.

### G. Responsibilities of Park Operators and Park Occupants

1. A person to whom a special permit for a mobile/manufactured home park is issued shall operate the park in compliance with the standards set forth in this local law and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition, in accordance with the New York State Property Maintenance Code.
2. The park operator shall place or supervise the placement of each mobile/manufactured home on its pad which includes ensuring its stability by securing all tie-downs and installing all utility connections. The Park Owner shall apply to the Town of Greig Code Enforcement Officer for a Certificate of Occupancy before the unit is occupied.
3. The park operator shall maintain a register containing the names of all occupants and the make, year, and serial number, and HUD number for each mobile/manufactured home. Such register shall be available to any authorized person of the Town inspecting the park.
4. The park occupant shall be responsible for the maintenance of his/her mobile/manufactured home and any appurtenances thereto, and shall keep all yard space on site in a neat and sanitary condition.
5. A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.

**Section 665 Adult use and Entertainment Establishments; Including but not limited to Adult Book Stores, Adult Video Stores, Adult Cabarets, and Adult Arcades.**

- A. No adult use and entertainment establishment shall be located within 1000 feet of:  
(a) the property line of any preexisting public or semi-public structure or use as defined herein, or (b) any preexisting dwelling.
- B. The adult use shall be conducted entirely within an enclosed building. All windows and doors will be opaque. No "specified anatomical area" or "specified sexual activity" (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
- C. No outside displays or advertising other than an approved sign shall be permitted.
- D. The serving of alcoholic beverages shall be prohibited unless specifically permitted by the Planning Board in their Special Use Permit review and approval.

**Section 670 Bed and Breakfast /Hostel Establishments**

- A. The business shall be conducted within the principal residence of the operator.
- B. No more than five (5) rooms shall be used as bedrooms for paying guests, and not more than 10 transient lodgers.
- C. If meals are offered, they shall be offered only to registered lodgers.
- D. Facilities and services shall be offered solely to registered lodgers and not to the general public.
- E. Banquets, parties, weddings, or meeting rooms are prohibited.
- F. No apartment or rental units shall be permitted other than the residents living quarters and the bed and breakfast rooms.
- G. Building permits are required for the conversion of any owner occupied single family dwelling to a Bed and Breakfast facility.

**Section 675 Mini-Storage**

- A. Minimum lot size: 87,120 square feet (2 acres)
- B. A minimum of 100 foot of landscaped set back shall be required from the edge of the highway right of way.
- C. A minimum of 100 foot landscaped set back shall be required surrounding the area used for storage and driveways or from all property lines.
- D. The use of all rental units shall be limited to storage.  
Renters may conduct minor maintenance such as cleaning, minor repairs and spot painting to their privately owned boats, trailers and other recreational vehicles. However, no rental space shall be used for any retail or service activities / uses including: businesses or professional offices, retail sales, services provided for a fee, or fabrication of any products intended for sale
- E. The project is to be designed of conventional mini storage materials (metal siding and roof or concrete Block) or alternatives as approved by the Planning Board. Natural or manufactured screening is required. The Planning Board must approve building colors and signage at the time of issuance of the Special Permit.
- F. Lighting: The exterior lighting shall be directed downward and away from adjoining property and public roads and shall not constitute a traffic hazard. Lighting shall be shielded from shining into the nighttime sky so as to prevent light pollution

G. Maximum height of the Mini-Storage is 20 feet.

H. If outside storage is approved, a screened fenced area at the rear of the site must be provided. Such fencing shall be high enough and of a material to shield from view items stored within the Fenced area, from the road and adjacent properties.

Note: The purpose and intent is to ensure that adequate screening is provided. The Planning Board shall have the option of requiring additional screening / fencing to provide adequate screening.

### **Section 680 Amusement Arcades**

Any premise or part thereof or separate part of a premise in which are located three (3) or more amusement machines. Such operations require a Special Permit approval by the Town Planning Board.

**Exception:** Does not include any premises, part thereof that is licensed by the New York State Liquor Authority.

- A. The applicant shall provide a site plan including parking availability, restroom facilities, and the number of amusement machines proposed to be installed, or provided in the place.
- B. No person under the age of 16 years may play any amusement machines unless accompanied by a parent or guardian after 9:00 pm on any business day.
- C. All amusement machines are within the premise.
- D. No external sound system broadcasting music or other sounds may be used.
- E. No internal sound system, broadcasting music or other sounds, may be used so as to be heard outside the premises.
- F. All arcades will comply with all other regulations of the Town of Greig Zoning Law and the New York State Building and Fire Code.

### **Section 685 Kennels**

- A. A Special Use Permit review and approval is required for the operation or maintaining of any Kennel. The Planning Board shall consider that the location and operation of the Kennel is appropriate for housing multiple dogs/cats and will be consistent with the health and safety of the dogs/cats and the neighbors. A Site Plan must be submitted as part of the Special Use Permit Application.
- B. The location of the Kennels on the property will have no significant adverse effect on the peace and quiet or sanitary condition of the neighborhood.
- C. The Kennel will be operated in a manner that will cause no nuisance to the public.
- D. Kennels must be located on a minimum of a 2-½ acre site.
- E. Kennels, shelters, and dog runs must not be located within 500 feet from a pre-existing residence, except that of the Kennel owner.
- F. Kennels may require a Building Permit if over 144 square feet and must comply with Building Setbacks within the applicable Zoning Districts.
- G. Dogs/cats must be confined or under direct control of the Kennel operator or staff at all times.
- H. Outside Kennel areas shall be fenced. Fencing shall consist of durable materials and a minimum height of 6 (six) feet and shall deter dogs/cats from escaping over, under or through the fence.
- I. The Kennel shall be limited to a total of 25 (twenty five) dogs on the premise at any one time. All dogs over 6 months of age must be licensed.
- J. Animals must be kenneled inside overnight, and outdoor usage areas shall be limited to daytime, 7 am to 9 pm, usage only.



### **Section 690 Recycle Centers**

- A. Establishment of a Recycle Center requires the issuance of a Special Permit by the Planning Board. A site plan will be required as part of the Special Permit Application.
- B. Recycle Center must be constructed with the following:
  - Barriers must be installed to control access to the center
  - Appurtenances to control pollution and litter
  - Fencing that screens the center from view by members of the general public
- C. Processing of bulk items such as white goods and scrap metal must be processed on concrete or asphalt paved surfaces that controls run off and run on, and the accumulation of standing water. Further processing by welding or cutting of scrap metal can be conducted on a gravel surface.
- D. Storage areas of processed materials shall not cause health or environmental hazards or public nuisance.
- E. The center may receive, store and process only source separated recyclables for which there is an available market.
- F. Prohibited waste: Hazardous waste; PCBs; asbestos; contaminated soils; raw sewage; septic tank plumbing; and regulated medical waste.
- G. The center may only operate during hours specified in the Special Permit and gates must be installed so that the public does not have access unless someone is on the site to supervise the incoming recyclable material. Hours shall not exceed 8:00am to 8:00pm Monday through Friday; 8:00am to 5:00pm Saturday; no operating hours on Sunday.

### **Section 695 Pipelines**

- A. A Special Permit is required for the construction of pipelines, which cross public rights of way and private property of other than the pipeline owner. Exclusion: The construction of pipelines by public utilities having a franchise to operate in the Town and municipal authorities are exempt.
- B. Route maps and construction details and easement agreements must be presented at the time of Special Permit review.

### **Section 696: Temporary Storage**

These types of storage facilities are allowed during construction, renovation, or following water or fire damage.

- A. The storage facility must be located to meet setback requirements established for each Zoning District.
- B. May be used for a period not to exceed 6 months without a Permit. Where the duration of the project will exceed 6 months, an application for Special Permit must be filed with the Planning Board for approval of an extended period.
- C. Temporary car shelters may be installed on an annual basis for seasonal use and may not exceed the 6-month duration. Use exceeding 6 months requires application for a Zoning Permit and must meet appropriate setbacks as an accessory building.

### **Section 697 Solar Energy Systems Principal**

- A. Principal Solar Energy Systems must comply with all requirements of Section 586
- B. **Permit application** – Special Permit required, Building Permit required.
- C. Installation must be located in an LI 1 district. (Creation of this Zoning District requires completion of the Floating Zone process, Section 420.)

### **Section 698 Wind Energy Systems Principal (WESP)**

- A. Principal Wind Energy systems must comply with all the requirements of Section 587.
- B. Permit Application – Special Permit required, Building Permit required.
- C. Construction of onsite access roads shall be minimized.
- D. To prevent harmful wind turbulence to existing structure the minimum height of the lowest part of any horizontal axis WESP blade shall be at least thirty (30) feet above the highest structure or tree within a five hundred (500) foot radius.
- E. No television, radio or communication antennas may be affixed or otherwise made a part of a WESP.
- F. If it is determined that a WESP is causing stray voltage the operator will take any and all necessary corrective action to eliminate the problem up to and including relocation and removal of the WESP.
- G. A WESP which is not operational and in use for 12 months shall be deemed abandoned and the WESP shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any or all conditions that may be attached to the granting of any permit shall constitute grounds for the revocation of the permit.

## **ARTICLE VII. SPECIAL USE REVIEW PROCEDURE**

### **Section 705 Authority**

All special uses must receive special permit approval by the Planning Board. Upon the Planning Board's granting of a special permit, all conditions must be met in connection with the issuance of a zoning permit by the Enforcement Officer.

### **Section 710 Objectives**

In considering and acting on special uses, the Planning Board shall consider the public health, safety, and welfare, of the public in general; the residents of the proposed development, and the residents of the immediate surrounding area. The Planning Board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

- A. Compatibility: That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the General Plan for the community.
- B. Vehicular Access: That proposed access points are not excessive in number, but adequate in width, grade, alignment, and visibility; not located close to intersections or places of public assembly; and other similar safety considerations.
- C. Circulation and Parking: That adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by any persons connected with or visiting the development, that the interior circulation system is adequate to provide safe accessibility to all required parking lots, and that it provides adequate separation of pedestrian and vehicular movements.
- D. Landscaping and Screening: That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential and waterfront areas and that the general landscaping of the site is in character with the surrounding areas.
- E. Natural Features: That the proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas and that existing natural scenic features are preserved to the greatest extent possible

### **Section 715 Procedure**

- A. Application for Special Permit. Two copies of a Town prescribed application for a special permit shall be filed with the Town Planning Board at the Town Clerk's office together with the appropriate fee as determined by the fee schedule adopted by Town Board resolution. The application and plan, shall include where applicable as determined by the Planning Board, but not be limited to, the following:
  - 1. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings.
  - 2. Date, north point, written and graphic scale;

3. Boundaries of the area plotted to scale, including distances, bearings, and areas;
4. Location and ownership of all adjacent lands as shown on the latest tax records;
5. Location, name, and existing width of adjacent roads;
6. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
7. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
8. Existing hydrologic features together with grading and drainage plan showing existing and proposed contours at five foot intervals;
9. Location, proposed use, height, and dimensions of all buildings;
10. Location, design, construction materials of all parking and truck loading areas with access and egress drives thereto;
11. Provision for pedestrian access, including public and private sidewalks.
12. Location of outdoor storage, if any;
13. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
14. Description of the method of sewage disposal and the location, design, and construction materials of such facilities;
15. Description of the method of securing public water and location, design, and construction materials of such facilities;
16. Location of fire lanes and other emergency zones including the location of fire hydrants;
17. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;
18. Location, size, design, and construction materials of all proposed signs;
19. Location and proposed development of all buffer areas including indication of existing and proposed vegetative cover;
20. Location and design of outdoor lighting facilities;
21. Designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office, and other similar commercial or industrial activities;
22. Number and distribution by type of all proposed dwelling units;
23. General landscaping plan and planting schedule;

24. SEQRA Environmental Assessment Form;

25. Other elements integral to the proposed development as considered necessary by the Planning Board.

B. Planning Board Review of Special Use. The Planning Board shall consider the proposed special use and its net effect on the community. Such consideration shall include, as appropriate, but shall not be limited to, compatibility with the general plan, the economic, social physical, and environmental aspects of the proposal, and such other matters as may be determined pertinent. The board may consult with local and county officials, its designated consultants, and also with representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation the Department of Environmental Conservation, and the Department of Health

C. Public Hearing. The Planning Board shall conduct a public hearing on the special use application. Such public hearing shall be conducted within sixty-two (62) days of the receipt of the completed application and shall be advertised at least five (5) days and not more than twenty (20) before the hearing in the Town's official newspaper. At least ten (10) days before such hearing the Planning Board shall mail notice thereof to the applicant.

D. Planning Board Action on Special Use. Within sixty-two (62) days of such public hearing, the Planning Board shall act on the special use application. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the special use application is approved, disapproved, or approved with conditions. If the special use is disapproved, the statement will contain the reasons for such findings.

Upon approval of the special permit and payment by the applicant of all fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the site plan, special permit, and all documents submitted as part of the application.

The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy mailed to the applicant.

E. County Planning Board Review. The Planning Board shall provide notice of all special use review matters that fall within those areas specified under General Municipal Law, Article 12-B, Section 239-m to the County Planning Board at least ten (10) days prior to public hearing. Any special use that falls within 500 feet of the boundary of the Town; a State/County park or recreation area; a State or County highway or expressway; a State or County owned drainage channel; State or County land where a public building or institution is located; or requires an agricultural data statement shall be referred to the Lewis County Planning Board for their recommendations thereon. The notice shall be accompanied by a full statement of the matter under consideration. If the County Planning

Board does not respond within thirty (30) days from the time it received a full statement on the referral matter, or such longer period as agreed upon by the Town and County, then the Planning Board may act without such report. The local Planning Board must report to the County Planning Board within seven (7) days after taking a final action thereon.

F. Agricultural Data Statement; Requirements. An application for a special permit that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The Planning Board shall consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district

G. Agricultural Data Statement; Content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

H. Agricultural Data Statement; Notice Provision. Upon the receipt of such application by the Planning Board, the Secretary of such Board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. . Such notice shall include a description of the proposed project and its location. The cost of mailing said notice shall be borne by the applicant.

1. Environmental Review. The Planning Board shall be responsible for compliance with the State Environmental Quality Review (SEQR) Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, N.Y.C.R.R., 617.

### **Section 720 Bond for Installation of Improvements**

#### A. General

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Planning Board may require that the applicant enter into one of the following agreements with the Town.

- I. Furnish a bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Planning Board. Such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety; or .
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Town. Acceptable substitutes, if furnished, shall be kept on deposit with the Town for the duration of the bond period.

#### B. Conditions:

When required, before a special use permit is approved, the applicant shall have executed a contract with the Town, and a performance bond, certified check, or bank letter of credit shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.

The performance bond, certified check, or bank letter of credit shall be to the Town and shall provide that the applicant, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the special use permit.

Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.

Wherever a certified check is made, the same shall be made payable to the Town.

#### C. Extension of Time

The construction or installation of any improvements or facilities, other than roads, for which guarantees have been made by the applicant in the form of a bond, certified check, or bank letter of credit, shall be completed within one (1) year from the date of approval of the special use. Road improvements shall be completed within two years from the date of approval of the special use. The applicant may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

#### D. Schedule of Improvements

When a certified check, performance bond, or bank letter of credit are made pursuant to the preceding sections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the contract.

#### E. Inspections

Periodic inspections during the installation of improvements shall be made by the Code Enforcement Officer to insure conformity with the special permit and specifications as contained in the contract and this law. The applicant shall notify the Code Enforcement Officer when each phase of improvements is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Town Clerk the inspection fee required by the Town Board.

Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his representative. Such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified deposit as designated in the contract to cover cost of such completed work.

#### F. Acceptance of Roads and Facilities

When the Code Enforcement Officer following final inspection of the improvements, certifies to the Town Board that all installation and improvements have been completed in accordance with the contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.



## **ARTICLE VII. SPECIAL USE REVIEW STANDARDS**

### **Section 805 General**

In review and approval of Special Uses, the Planning Board shall follow the standards set forth in this Article.

### **Section 810 Soil Erosion and Sedimentation Control**

#### **A. General**

If, in the opinion of the Planning Board, the accelerated erosion of soil will result from any development proposal, the Planning Board shall require that such erosion shall be controlled. To accomplish this, a person engaged in earthmoving activities shall develop, implement and maintain erosion and sedimentation control measures which effectively minimize accelerated erosion and sedimentation. These erosion and sedimentation measures must be set forth in a plan as described below and must be available at all times at the site of the activity.

#### **B. Erosion and Sedimentation Control Plan**

1. The erosion and sedimentation control plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.
2. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation and shall consider an factors which contribute to erosion and sedimentation including, but not limited to, the following:
  - a. The topographic features of the project area;
  - b. Types, depth, and slope of soils;
  - c. The proposed alteration to the area;
  - d. The amount of runoff from the project area and the upstream watershed area;
  - e. The staging of earthmoving activities;
  - f. Temporary control measures and facilities for use during earthmoving;
  - g. Permanent control measures and facilities for long-term protection; and
  - h. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.

#### **C. Restoration**

1. Upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion shall be prevented.
2. Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed.
3. Upon completion of stabilization, all unnecessary or unusable control

## **Section 815 Landscaping and Screening**

### A. General Requirements:

1. Plant materials shall be selected according to hardiness and ability to withstand highway salt conditions.
2. To the greatest extent possible, plantings shall be native deciduous, or evergreen.
3. Plantings or hedge buffers shall not be designed to obstruct view at roadway intersections or points of highway access.
4. Plantings shall be installed at a height approved by the Planning Board. When the Planning Board deems screening necessary, said screening shall be designed to form an opaque buffer.
5. When landscaping, screening or buffering are required for a given use, said materials shall be maintained, replaced when necessary, and kept neat and orderly.

### B. Screening: Where landscape materials are required for screening purposes, the following standards or approved equivalent shall be used:

1. When sufficient space is available, a dense screen of evergreen plant materials shall be used.
2. Plant materials shall be planted at a height approved by the Planning Board and shall be spaced to form an opaque screen facilities shall be removed, the areas shall be graded and the soils shall be stabilized.

## **Section 820 Drainage**

1. To the extent practicable, all development shall conform to the natural land contours and pre-existing manmade drainage ways shall remain undisturbed.
2. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
  - a. The retention results from a technique, practice, or device deliberately installed as part of an water run-off control plan; or approved sedimentation or storm
  - b. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety
3. No surface water may be channeled or directed into a sanitary sewer.

4. Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainage ways on surrounding properties or roads.
5. Construction specifications for drainage swales, and storm drainage shall be designed to Town requirements.
6. All developments shall be constructed and maintained so that adjacent properties are not impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties.

## **ARTICLE IX - ADMINISTRATION AND ENFORCEMENT**

### **Section 905 Permits**

- A. 1. No building or structure shall be erected, moved, or use instituted, or land use changed, until a zoning permit, special permit, or temporary permit has been issued, unless otherwise exempted by this law. The exterior structural area of a building shall not be enlarged until a zoning permit, or special permit has been issued, unless otherwise exempted by this law.
  2. No permit for a year round land use activity shall be issued for any property abutting on the following roads: Eatonville Road, Abbey Road, Van Arnam Road, North South Road, and Middle Road, beyond the present year round maintenance section, unless or until such time as the Town Board has determined such road to be suitably improved for year round access by emergency vehicles. Any person applying for a land use activity on these roads must designate where and how they intend to access the property, and whether the activity will be a year round activity. Any individual with property on these roads may petition the Town Board to make suitable improvements to the road to allow year round access within a reasonable period of time. The Town Board shall not be required to extend road facilities more than 500 feet in any given fiscal year, unless the proposed increase in assessed value along such portion of road exceeds \$250,000 for each 500 feet.
- B. A permit shall not be required for the following; however, these activities shall be required to meet the standards of this law, and shall be required to obtain a N.Y.S. Uniform Building and Fire Prevention Code Permit, as appropriate.
1. Fences, walls, placement of posts, and shrubbery.
  2. Agricultural structures.
  3. Garage, lawn, and porch sales.
- C. When establishing measurements to meet the required yard and structure setbacks, the measurements shall be taken from the road line, lot line, or nearest mean high water mark to the furthestmost protruding part of the structure. This shall include such projecting facilities as porches, carports, attached garages, etc.

- D. No permit or certificate of occupancy shall be issued for any building or structure where the construction, addition, and exterior expansion or use thereof, would be in violation of any of the provisions of this law.
- E. A zoning permit and/or special permit issued in accordance with this law shall expire two (2) years from the date of issuance if business has not commenced or construction undertaken.
- F. Any use that has been discontinued for a period of twenty-four (24) months or longer shall be termed abandoned and may not be re-instituted without applying for a new permit.
- G. Applications for zoning permits and temporary permits shall be submitted to the Code Enforcement Officer or Town Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of existing and proposed structures and accessory structures; the distance from the building line to all lot lines, road lines, waterfront property lines, streams, and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on a form issued by the Town.
- H. A fee as determined by resolution of the Town Board shall be paid for each permit.
- I. Temporary permits may be issued by the Code Enforcement Officer, upon approval by the Planning Board (as meeting the intent and purpose of this law) for a period not exceeding one (1) year, for conforming and nonconforming uses. Such temporary permits are conditioned upon agreement by the owner, or operator to remove any nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed.
- J. Parking lots for places of public assembly, commercial, industrial, or business uses shall require a zoning permit for placement. They shall meet the requirements of Sections 515, 520 and 525.

**Section 910 Code Enforcement Officer**

- A. This law shall be enforced by the Code Enforcement Officer, who shall be appointed by the Town Board.
- B. The Code Enforcement Officer's authorities shall include:
  - 1. Approve and/or deny zoning permits.
  - 2. Scale and interpret zone boundaries on Zoning Maps.
  - 3. Approve and/or deny Certificates of Occupancy.
  - 4. Refer appeal matters to the Zoning Board of Appeals.
  - 5. Revocation of a zoning permit where there is false, misleading or insufficient information. Revocation of a zoning permit and/or Certificate of Occupancy where the applicant has not done what was proposed on the application.
  - 6. Issue stop work orders for noncompliance with this zoning law.
  - 7. The Code Enforcement Officer shall report at regular Town Board meetings the number of zoning permits issued.

8. Issue appearance tickets and refer violations to the Town Justice.
9. Conduct periodic building inspections as required by Town of Greig Local law for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code, Local Law# 1 – 2007 Dated 1-1-07
10. Conduct periodic fire inspections as required by Title 19 NYCRR Part 1203.
11. Code Enforcement Officer will enforce other codes and regulations as approved and authorized by the Town of Greig Town Board.

### **Section 915 Certificates of Occupancy/Compliance**

- A. No land, building or structure shall be used, occupied, or changed in use until a Certificate of Occupancy/ Compliance has been issued by the Code Enforcement Officer stating that the building, structure, or proposed use complies with the provisions of this law.
- B. All Certificates of Occupancy/Compliance shall be applied for coincidentally with the application for a permit. The certificate shall be issued within ten (10) days after the erection or alteration and state that the use complies with the provisions of this law.
- C. The Town Clerk shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- D. Under such rules and regulations as may be established by the Planning Board, a temporary Certificate of Occupancy/Compliance for not more than thirty (30) days for a part of the building may be issued by the Code Enforcement Officer. Such temporary certificate may be renewed upon request for an additional 30 days.

### **Section 920 Zoning Board of Appeals**

- A. Creation, appointment, and organization: A Zoning Board of Appeals is hereby created. Said Board shall consist of five (5) members. At the Town Boards discretion an alternate may be appointed. The Town Board shall appoint the members of the Board of Appeals on a staggered term basis, and shall select the Chairman in conformance with Town Law. The Board of Appeals shall select a Secretary, and Vice-Chairman, and shall prescribe rules for the conduct of its affairs.
- B. Powers and duties: The Board of Appeals shall have all the power and duties prescribed by Section 267 of the Town Law and by this law, which are more particularly specified as follows:
  1. Definitions. As used in this section:
    - a. "Use variance" shall mean 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 regulations.
    - b. "Area variance" shall mean 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.
  2. Interpretation: Upon appeal from a decision by an administrative official or citizen to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any zone boundary if there is uncertainty with respect thereto.
  3. Variances: To vary or adapt the strict application of any of the requirements of this law in the case of exceptionally irregular, narrow, shallow, or steep lots, and other exceptional physical conditions; or undue use hardships; whereby such strict application would result in practical difficulty or unnecessary

hardship that would deprive the owner of the reasonable use of the land or building. Variances must meet the criteria of Town Law, legal parameters and the regulations and intent of this law. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

4. Use Variances:

- a. The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
- b. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
  1. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  2. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  3. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  4. that the alleged hardship has not been self-created.
- c. The Board of Appeals, in 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, and at the same time preserve and protect the character of the neighborhood and the health and safety and welfare of the community.

5. Area Variances.

- A. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
- B. In making its determination, the Zoning Board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
  1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  3. whether the requested area variance is substantial;
  4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
6. The Board of Appeals, in the granting of area variances, shall grant the minimum

variance that shall be deemed 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.

- C. Procedure: The Board of Appeals shall act in accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Town. Every appeal or application shall refer to the specific provisions of the law being appealed and shall set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public and records thereof shall be filed with the Town Clerk. Such appeals shall be taken within 60 days after the filing in the Town Clerk's Office of an order, requirement, decision, interpretation or determination of the Code Enforcement Officer.

### **Section 925 Planning Board**

- A. Appointment, and organization: The Town Planning Board shall consist of five (5) members. At the Town Board's discretion an alternate may be appointed. The Town Board shall appoint the members of the Town Planning Board on a staggered term basis and shall select the Chairman in conformance with Town Law. The Town Planning Board shall select a Secretary, and Vice-Chairman, and shall prescribe rules for the conduct of its affairs.
- B. Powers and duties: The Planning Board shall have the following powers and duties with respect to this law:
1. Submittal of an advisory opinion to the Town Board for proposed amendments to this law.
  2. Review and approval, approval with modifications, or disapproval of special uses within the Town as designated pursuant to Section 274-a of the Town Law and in accordance with the standards and procedures set forth in this local law. It is understood that the Planning Board may vary the strict application of general and specific special use review criteria in order that the applicant meet generally prescribed performance criteria
  3. Review, approve or disapprove temporary permits.
- C. Procedure: The Planning Board shall act in accordance with the procedure specified by this Law. All applications made shall be made in writing on forms prescribed by the Town. Every decision of the Planning Board shall be made by resolution which shall contain a full record of findings in the case. All records, findings and minutes shall be filed with the Town Clerk.

## **Section 930 Violations and Penalties**

- A. Whenever a violation of this law occurs, the Code Enforcement Officer, Town, or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the Code Enforcement Officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the Town shall take action to compel compliance.
- B. Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the Code Enforcement Officer is hereby authorized to issue an appearance ticket to any person, firm, or corporation causing a violation of this law, and shall cause such person, firm, or corporation to appear before the Town Justice.
- C. Pursuant to Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation. Notwithstanding the provisions of the Executive Law of the State of New York and more particularly Section 382 (2) penalties for violation of the Uniform Code in the Town of Greig shall be as follows:
1. For first offense, a fine of not less than \$100 and no more than \$250 and/or 15 days in jail;
  2. For the second offense within a 3 year period, a fine of not less than \$200 and no more than \$350 and/or 15 days in jail;
  3. For third or subsequent offenses within a 3 year period, a fine of not less than \$250 and no more than \$500 and/or 15 days in jail. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- D. In case any building or structure is erected, constructed, or reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of the law, the proper local authorities of the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure or refusal of the proper local officer, board or body of the town to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the town is authorized to do. E. The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.



## **Section 935 Nonconformities**

### **A. Intent**

The intent of this section is to recognize certain uses, lots of record and structures which legally exists at the time of enactment of this local law and which would be prohibited or unreasonably restricted by the provisions, regulations, standards, or procedures herein. This section shall not, however, be construed to perpetuate or encourage the survival or expansion of such uses, lots or structures.

### **B. Non-Conforming Uses**

Any use of land or structures which by the enactment of this local law is made non-conforming may be continued on the premises and to the extent pre-existing provided that:

1. No non-conforming use shall be expanded, extended, or otherwise increased by more than twenty percent (20%) so as to occupy a greater area of land (footprint) than was committed to the non-conforming use at the time of enactment of this law;
2. No non-conforming use shall be extended so as to displace a conforming use;
3. Any non-conforming use of land or structures which has, for any reason, been discontinued for a period of two (2) years, shall not be re-established and only conforming uses shall be thereafter permitted;
4. A non-conforming use of land or structures once changed to a conforming use shall not be permitted to change back to a non-conforming use.

### **C. Non-conforming Lots of Record**

Any lot of record existing prior to the enactment of this local law and having lot width, lot depth, and/or area, less than the minimum requirements set forth in this local law may be developed with any compatible use listed for the zone in which such non-conforming lot is located without requiring a variance provided that such lot:

1. Has sufficient area, width, and depth to undertake development which will:
  - a. Maintain the required minimum front yard,
  - b. meet or exceed at least one-half (1/2) of the required minimum side and rear yard requirements,
  - c. not exceed the maximum permitted lot coverage; and
2. Satisfies all other applicable provisions of this local law.

### **D. Non-conforming Structures**

Any pre-existing structure which by the enactment of this local law is made non-conforming may be used for any compatible use listed for the zone in which such structure is located provided that it shall not be enlarged or extended by more than twenty percent (20%) footprint, greater land area, and shall not increase its non-conformance in terms of front, side, and rear yard requirements or lot coverage. Nothing under the provisions of this local law shall prevent the repair, restoration, or reconstruction of a non-conforming structure damaged by fire or other hazard provided that:

1. Its owner or owners can demonstrate that construction, erection or location of a conforming structure is either:
  - a. physically impractical due to the size, configuration, or condition of the lot; or
  - b. a physical hardship; an

2. Such repair, restoration, or reconstruction is undertaken:
  - a. only on the premises and to the extent previously occupied by the non-conforming structure and;
  - b. Within two (2) years from the date on which the damage or destruction occurred.

### **Section 940 Amendments**

- A. The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be referred to the Lewis County Planning Board for their recommendation and for a report thereon prior to final action. 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 to be given as follows:
  1. By publishing a notice at least ten days prior to the time of such hearing in the Town's official newspaper.
  2. By referring the proposed amendments to the Clerk of the County Legislature and the clerks of neighboring towns and villages, and to any housing authority or state park commission whose property might be affected, at least ten (10) days prior to the public hearing.
- B. In case of a protest against such change signed by the owners of twenty percent (20%) or more of the area of land included in such proposed change or of an adverse recommendation by the County Planning Board, the Town Board must have a majority plus one vote in favor to adopt the amendments.

### **Section 945 Interpretation and Separability**

- A. Interpretation: Interpretation and application of the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. Whenever the requirements of this local law differ from the requirements of any other lawfully adopted rules, regulations, ordinances or local laws the most restrictive, or that imposing the higher standards, shall govern.
- B. Separability: If any section or provision of this local law or the application thereof to any person or circumstance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person or circumstances and to this end the provisions of this local law are hereby declared to be separable.

### **Section 950 Effective Date**

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

