

SITE PLAN REVIEW

CHAPTER 100

For the

Town

of

NEW LISBON, NEW YORK

Code Prepared by:



Planit Main Street, Inc.

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ARTICLE I General Provisions

§100-1 GENERAL PROVISIONS

§100-1.1. Enactment.

The Town Board of the Town of New Lisbon, Otsego County, New York, does hereby ordain and enact the Town of New Lisbon Site Plan Review Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 274-a of Town Law.

§100-1.2. Short title.

This local law shall be known as the "Town of New Lisbon Site Plan Review Law." The Town of New Lisbon is hereinafter referred to as the "Town."

§100-1.3. Intent and purpose.

Through Site Plan Review, it is the intent of this Law to promote the health, safety and general welfare of the Town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its inhabitants. The operative purposes include assuring the public safety from fire, flood, panic and other dangers; the provision of adequate light and air of good quality; prevention of overcrowding; avoiding undue concentrations of population; facilitating adequacy of transportation; maintaining quality of water supply and of waste treatment; preserving and enhancing property values, where possible, and encouraging the most appropriate uses of land throughout the Town.

It is the further intent of this Law to ensure optimum overall conservation and use of the natural and human-related resources of the Town, consistent with the Comprehensive Plan, by regulating land use activity within the Town through review and approval of site plans. It is not intended to prohibit any lawful land use activity but to require all proper land use activities to meet minimum standards set forth herein, as well as to protect the Town from impacts that are now unforeseeable. It is further intended to protect the residents of the Town from damage due to ill-considered economic development. The Town needs and wants new and vigorous economic activity, but such need not be so poorly carried out as to infringe on the normal rights and privileges of the Town's residents.

§100-1.4. Authorization of Planning Board to review site plans.

The Planning Board is hereby authorized to review and to recommend to the Town Board, approval, conditional approval or disapproval of site plans for Land Use Activities within the Town in accordance with the standards and procedures set forth in these regulations. Approvals of site plans will be effective upon issuance of a Site Plan Review Permit by the Town Board or by the Planning Board following Town Board approval.

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§100-1.5. Applicability of review requirements.

All new Land Use Activities within the Town shall require site plan review and approval before being undertaken, except for the following:

- A. Construction of a one-family or two-family dwelling and ordinary accessory structures and related land use activities.
- B. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this Law.
- C. Ordinary repair or maintenance or interior alterations to existing structures or uses.
- D. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25%; or cause said structure to violate the 75-foot setback required by the Town's local law, or cause the structure to be made suitable for a new category of use outside the classes of exceptions specified within Section 100-2.2, or cause said structure to perpetrate any nuisance whatever against a neighbor.
- E. Unlighted and nonreflective signs under 12 square feet in area, to be placed at elevations less than 10 feet above grade.
- F. All agricultural operations except the proposed construction of permanent buildings or processing facilities.
- G. The sale of agricultural produce and seasonal temporary structures related to the sale of agricultural produce, provided that such structures are (a) set back from the roadway by 75 feet, (b) are safe, non-congesting, and in compliance with accepted standards for the type roadway involved.
- H. Garage, lawn and porch sales not exceeding three (3) days. If such sales take place more often than three (3) times in any calendar year, site plan approval will be required.
- I. Home occupations with no non-resident employees and no customers coming to the one-family or two-family dwelling.

Any person uncertain of the applicability of this Law to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination.

§100-1.6. Effect on existing uses.

This Law does not apply to uses and structures that were lawfully in existence as of the date it becomes effective. Any use which would otherwise be subject to this Law, which has been discontinued for a period of five years or more, shall be subject to review pursuant to these regulations before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date hereof and fully constructed and completed within one year from the above effective date.

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§100-1.7. Relationship of this law to other laws and regulations.

This Law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this Law is in conflict with any other such law or regulation, the more restrictive provisions and requirements shall apply.

§100-1.8. Amendments.

The Town Board may, on its own motion, on petition, or on recommendation of the Planning Board, after public notice and hearing, amend these regulations appropriately.

§100-1.9. Further regulations.

The Planning Board may, after approval by the Town Board, and after a public hearing, adopt such further rules and procedures as it deems necessary to carry out the provisions of this Law.

§100-1.10. Integration of procedures.

Whenever the circumstances of proposed development require compliance with this Law and with any other local law, ordinance or requirement of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this Law with the procedural and submission requirements for such other compliance.

§100-1.11. Severability.

The provisions of this Law are severable. If any article, section, paragraph or provision of this Law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) adjudged invalid, and the rest of this Law shall remain valid and effective.

§100-1.12. Effective Date.

This Law shall take effect immediately upon filing with the Secretary of State.

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ARTICLE II Definitions

§100-2. DEFINITIONS

§100-2.1. Word Usage.

Unless otherwise listed below, the numbers, abbreviations, terms and words used herein shall have the meanings of common usage as set forth in the latest edition of Merriam-Webster's Collegiate Dictionary.

§100-2.2. Definitions.

ACCESSORY - The term applied to a structure or use which is clearly incidental and subordinate to, and customary in connection with, the principal structure or use. It must be located on the same lot. Any accessory structure attached to a principal structure is part of the main structure for bulk requirements.

AGRICULTURAL OPERATION – Any management of any land for agriculture; raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

BED & BREAKFAST ESTABLISHMENT - Owner occupied one-family dwelling used for providing overnight accommodations that may include a morning meal to transient lodgers, containing not more than five bedrooms for such lodgers.

BUILDING HEIGHT - The maximum vertical distance from the elevation of the proposed finished grade to the highest part of a flat roof and to the mean height between the eaves and ridge for a gable, hip or gambrel roof.

CAMPGROUND - A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation and vacation purposes.

CAMPSITE - A property providing four (4) or more sites for the parking of occupied travel trailers, the erection of tents or other shelters serving as temporary residences, as defined by the NYS Sanitary Code, and all buildings and facilities pertaining thereto.

CROSS ACCESS DRIVE - A service drive providing vehicular access between two or more contiguous sites so that the driver need not reenter the public street system

DWELLING, ONE FAMILY - A complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping and sanitary needs.

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DWELLING, TWO FAMILY - Two complete, but separate, self-contained residential units, each intended for permanent habitation by one family only, in a single structure having a common wall roof, wall, or ceiling, and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

FAMILY - A person or persons related to each other by blood, marriage or adoption, or any number of persons, irrespective of any such relationship, which nonetheless functions as the equivalent of a family, living together as a single housekeeping unit.

FARMING OPERATION - The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a horse boarding operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. [How/why does this differ from Agricultural Operation?]

FARM STAND – A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which it is located.

HOME OCCUPATION - An activity carried out for gain by a resident conducted entirely within the residence in which the resident resides or accessory structure that is clearly incidental and secondary to the primary use of the premises for residential purposes.

JOINT ACCESS DRIVEWAY - A common driveway connecting two or more contiguous sites to the public street system.

LAND USE ACTIVITY - Any construction or other activity that changes the use or appearance of land or a structure or the intensity of use of land or a structure. "Land use activity" shall explicitly include, but not be limited to, the following: new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits.

LAND USE ENFORCEMENT OFFICER - The representative designated by the Town Board to conduct inspections as necessary to enforce the Town of New Lisbon's land use regulations including, but not limited to, its Site Plan Review and Subdivision Regulations.

LAW – This Town of New Lisbon Site Plan Review Law.

LOT COVERAGE - The proportion of a lot area covered by impervious surface including buildings and off-street parking areas.

LOT FRONTAGE - The minimum lot frontage of any lot shall be measured along the street line as required pursuant to this Law.

MANUFACTURED HOME – A transportable single-family dwelling unit intended for

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permanent occupancy which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed on a chassis so that it might be towed, not including a modular or sectional dwelling, recreational vehicle or travel trailer.

MANUFACTURED HOME LOT – A designated site of specific total land area which is located within a manufactured home park for the accommodation of one manufactured home and its occupants.

MANUFACTURED HOME PARK – A parcel or contiguous parcels or land which has been designated and improved for the purpose of placing three (3) or more manufactured homes for occupancy as single-family dwellings.

MANUFACTURED HOME BASE – A permanent base located on a manufactured home lot which is capable of supporting and which is used for placement of a manufactured home. Such base shall consist of concrete pad.

NEW YORK INDEPENDENT SYSTEM OPERATOR (NYISO) - NYISO is a not-for-profit organization formed in 1998 as part of the restructuring of New York State's electric power industry. Its mission is to ensure the reliable, safe and efficient operation of the State's major transmission system and to administer an open, competitive and nondiscriminatory wholesale market for electricity in New York State.

NONCONFORMING STRUCTURE - Any structure, which is in existence within the Town on the effective date of this Law, which is not in conformance with the dimensional regulations herein.

PERVIOUS SURFACE. A surface that allows stormwater to be absorbed by the land.

REFLECTIVE - Any surface which bends, casts or throws back light in such a manner as to cause glare.

RESIDENCE - Any dwelling suitable for habitation existing in the Town on the date an application is received. A residence may be part of a multi-family dwelling or multipurpose building, but shall not include buildings such as hotels or motels, hospitals, day care centers, dormitories, sanitariums, nursing homes, municipal buildings, schools or other educational buildings or correctional institutions.

SHORELINE - Means the high water mark of any lake, pond, river, or permanent stream.

STRUCTURE - Any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

STRUCTURE, ACCESSORY - Any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free standing garage for

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vehicles accessory to the principal use, a storage shed, garden house or similar facility.

TRIP-ENDS - Represent the total number of vehicular trips entering and leaving a specific land use or site for a designated period of time.

VACATION RENTAL CABIN (s) - A cabin or group of cabins on a single parcel in which temporary or seasonal recreational lodging is provided for compensation.

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

YARD, FRONT - An open space area extending across the entire width of the lot between the front main wall of a building and the front property line or edge of pavement (whichever is greater) and into which space there shall be no extension of building parts other than steps, porches, eaves, cornices and similar fixtures.

YARD, REAR - An open space extending across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory buildings and open porches.

YARD, SIDE - An open unobstructed space on the same lot with a principal building between the principal building and the side line of the lot and extending through from the front yard to the rear yard.

Any term used in this Law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

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ARTICLE III Procedures

§100-3. PROCEDURES

§100- 3.1. General procedures.

Prior to undertaking any new land use activity, except for uses specifically excepted in Section 100-1.5 of this Law, site plan approval by the Town Board via a recommendation by the Planning Board is required. Applicants for site plan approval should follow the procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this Law.

§100-3.2. Sketch plan.

A sketch plan conference shall be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. Nothing shall preclude the Planning Board from recommending Town Board approval of any site plan based on the sketch plan and satisfactory conditions thereto, either bonded or unbonded, as the Planning Board may deem appropriate. In order to accomplish these objectives, the applicant shall provide the following:

- A. A statement and approximately-scaled sketch showing the site boundaries, the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
- B. An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel; and
- C. A topographic or contour map of adequate scale and detail to show site topography, with North arrow.
- D. An outline or listing of facts relevant to the Town's Site Plan Review Checklist.
- E. A description of how the property will be used and the impacts on aesthetic or historic qualities of the area or noise levels or air quality.

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§100-3.3. Application requirements.

An application for site plan approval shall be made in writing through the office of the Town Clerk and shall be accompanied by the appropriate fees and be submitted to the Town Clerk in complete form at least ten (10) days prior to a scheduled Planning Board meeting.¹

Site plan checklist (Required items to be specified by the Planning Board):

- A. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- B. North arrow, scale and date;
- C. Boundaries of the property plotted to scale;
- D. Existing buildings;
- E. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses;
- F. Location, design, type of construction, proposed use and exterior dimensions of all buildings;
- G. Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- H. Provision for pedestrian access;
- I. Location of outdoor storage, if any;
- J. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- K. Description of the method of sewage disposal and location, design and construction materials of such facilities;
- L. Description of the method of securing public water and location, design and construction materials of such facilities;
- M. Location of fire and other emergency zones, including the location of fire hydrants;
- N. Location, design and construction materials of all energy distribution facilities, including electrical, gas and any renewable sources;
- O. Location, size and design and type of construction of all proposed signs;
- P. Location and proposed development of all buffer areas, including existing vegetative cover;
- Q. Location and design of outdoor lighting facilities;

¹ **Note:** The Planning Board may, in its discretion, waive any of these requirements that it believes are unnecessary in any individual case. Any Applicant may, if desired, supplement a sketch plan with one or more photographs to help define the area being dealt with.

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- R. Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- S. General landscaping plan and planting schedule;
- T. An estimated project construction schedule;
- U. Record of application for and status of all necessary permits from other governmental bodies;
- V. Identification of any permits from other governmental bodies required for the project's execution; and
- W. Other elements integral to the proposed development as may be considered necessary in the particular case by the Planning Board.

§100-3.4. Required fee.

An application for site plan review shall be accompanied by a fee as listed on the Town's fee schedule or as amended from time to time by the Town Board by resolution.

§100-3.5. Reimbursable costs.

Cost incurred by the Planning Board or the Town Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant. Such costs shall be paid in advance of the required service, and shall be in accordance with the Town's fee schedule.

§100-3.6. Referrals to other agencies and boards.

- A. Coordinated Review. The Planning Board or the Town Board may refer the site plan for review and comment to local, and County officials or their designated consultants, and to representatives of federal, state, and County agencies, including but not limited to, the New York State Department of Transportation, the State Department of Environmental Conservation, and the County Department of Public Works, whichever has jurisdiction.
- B. Required Referral. Whenever any site plan involves real property in an area described in Section 239-m of the General Municipal Law, said site plan shall be referred to the Otsego County Planning Board for their review and approval pursuant to Section 239-m of the General Municipal Law.

§100-3.7. SEQR compliance.

The applicant shall demonstrate compliance for any actions subject to the New York State Environmental Quality Review Act (SEQR) prior to site plan approval. The Planning Board shall, after the site plan has been accepted as complete, classify the application according to SEQR, review the Environmental Assessment Form (EAF) and take one of the following actions:

- A. If additional information is needed to render a determination of significance, the Planning Board shall specify exactly what the applicant needs to supply, OR

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- B. If the information is provided and the project is determined to have only small to moderate impacts with little significance on the environment, then a negative declaration may be given, OR
- C. If an action has been identified as having a large and significant impact, then a positive declaration shall be determined and a full Environmental Impact Statement (EIS) will be provided.

§100-3.8. Public hearing.

The Town Board may, at its discretion, hold a public hearing on the application. Said hearing shall be held within sixty-two (62) days of receipt of the accepted site plan application. The Town Board shall mail notice of the public hearing to the applicant at least ten (10) days before the public hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing.

§100-3.9. Public Hearing and Planning Board Recommendation.

Within sixty-two (62) days of receipt of the application for site plan approval or if a public hearing is held within sixty-two (62) days of public hearing, the Planning Board shall respond to the Applicant, communicating the decision(s) of the Town Board, offering approval, conditional approval or disapproval of the site plan. The Planning Board process involves the approval of its recommended action by the Town Board. The time period in which the Planning Board must respond to the Applicant can be extended by mutual consent of the Applicant and the Planning Board.

- A. Public Hearing. The Planning Board shall recommend action to the Town Board in a timely manner, and the Town Board shall conduct a public hearing on any site plan if considered desirable by a majority of its members. Such hearing shall be held within sixty-two (62) days of the receipt of application for site plan review and shall be advertised in the Town's official newspaper at least five (5) days before the public hearing. The Town may require the Applicant to notify contiguous and nearby neighbors by appropriate mail prior to the public hearing.
- B. Planning Board Recommendations. Within sixty-two (62) days of receipt of an application for site plan approval or if a public hearing is held, within sixty-two (62) days after the public hearing, the Planning Board shall respond to the Applicant, communicating the decision(s) of the Town Board, offering approval, conditional approval or disapproval of the site plan. The time period in which the Planning Board must respond to the Applicant can be extended by mutual consent of the Applicant and the Planning Board. In the event Otsego County Planning Board Review is mandatory due to the location of the proposed site, appropriate schedule time must be added to the above-mentioned sixty-two (62) days to enable these additional procedures.
- C. Approval. Upon approval of the site plan, and full payment by the applicant of all fees and reimbursable costs due the Town, the Planning Board shall endorse the approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.

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- D. Conditional Approval. The Town Board may conditionally approve the final site plan. A copy of written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the Planning Board that all conditions have been met, 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 and shall immediately file it and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- E. Disapproval. Upon disapproval of the site plan the decision of the Town Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, along with the Town Board's reasons for disapproval.
- F. Expiration. Standard approvals shall be for one (1) year. Approvals may, in some cases, be granted for extended periods, to enable the applicants to carry out long-term plans within the spirit of these standards and regulations. Where a fixed period of approval is granted, it shall expire unless extended in writing.

§100-3.10. Waivers.

The Planning Board or Town Board may waive, subject to appropriate conditions, the provisions of any or all standards set forth if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards would cause unnecessary hardships for the applicant without achieving public benefit objectives. The Planning Board or Town Board must state its reasons for granting any waivers in writing and file the same along with the site plan application and supporting documents. The Town Board shall give due consideration to, but shall not be bound by, waivers granted by the Planning Board.

§100-3.11. Guarantee of Site Improvements.

- A. Subsequent to the granting of Site Plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed. The Town's Land Use Enforcement Officer shall confer with the Otsego County Code Enforcement Office (when a County Code Enforcement Office permit is required) to ensure all improvements are satisfactorily installed. Upon a determination by the Town Board that extenuating circumstances prevent completion of all necessary improvements prior to occupancy and that it is in the Town's interest to permit such occupancy, the Town Board may authorize issuance of a certificate of occupancy upon provision of a sufficient performance guarantee by the applicant to ensure completion of improvements not yet completed.

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B. Performance Guarantee Options

In order that the Town has assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking, landscaping and access roads will be completed in accordance with an approved site plan, the Town Board may require that the applicant provide one of the following methods of surety to the Town in an amount equal to the cost of all uncompleted improvements. The cost of such improvements shall be based on an estimate furnished by the applicant, and confirmed by the Land Use Enforcement Officer.

- (1) A letter of credit.
- (2) A certified check.

C. Conditions

- (1) The performance guarantee shall provide that the applicant, his/her heirs, successors, assigns, or his/her agent will comply with all applicable terms, conditions, provisions, and requirements of this law; and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.
- (2) Any such guarantee shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, manner of execution and surety.
- (3) Certified checks shall be made payable to "The Town of New Lisbon" and will be placed in an escrow account established by the Town for this purpose.
- (4) Letters of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, and manner of execution and shall be duly notarized.

D. Extension of Time

The construction or installation of any improvements or facilities for which a guarantee has been made by the applicant shall be completed within six (6) months from the date of approval of the certificate of occupancy. The applicant may request that the Town Board grant he or she an extension of time to complete such improvements, provided the applicant 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 surety to construct the improvements as necessary. The Board may also grant the applicant an extension of time to correct construction of improvements not performed in accordance with applicable standards and specifications.

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E. Release of Surety.

When surety is provided pursuant to the preceding sections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements and providing that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation.

F. Inspections.

Inspections during the installation of improvements shall be made by the Land Use Enforcement Officer and County Code Enforcement Office (when a County Code Enforcement Office permit is required) to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Land Use Enforcement Officer and County Code Enforcement Office (if applicable) when each phase of improvements is ready for inspection. Upon acceptable final completion of installation and improvement, the Town Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the Town of the portion of the surety as designated in the contract to cover the cost of such completed work.

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§100-4 DESIGN STANDARDS

§100-4.1. General standards and considerations.

The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

- A. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
- B. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;
- C. Location, arrangement, appearance and sufficiency of off-street parking and loading;
- D. Adequacy and arrangement of traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- E. Adequacy of stormwater and drainage facilities;
- F. Adequacy of water supply and sewage disposal facilities;
- G. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
- H. Adequacy of fire lanes and the provision of fire hydrants, fire water ponds, etc;
- I. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion along with compliance with FEMA rules and regulations; and
- J. Overall impact on the neighborhood including compatibility of design consideration. Attention will be given to the absence of or minimizing of nuisances to neighbors, including but not limited to lights, traffic, noises, congestion, pollution, odors, pests, vivid colors or other non-traditional or exceptional appearance items, electromagnetic radiation, electronic interference with information reception, or any other infringements of normal residential privileges.
- K. Adequacy of plans and facilities for safe and adequate disposal of all materials or wastes to be handled or generated.
- L. Adequacy of security plans and facilities in any case or circumstance involving potential for persons of incompetence or of questionable motivation.

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§100-4.2. Lot development standards.

- A. Lot standards. The following development standards shall apply to all new lots hereafter created in the Town for purposes of placing principal structures or uses. This requirement shall not be construed to limit the use of agricultural property for location of crops, fences or pasture.

Table No. 1	
Description	Standards
Minimum Lot Area:	
On-site sewer and water	1 acre
Central sewer & water	½ acre
Central sewer or water	¾ acre
Minimum Lot Frontage	
- If the road centerline is the property boundary	100 feet
Maximum Lot Coverage	50%
Minimum Side/Rear Yard	25 feet
Maximum Building Height	45 feet
Minimum Stream Setback	100 feet
Accessory Structure Setback	10 feet side/rear yards

B. Corner lots.

- 1) Obstruction of vision at street intersections. The front/side yards at the street intersection shall be kept free of vegetation and other structures that would obstruct the view of drivers between the height of 3 ½ to ten (10) feet above the average grade of each street on the center line thereof. The following site distances shall be maintained:

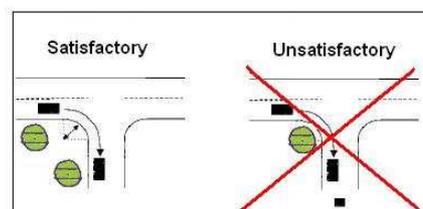


Table No. 2	
Sight Distance for Various Street Widths	
Street Right-of-Way	Distance from Intersection
50 Feet or more	90 Feet
40-49 Feet	80 Feet
30-39 Feet	70 Feet

- 2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yard shall be deemed to be a rear yard and the other or others, side yards.

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C. Height exceptions.

- 1) Water towers, chimneys, smokestacks, flagpoles, communication towers, masts and aerials, and heating, ventilation, air-conditioning and other accessory utilities shall be exempted from height restrictions except as specifically regulated herein, for example, in Section 100-5.3.
- 2) Farm buildings and structures, which are used in conjunction with Agricultural Operations or Farm operations (e.g. silos, etc.) are also excluded.

D. Accessory structures. Accessory structures may be placed in side or rear yards only and shall not be placed within ten (10) feet of any property line. No accessory structure shall be placed in the required front yard. Accessory structures shall not cover more than 25% of the required rear yard.

§100-4.3. Off-Street Parking & Loading Requirements.

Any proposed use within the Town of New Lisbon shall provide sufficient parking to accommodate the traffic generated by the proposed use and associated on-site traffic improvements that are deemed necessary to mitigate potential impacts on the level of service on public roads in the vicinity of the proposed development. The following specific requirements shall be followed:

A. Number of spaces required. Off-street parking, loading and unloading facilities shall be provided in connection with every use and be located on the same lot as the use to which they are accessory. Parking needs with respect to all uses shall be determined in conjunction with site plan review. The amount of parking required shall be based on the following factors:

- 1) General off-street parking standards. The Planning Board shall use the following specific off-street parking requirement standards for the specific land uses listed below.

Table No. 3 General Off-Street Parking Standards	
Bed & Breakfast Establishment	1 space per guest room, plus 2 for resident dwelling
Commercial uses	1 space per 250 sq. ft. floor area
Home-occupations	2 space, plus required residential spaces
Industrial uses	1 space per 400 sq. ft. floor area
Places of public assembly	1 space per 5 seats
Offices	1 space per 300 sq. ft. floor area
Restaurants	1 space per 50 sq. ft. floor area
Vacation Rental Cabin	2 spaces per cabin
Vehicle service establishments	4 spaces plus 1 per employee

- 2) Industry studies. For uses not specifically listed above, the Planning Board

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or Town Board may require the applicant to provide industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character.

- 3) New York State DOT and County Highway Review. The Planning Board or Town Board shall also take into consideration recommendations from other public agencies that suggest, based on experience, the appropriate amount of parking required in connection with a given use.
- 4) Opportunities for shared parking. The Planning Board or Town Board may allow for a reduction in the amount of parking on a given site where the applicant can document that the shared parking arrangement will meet the parking needs of the proposed use without causing any parking shortage.

B. Parking lot layout and construction standards.

- 1) No designated parking area shall be designed such that a vehicle might directly back out onto a public highway or through road within the development.
- 2) Traffic flows through a parking area should be minimized and limited to connections from one lot to another and to the public highway or through road.
- 3) Dimensions of Stalls and Aisles. Minimum dimensions as follows:

Table No. 4				
Angle of Parking	Parking Stall Width(feet)	Stall Depth (feet)	Aisle One-Way (feet)	Aisle Two-Way (feet)
90°	9.0	18	Not allowed	24
60°	9.5	20.2	18	21
45°	9.5	19.6	15	18
30°	9.5	16.5	12	18
Parallel	9.5	22	12	18

Accessible parking spaces shall be provided pursuant to the Americans with Disabilities Act of 1990

- 4) Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits.
- 5) All access drives shall be subject to the requirement of obtaining a driveway permit from the Town of New Lisbon Highway Superintendent, the Otsego County Highway Department or the NYSDOT, as the case may be, and approval of any permits hereunder may be conditioned upon the application for and/or receipt of such permits from these authorities.
- 6) Off street parking and loading areas should be constructed with a stone base for stabilization and be properly graded and drained to dispose of all surface water. Parking spaces shall also be arranged and marked for the orderly and safe movement, loading, parking, and storage of vehicles. Pervious paving systems such as Ecogrid or Geogrid are encouraged.

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- C. Off-street loading. Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking spaces required above, provide adequate off-street areas for loading and unloading of vehicles. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials. The minimum size loading space shall be sixty (60) feet in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. It shall be accessible by driving in and not require backing in from off the public right-of-way.

§100-4.4. Landscaping, Screening and Buffering.

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation and planting of vegetation, screening and landscaping material. Specifically, these standards are intended to improve the appearance of major travel corridors and business areas; to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; and to prevent the erosion of the soil, excessive stormwater runoff and the consequent depletion of the groundwater table and the pollution of water bodies.

- A. General requirements. The following provisions shall apply:

- 1) All lots shall be graded and seeded and all other applicable requirements of these landscaping regulations imposed by the Planning Board or Town Board shall be fully met prior to the Land Use Enforcement Officer granting a Certificate of Occupancy for a new building or use subject to these regulations. An irrevocable letter of credit or cash bond shall be posted in an amount sufficient to cover the cost of such grading and seeding when the applicant cannot perform this work due to seasonal impracticalities.
- 2) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season. An irrevocable letter of credit or cash bond shall be posted in an amount sufficient to cover the cost of such landscaping when the applicant cannot perform this work due to seasonal impracticalities.
- 3) A screening fence or wall that may be required by these regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.
- 4) The preservation of mature shade trees, ridgelines, vegetation and unique site features, such as stone walls, shall be required to the maximum practical extent. These, however, may be used to meet requirements of this section provided the Land Use Enforcement Officer or Planning Board, as the case may be, determines the purpose of this section is achieved.
- 5) Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or landscaped parking area, the Planning Board or Town Board may approve planters, plant boxes

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or pots containing trees, shrubs and/or flowers to comply with the intent of these regulations.

- 6) Buffer area. A landscaped buffer area may be required to protect neighboring residential properties and soften the impacts of facilities, buildings, and parking areas on such adjoining properties:
 - a) A minimum permanent vegetated buffer of a width of not less than thirty (30) feet shall separate non-residential uses from adjacent residential properties. Plantings shall be indicated on the site plan and shall meet the following standards:
 - i) Plant materials shall be a minimum of five (5) feet in height when planted and shall be spaced to form a continuous, solid screen at maturity. Generally, plants/trees shall be spaced apart at distances suitable for the proper maturation of such planting and shall be properly maintained to afford an effective screen between the non-residential and residential uses.
 - ii) Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Planning Board, may be substituted for the required planting.

B. Landscape Plan. The Planning Board or Town Board may require a landscape plan be prepared as part of any site plan application. The landscape plan, if required, shall specify locations of all mature shade trees or other species of six (6) inch caliper or greater and indicate existing vegetation to be removed or preserved. Specific locations, varieties, sizes, winter hardiness, and schedules for all proposed plantings shall be provided as part of the plan. The Planning Board shall also specifically consider the following before approving, approving with modifications or disapproving a site plan application:

- 1) The plan should promote attractive development, preserve existing vegetation to the maximum extent possible, enhance the appearance of the property and complement the character of the surrounding area.
- 2) The plan should use landscaping to delineate or define vehicular and pedestrian ways and open space.
- 3) The plant material selected should be of complementary character to buildings, structures and native plant species and be of sufficient size and quality to accomplish its intended purposes.

- 4) The plan should effectively buffer the activity from adjoining land uses as may be necessary and soften the impact of other site development as contrasted with the natural environment.

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- 5) The plan should be realistic in terms of maintenance and use materials that, as a minimum, are winter hardy to Zone 4.

§100-4.4.1. Landscaping of Parking Areas.

All parking areas that are designed to accommodate twelve (12) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control. The following are guidelines the Planning Board may apply:

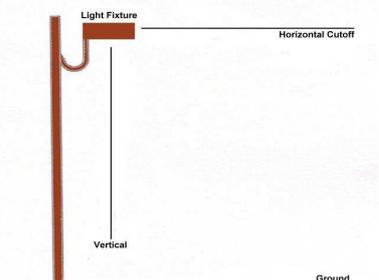
- A. All uses required to provide twelve (12) or more off-street parking spaces shall have at least ten (10) square feet of interior landscaping within the paved portion of the parking area for each parking space and at least two (2) trees with a minimum 2 ½ inch caliper for every ten (10) parking spaces or fraction thereof.
- B. A landscape area shall be provided along the perimeter of any parking area except that portion of the parking area that provides access.
- C. A hedge consisting of shrubs that are two (2) feet in height shall be planted three (3) feet on center between the off-street parking area and the public right-of-way. Shrubs shall be planted a minimum of two (2) feet off the back of curbs or from the edge of the off-street parking area.
- D. Rows of parking shall be separated with landscape islands so that no row contains more than twelve (12) parking spaces. All landscaping, trees and planting material adjacent to parking areas shall be protected by barriers, curbs or other means from damage by vehicles and from stormwater runoff.
- E. Landscape islands shall be at least one-hundred (100) square feet in size and landscaped with shrubbery, flowering plants, mulch and at least two (2) trees that are at least 2 ½ inch caliper at breast height.
- F. Time of Completion. All tree plantings and screens required by this Law shall be installed prior to occupancy or commencement of use. Where this compliance is not possible because of time of year, the Town Board may grant an appropriate delay.

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§ 100-4.5. Lighting of Non-Residential Properties.

Site lighting should be sufficient to facilitate the safe and convenient circulation of motorists and pedestrians, but not too bright so as to produce excessive light and glare. Given the rural nature of the Town, coupled with the close proximity of residences in the vicinity of the Town's hamlet centers, lighting shall be designed, directed and shielded in such a manner that direct light does not leave the perimeter of the site. All outdoor lighting, including the fixture, pole, and other supporting elements, shall be designed to complement the overall design of the site and prevent excessive glare. To minimize excessive lighting, entry points and pedestrian crosswalks can be lit with accent lighting that helps to define these areas rather than using brighter lights throughout the site. Lower level lighting can then be used in other areas of the site where less lighting is required. Shorter lighting poles can also be used to light pedestrian walkways and/or lighted bollards. The following additional standards shall be required.

- A. Spillover of light. All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source.
- B. Timing mechanisms. Timing mechanisms, photo cells, or motion sensors to reduce light levels and conserve energy during non-operational hours.
- C. Lighting on building. Light that is mounted on the building shall also be down-lit and integrated as an architectural component of the building.
- D. Height of light poles. Light pole heights shall not exceed building heights and none shall exceed fifteen (15) feet in height.
- E. Type of bulb. Low pressure or high-pressure sodium lights, metal halide, florescent and compact florescent lights are encouraged. All lighting over 2,000 lumens in strength shall meet the full cut-off standard of the Illuminating Engineering Society of North America (IESNA).
- F. Cut-off lens. All pole mounted lighting [as shown below] shall have a full cut-off lens that does not allow light to shine above a 90 degree angle measured from the vertical line from the center of the lamp.
- G. Type of fixture. Appropriate lighting fixtures should incorporate full cut off shields or lens to direct lighting downward (see illustration to the right).
- H. Prohibited lighting. Globe lights shall not be permitted.
- I. Gas station canopy lighting. All gasoline station canopy lighting shall be fully recessed and the maximum light level under the vehicular canopy shall not exceed twenty (20) horizontal maintained footcandles.
- J. Off-street parking. Any lighting used to illuminate any off-street parking shall be so shielded as to deflect the light away from adjoining premises and public right-of-ways and avoid light spillage onto adjacent properties.



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§100-4.6. Signs.

A. General provisions.

- 1) A permit issued by the Land Use Enforcement Officer shall be required for the erection, alteration or maintenance of all signs except as may otherwise be set forth in Section 100-4.6 A (3) below.
- 2) In general, and unless otherwise specified in this Section, signs shall be located on the premises they advertise and shall not flash or move, or have the appearance of flashing or moving.
- 3) Unless otherwise set forth in this Section, no sign shall be erected within a public right-of-way or within twenty (20) feet of the centerline of any travelway. This provision shall not apply to those signs needed for public safety and traffic control.
- 4) No sign shall be placed in such a position that it causes danger to traffic on a street by obscuring view or shining a light directly on the street. Flashing or oscillating lights shall not be allowed.
- 5) Ground signs are permitted provided the top edge of the sign face is not higher than seven (7) feet above grade. The graded area surrounding the ground sign shall be landscaped with shrubs and other vegetative cover. Where a ground sign is placed between two wood or masonry columns, at least one foot of clear space between the sign board and the ground shall be maintained.
- 6) Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated.
- 7) Unlighted and non-reflective temporary signs erected for thirty (30) days or less shall not require a permit and shall be removed immediately at, or before, the end of such thirty (30) day period. Temporary signs, banners, pennants, movable signs, etc., erected for a period of time longer than thirty (30) days, shall be by permit only and shall be removed immediately when circumstances leading to their erection no longer apply. An extension may be granted by the Land Use Enforcement Officer.

B. Signs permitted without a permit. The following types of unlighted and non-reflective signs are permitted without a permit when no more than one (1) in number faces each street line.

- 1) Temporary signs as set forth in Section 100-4.6 A (7) above
- 2) Nameplate and identification signs not larger than three (3) square feet.
- 3) Home occupation or office sign not exceeding twelve (12) square feet.
- 4) Real estate signs not larger twelve (12) square feet each in area but not exceeding two (2) in number.
- 5) Signs required by law or needed for governmental business or public safety.

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- 6) Announcement signs for schools, churches and other institutions, not exceeding two (2) per property and not larger than twelve (12) square feet.

C. Signs allowed by permit. The following signs shall be permitted under the conditions set forth in this Section as follows:

Signs by permit under the conditions set forth in this Section as follows:

- 1) One unlighted sign, not exceeding ten (10) square feet in area, advertising the sale or rent of the property upon which such sign is located, provided that such sign shall be set back from the road line not less than one-half (1/2) the required front yard depth.
- 2) An identification sign, not exceeding four (4) square feet related to an accessory office or home occupation permitted on the premises.
- 3) For bed & breakfasts, one ground sign not exceeding twelve (12) square feet. Such signs may be lit with up or down lighting.
- 4) One bulletin board, not exceeding twenty (20) square feet in area, for public, charitable, and religious institutions.
- 5) Identification signs for a non-residential land use when such signs do not exceed two (2) in number for each premises identified and do not have a total (aggregate) area larger than forty (40) square feet. Such signs may be both free-standing ground signs and attached to, or part of, the building and shall be located no less than twenty (20) feet from any property line. These signs may be up lit or down lit; however, interior illuminated plastic signage shall not be permitted.
- 6) Non-illuminated signs identifying a residential development and located at the entrance to such development, not exceeding one (1) per entrance and thirty-two (32) square feet each.
- 7) Advertising signs associated with non-residential uses that are incidental to the identification signs.
- 8) Incidental signs that are required to be displayed by gasoline service stations such as fuel price signs and signs that are necessary for public safety.

D. Off-premises Signs. Off-premises signs include signs, graphics and other displays for commercial, industrial, institutional, service or entertainment purposes, products, uses, or services conducted, sold or offered elsewhere than upon the same premises where the sign is located. These signs are subject to the following.

- 1) Engineering Certification. An engineering certification, as provided above, shall accompany the application for an off-premises sign permit as to the structural integrity of the proposed sign and its ability to withstand high winds and other natural hazards.
- 2) Site Plan Review. All off-premises signs shall be subject to site plan review by the Planning Board. Such review shall ensure the signs are constructed and landscaped so to minimize any safety hazards and blend with both the

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natural and built landscape of the surrounding area. Landscaping and sign design and placement shall, wherever possible, preserve and take advantage of natural backdrops.

- 3) Sign Separation Distance. The minimum distance required between all off-premises signs shall be five-hundred (500) feet as measured along the centerline of the abutting roadway. Also, such signs shall be located on parcels of at least five-hundred (500) feet frontage. Signs located on the opposite sides of the road or in an adjacent municipality are subject to this distance requirement. No off-premises sign shall be erected within two-hundred and fifty (250) feet of any existing freestanding on-premises sign. No off-premises sign shall be erected within five-hundred (500) feet of any existing residential dwelling.
- 4) Sign Setbacks. Off-premises signs shall be located in accordance with the building setbacks for non-residential structures as outlined in Section 100-4.2 (A) of this Law.
- 5) Sign Area. The maximum area for any off-premises sign shall be fifty (50) square feet.
- 6) Sign Height. No portion of any off-premise sign shall be more than ten (10) feet above the average elevation of the surrounding natural grade.
- 7) Landscaping. The provisions of Section 100-4.4 shall also apply to off-premises signs. Additionally, trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced with new landscaping providing an effective natural backdrop and buffering for the new signage.

§100-4.7 Noise and Odors.

The following standards are intended to mitigate potential nuisances between non-residential and residential land uses within the Town of New Lisbon but shall not apply to Agricultural Operations or Farming Operations.

100-4.7.1 Noise Standards.

- A. Excessive noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.
- B. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by these regulations shall be established by the time period and proximity to residential land uses as shown in Table 4 below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface.
 - 1) The levels specified may be exceeded by 10 decibels for a single period, no longer than 15 minutes, in any one day.
 - 2) Both dB (A) and dB(C) scales shall be used, and a violation of either standard shall be deemed to constitute a violation of these regulations.

Table No. 5 Sound Pressure Levels
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Type of Use and Proximity to Residential Development	Sound Pressure Limits (Decibels)			
	6 a.m. – 10 p.m.		10 p.m. – 6 a.m.	
	dB(A)	dB(C)	dB(A)	dB(C)
Commercial/Industrial Uses	60	72	50	62
Within 500 feet Residences	55	67	45	67

- C. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.401961), *American Standard Specification for General Purpose Sound Level Meters*. The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962, *American Standard Method for the Physical Measurement of Sound*.
- D. No person shall engage in, cause, or permit to be engaged in very loud construction activities on a site abutting any residential use between the hours of 9 p.m. one day and 6 a.m. of the following day. Construction activities shall be subject to the maximum permissible sound level specified for business use for the periods within which construction to be completed pursuant to any applicable building permit. The following uses and activities shall be exempt from the sound pressure level regulations:
- 1) Noises created by construction and maintenance activities between 7 a.m. and 9 p.m. (Monday – Friday) and 8 a.m. and 5 p.m. (Saturday & Sunday).
 - 2) The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.
 - 3) Traffic noise on existing public roads, railways or airports.
 - 4) Activities of a temporary nature unable to meet these requirements, upon approval following review by the Planning Board.
- E. Exemptions. The maximum permissible sound levels of this Section shall not apply to any of the following noise sources:
- 1) Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
 - 2) Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
 - 3) Construction operations (including occasional blasting in construction) and repairs of public facilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
 - 4) Agricultural and Farming Operations, but not exempting kennels.
 - 5) Motor vehicles when used on public streets in accord with state regulations.
 - 6) Aircraft.

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- 7) Public celebrations, specifically authorized by the Town, the County, state or federal government body or agency.
- 8) Unamplified human voices.
- 9) Routine ringing of bells or chimes by a place of worship or municipal clock.

§100-4.7.2 Odors and Other Emissions.

- A. Any activity or operation which results in the creation of odors of such intensity and character as to be detrimental to the health, safety or welfare of the public, or to interfere with the normal use and enjoyment of property, shall be removed, stopped, or modified so as to eliminate the odor. Farming Operations are exempt under the Town of New Lisbon Right-To-Farm Laws.
- B. The Planning Board or Town Board may request quantitative measurement for the determination of both content and concentration of emissions not readily identifiable or suspected to be hazardous in nature. The municipality may seek to recover the cost of such testing if a violation has occurred or the emitter refuses to disclose either the contents or source of the emission.
- C. Emission of dust, dirt, fly ash, fumes, vapors or gasses which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property at any point beyond the lot line of the use creating that emission shall be prohibited.
- D. Air pollution control and abatement shall comply with applicable minimum Federal, State and local requirements, including receipt of all required permits. The maximum permitted density of smoke, dust and other particulate emissions during normal operations of any activity shall not exceed the maximum allowable under Federal and State regulations.

§100-4.8 Traffic Access Management.

These regulations are intended both to protect the rights of abutting landowners to reasonable street access, and promote efficient traffic flow through important transportation corridors. They also serve to promote the public health, safety and welfare of the residents of New Lisbon by reducing the potential for vehicular accidents at access points along the corridors and avoiding future degradation of arterial highway capacity.

§100-4.8.1. Access Management Requirements.

- A. Nonconforming driveways. Driveways that do not conform to the regulations in this section and that were constructed before the adoption of this Law shall be considered legal nonconforming driveways. Nonconforming driveways may remain in use until such time as the use of the property is changed in such a way as to impact the use of the driveway. Nonconforming driveways shall be reconstructed to comply with this Law if a change in the intensity of use of a property results in increased trip generation, as follows:

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- 1) A change in use for purposes of this regulation shall be any change that requires subdivision or site plan approval.
- 2) A change in intensity of use is established when the use of the access increases peak hour or Average Daily Traffic volume by ten (10) percent or more, based on the latest edition of Trip Generation published by the Institute of Transportation Engineers, provided that no use generating less than fifty (50) trips per day shall be subject to this requirement.

B. Driveway spacing.

Minimum driveway separations are based on average vehicular acceleration and deceleration rates and are considered necessary to maintain safe stopping distances and traffic operations. The spacing of driveways shall be according to the following Minimum Driveway Spacing Schedule:

Table No. 6 - Minimum Driveway Spacing Schedule	
Posted Speed (Mph)	Minimum Spacing (feet)
30	125
35	150
40	185
45	230

Note: Spacing will be measured from the midpoint of each driveway or intersecting roadway.

Table No. 7 - Minimum Distance of Driveway to Street Intersection	
Posted Speed (Mph)	Minimum Distance to Street Intersection (feet)
30	325
35	425
40	525
45	600
50	750
55	875

Note: Spacing will be measured from the midpoint of each driveway to intersecting roadway.

C. Driveway alignment. Driveways shall be aligned with driveways across the road where possible or offset by a minimum of 150 feet where feasible.

D. Access points.

- 1) Joint access driveways, cross access drives and linked or shared parking lots are strongly encouraged. All landowners submitting a site plan shall address the feasibility of the use of joint access driveways, cross access drives and linked or shared parking lots. Use of such techniques shall be required wherever feasible.
- 2) Retail and service businesses may; where feasible, parking is adequate and fencing requirements do not conflict; be required to provide pedestrian connections to adjoining retail and service properties along the frontage of regulated routes. Landowners of retail and service businesses shall be encouraged to provide pedestrian and bicycle connections to adjacent

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residential or commercial developments to the rear of the regulated routes where feasible.

- 3) Access points may be restricted to right-turn in, right-turn out if determined to be in the best interest of traffic operations.

§100-4.8.2 Traffic Impact.

- A. Purpose. The purpose of this section shall be to identify any traffic problems associated with a proposed land use as it relates to the existing transportation network and to ensure that proposed developments do not adversely affect the transportation network of the Town.
- B. Traffic impact study requirement. The Planning Board or Town Board, at its discretion, may require a traffic impact study by an independent engineer with any application involving an activity likely to generate more than five-hundred (500) trip-ends per day based on the following daily rates:

Table No. 8 – Trip Generation	
Land Use	Trip Ends
Car wash	108.0 trip-ends per car stall
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross floor area
Industrial uses	3.3 trip-ends per employee
Institutional uses	4.0 trip-ends per employee
Offices	6.0 trip-end per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross floor area
Residential uses	9.6 trip-ends per dwelling unit
Restaurants	7.9 trip-ends per seat
Other uses	See <i>Trip Generation</i> . Institute of Transportation

The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers (ITE). It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in advance by the Planning Board with the final product incorporated into the State Environmental Quality Review Act (SEQRA) submission. This requirement shall apply in the case of County or State, as well as Town roads.

- B. Professional requirements.
 - 1) The Traffic Impact Study shall be prepared by a registered professional traffic engineer or other qualified traffic professional with verifiable experience in preparing such studies. The Traffic Impact Study shall be generally in accordance with the ITE.
 - 2) The study area for the traffic study shall be based on engineering criteria and

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an understanding of existing traffic conditions at the site. It shall represent that area likely to be affected by the development, where highway users are likely to experience a change in the existing level of service. The study limits shall be initially agreed upon by the developer, his engineer and the Town.

- 3) The Traffic Impact Study shall ordinarily contain the following elements:
 - a) The study area boundary and identification of the roadways included within the study area.
 - b) A general site description, including:
 - i) Size, location, existing and proposed land uses and dwelling types, construction staging, and completion date of the proposed development.
 - ii) Existing land uses, approved and recorded subdivision and land developments and subdivisions and land developments proposed but not yet approved and recorded in the study area that are agreed upon by the Town, developer, and traffic engineer as having bearing on the development's likely impact shall be described and considered.
 - iii) Within the study area, the applicant must describe existing roadways and intersections (geometrics and traffic signal control) as well as improvements contemplated by government agencies or private parties.
 - c) Analysis of existing conditions, including:
 - i) Daily and Peak Hour(s) Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning movement and mainline volumes shall be presented for the three peak hour conditions (AM, PM and site generated).
 - ii) Volume/Capacity analyses at critical points. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
 - iii) Level of Service at critical points. Based on the results obtained in the previous section, levels of service (A through F) shall be computed and presented. Included in this section shall also be a description of typical operating conditions at each level of service.
 - iv) Accident locations. A tabulation of accident locations during the most recent three-year period shall be provided.
 - d) Analysis of future conditions without the proposed development.
 - e) Trip generation. Based upon the ITE Trip Generation (latest edition).
 - f) Trip distribution. The direction of approach for site generated traffic shall be presented in this section for the appropriate time periods.

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- g) Traffic assignment. This section shall describe the utilization of study area roadways by site-generated traffic.
- h) Analysis of future conditions with development. Shall describe the adequacy of the roadway system to accommodate future traffic.
- i) Recommended improvements. Should the analysis indicate that unsatisfactory levels of service will occur on area roadways, a description of improvements to remedy deficiencies shall be provided.
- j) Conclusion. The last section of the report shall be a clear concise description of the study findings.

§100-4.9 Erosion Control & Stormwater Management.

Applications for site plan approval shall include an Erosion & Sediment Control Plan or Stormwater Pollution Prevention Plan (SWPPP).

- A. Erosion Control & Stormwater Management Plans. Stormwater management practices shall be designed and constructed in accordance with the *New York State Stormwater Management Design Manual and New York Standards and Specifications for Erosion and Sediment Control*, provided that such practices shall maximize the use of natural stormwater management methods (e.g., grass swales) and minimize the use of dry above-ground stormwater detention facilities. The following basic information should be provided for the Planning Board and Town Board review.
 - 1) A map depicting the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
 - 2) Description of the soil(s) present at the site and the source of this data;
 - 3) A construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance.
 - 4) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - 5) A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - 6) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out; and
 - 7) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.

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B. Stormwater management system maintenance.

- 1) The stormwater management plan for any major non-residential project shall contain an operation and maintenance plan prepared by the applicant and approved by the Land Use Enforcement Officer. The operation & maintenance plan shall establish responsibilities for the continued operation and maintenance of all stormwater management improvements.

All facilities which are installed or used to achieve compliance with the requirements of this law that are associated with the approved site plan shall at all times be properly operated and maintained (and related appurtenances). Sediment shall, at a minimum, be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

- 2) The Planning Board or Town Board may require that a site plan include a set of Best Management Practices (BMP's) from which the owner of any individual lot must choose in implementing stormwater management measures in conjunction with property development. Such BMP's shall be fully specified in the site plans and imposed by restrictive deed covenant making reference to such plans.

No person shall modify, remove, fill, landscape or alter any such on-lot stormwater management improvements or drainage easement, unless it is part of an approved maintenance program.

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§100-4.10 Sewer and Water.

No site development plan for any use shall be approved unless adequate provision is made for wastewater treatment and for clean potable water supply, as required for the use. The following standards must be met:

- A. All site development plans relating to water supply and wastewater treatment shall comply with applicable New York State Department of Health and State Department of Environmental Conservation standards.
- B. Where applicable, sewer system permits are required prior to issuance of the building permit for any site development.

§100-4.11 Flood hazard Areas.

Construction in those areas designated on the Federal Emergency Management Agency's Flood Insurance Rate Map as areas of special flood hazard, as defined by the one hundred (100) year floodplain boundary, shall be avoided or minimized. Disturbed areas shall be properly stabilized to prevent future damage from storms, heavy runoff and flooding. Any development within Flood Hazard Areas shall be subject to the standards outlined in the Town's Flood Damage Prevention Law of 1992.

§100-4.12 Freshwater Wetlands.

Applicants for building permits that affect areas regulated by the New York State Department of Environmental Conservation (DEC) as Freshwater wetlands shall comply with Article 24 and Title 23 of Article 71, of the Environmental Conservation Law. Freshwater wetland boundaries shall be flagged on the site by a qualified engineer and accepted by the DEC. The wetland boundary and a 100-foot protective buffer shall be indicated on site plans for properties with such wetlands. The Plan shall bear the signature of the engineer responsible for the field flagging.

§100-4.13 Protection of Streams and Other Waterbodies.

No alteration of watercourses, whether by excavation, filling, grading, clearing, draining, or otherwise, shall be made that affects the water levels or flow of such watercourses without review as to the affect of such alteration and any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff and erosion. This review and approval of such alteration shall be made by the Planning Board or Town Board in consultation with Otsego County and the DEC. Where the applicant must obtain a stream disturbance or discharge permit from the DEC, Planning Board approval shall be conditional on the DEC's permit approval. Any storage of petroleum products shall include adequate provisions for insuring that any leak, rupture or spill will be contained, and not introduced into or affect the adjacent waterway. In particular, a raised earthen or paved or concrete berm or dike shall be constructed so as to afford adequate protection. All DEC rules shall apply.

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ARTICLE V Standards for Specific Land Uses

§100-5 STANDARDS FOR SPECIFIC LAND USES

§ 100-5.1 Bed & Breakfast.

All bed-and-breakfasts (B&Bs) shall comply with the applicable provisions of the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated there under.

- A. A bed & breakfast may be established and operated on an existing lot used as a single-family residence.
- B. The owner of the bed-and-breakfast must reside in and continue to reside in the dwelling as his/her/their principal residence.
- C. Each B&B shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area.
- D. Such use shall have obtained approval by the State Health Department for any required on-site sanitary sewage or water supply facilities, as may be applicable.
- E. The number of paying guests accommodated per night shall not exceed ten (10) persons on any occasion within a maximum number of five (5) guest rooms. Further, no guest shall stay for a period of time in excess of fourteen (14) consecutive days.
- F. The parcel improved by the bed-and-breakfast shall provide or establish two (2) off-street parking spaces for the members of the owner's family residing in the dwelling unit as well as at least one (1) parking space per room. Further, said parking spaces shall not be established or permitted in the front yard of the site and shall be located or screened from view so as to provided no variation from the residential character of the site.
- G. Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector and carbon monoxide detector. Further, a smoke detector shall be property installed and functioning on or near the ceiling in the room or hallway from which each bedroom rented to paying guests exists.
- H. The Land Use Enforcement Officer shall be given such access to the dwelling as he/she deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations, including the New York State Uniform Fire Prevention and Building Code. Such inspections may be made with or without prior notice thereof.
- I. A single unlighted and non-reflective exterior sign may be established on the site of the bed-and-breakfast. Said sign shall not exceed twelve (12) square feet in area. No ground sign shall be located less than ten (10) feet from the front property line or less than twenty (20) feet from the side property line. Further, said sign shall be as unobtrusive as reasonably possible and may be illuminated by no more than two (2) exterior uplit or downlit lighting fixtures which shall be shielded so as to prevent glare, etc.

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- J. The Planning Board shall have the right to impose and include such other and additional conditions as it may deem necessary to effectuate the purpose of this Chapter.
- K. The owner shall not change, deviate, modify or vary from the application and site plan once the same is approved by the Planning Board.
- L. The owner shall provide to the Town proof of registration with Otsego County.

§100-5.2. Campgrounds.

- A. Minimum development area. A campground or Recreational Vehicle (RV) park shall have a gross area of at least ten (10) contiguous acres of land in single ownership or under unified control.
- B. Screening requirements. All campgrounds and RV parks shall provide and maintain a screening strip of planted natural materials along all property boundary lines and along all roadways. Such screening shall be a depth of not less than 100 feet, to effectively screen the area within a reasonable time period (five to 10 years). A planting plan specifying types, size and location of existing and proposed plant materials shall be required and reviewed as part of the license application. Existing trees should be preserved within the buffer area, to the greatest extent practicable.
- C. Lot and siting requirements.
 - (1) RV park or campground lots shall be at least 50 feet wide and 2,500 square feet in area. Gross density, however, shall not exceed a total of six lots per acre for the development. Frontages on cul-de-sac may be varied if the average width is maintained at 50 feet.
 - (2) Individual campground or RV park lots shall be separate from service building structures by a minimum distance of 50 feet. Also, notwithstanding the requirements of Subsection B above, no recreational vehicle or tent platforms shall be located closer than 50 feet to the street right-of-way or any adjacent property line.
- D. Off-street parking requirements. At least one off-street parking space shall be provided for each site, in addition to the site for placement of the recreational vehicle or tent.
- E. Streets.
 - (1) Nontransient campgrounds or RV parks. The residential street design standards contained in *Chapter 200 Subdivision of Land*, shall apply to streets within nontransient campgrounds and RV parks.
 - (2) Transient campgrounds or RV parks. Transient recreational land development streets shall be cleared, graded and improved to a twelve-foot width for one-way traffic and twenty-foot width for two-way traffic.
- F. Sewerage and water supply. No individual on-site sewerage or water supply shall be permitted, and all community systems for the common use of campground

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occupants shall fully comply, as evidenced by approved plans, with standards imposed by the New York State Department of Health and the Town.

G. Other regulations.

- (1) The following additional regulations shall apply to all campgrounds or RV parks:
 - (a) Appurtenances. No permanent external appurtenances, such as carports, cabanas or patios, may be attached to any travel trailer or other recreational vehicle parked in a campground or RV park, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.
 - (b) Location. A campground or RV park shall be so located that no entrance or exit from a park shall discharge traffic into a residential area exceeding one dwelling per acre nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 150 feet of frontage on a state, county or Town highway shall be required.
 - (c) Common use areas. A minimum of 10% of the gross site area of the campground or RV park shall be set aside and developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
 - (d) Entrances and exits. Entrances and exits to campgrounds or RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a state, county or Town highway shall be located where less than 500 feet of sight distance exists in either direction along the state, county or Town highway, nor shall such intersection be located within 150 feet of any other intersection.
 - (e) Parking areas. In connection with the use of any campground or RV park, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds, nor any private grounds not part of the campground or RV park unless the owner has given written permission for such use. Each campground or RV park operator shall provide off-street parking and loading and shall be responsible for violations of these requirements.
 - (f) Occupancy. Campground or RV park lots shall be used only for camping purposes. No improvement or living unit designed for permanent occupancy shall be erected or placed on any campground or RV park lot. All

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recreational vehicles in the development shall be maintained in a transportable condition at all times and meet all requirements which may be imposed by the State of New York. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purposes is hereby prohibited. Moreover, no campground or RV park lot shall be occupied for more than six (6) consecutive months, and no campground or RV park lot shall be the primary and principal residence of the owner or any other occupant, each campground or RV park lot to be used and occupied (excepting for occasional guests) for camping and recreational purposes only by a single household. The Town Land Use Enforcement Officer may require any owner to remove a recreational vehicle from the campground for a period of seven days, unless such owner can establish a prior removal or storage without occupancy within the immediately preceding six months. These requirements shall be attached to each campground or RV park lot sale or membership in nontransient campgrounds or RV parks by restrictive covenant.

- (g) Records. The management of every campground or RV park shall be responsible for maintaining accurate records concerning the occupancy of all campground or RV park lots. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Town Land Use Enforcement Officer shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Town Board and/or Land Use Enforcement Officer shall, in addition, have the authority, when any provision of this chapter is violated, to prohibit the occupancy of any and all campground or RV park lots in a recreational development until the owners and/or management provide evidence of compliance with these provisions.
- (h) Sanitary facilities. No owner or occupant of any campground or RV park lot or within such campground or RV park lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campground or RV park lot or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campground or RV park lot. Plumbing fixtures within any recreational vehicles placed upon lots in the campground or RV park shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided in separate buildings located not less than 100 feet or more than 500 feet from each campground or RV park lot.
- (i) Fences. All property lines within the development shall be kept free and open; and no fences, except as may be required for screening or as may

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exist naturally, ledges or walls shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.

- (j) Nuisances. No noxious or offensive activities or nuisances shall be permitted on any campground or RV park lot or anywhere within such developments. Such nuisances shall include, but not be limited to 1) noise which exceeds the noise limitations contained herein; and 2) uncontrolled fires or any burning which results in soot, cinders, smoke, noxious fumes, gases or unusual odors emanating beyond the property line of the development
- (k) Animals. No animals shall be kept or maintained on any campground or RV park lot, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- (i) Garbage and refuse disposal. No person shall burn trash, garbage or other like refuse on any campground or RV park lot. All such refuse shall be placed and kept in airtight receptacles for the same, which shall be provided by the owners of the campground or RV park lots. No owner or occupant shall permit the accumulation of litter or refuse or junk vehicles on a campground or RV park lot.
- (m) Camping accessories. Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds, fireboxes or fireplaces and similar items of personal property may be placed on a campground or RV park lot. All personal property on a campground or RV park lot shall be maintained in good condition so as not to become unsightly.
- (n) Ditches and swales. Each owner shall keep drainage ditches and swales located on his campground or RV park lot free and unobstructed and in good repair and shall provide for the installation of such culverts upon his campground or RV park lot as may be reasonably required for proper drainage. He shall also prevent erosion on his campground or RV park lot.
- (o) Drilling and mining. No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campground or RV park lot.
- (p) Vehicle parking. No recreation vehicle shall be parked on any street or roadway within the development.
- (q) Fire rims. Each campground or RV park lot fireplace (if charcoal or gas grills are not provided) shall be provided with a fire rim of concrete construction at least eight inches in height to contain the fire.
- (r) Water supply. Potable water drinking supplies shall be provided within 300 feet of each campground or RV park lot and be operational during any

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period of occupancy.

- (s) Public phone. A public phone or similar arrangement for emergency communication shall be available within each campground or RV park.
 - (t) Fire and emergency access. Every campsite shall be accessible by fire and emergency equipment and shall be maintained in such condition, free of obstacles to access.
- (2) The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in nontransient campgrounds or RV parks and shall be made part of a management plan for any transient campgrounds or RV parks, which covenants and/or plan shall be approved by the Planning Board in its review of site development plans for the campground or RV park. A plan or set of covenants, which does not adequately provide for conformance with this section shall not be approved. The plan and/or covenants shall also provide the Town with the option (but not the obligation) of being a party to their enforcement and include a right for the Town to periodically inspect the development for continued compliance with the plan and/or covenants.

§100-5.3. Cellular Towers.

A. No transmission tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a Site Plan and in conformity with these regulations. No existing structure shall be modified to serve as a transmission tower unless in conformity with these regulations.

- 1) Exceptions.
 - a) Exceptions to these regulations are limited to new uses that are accessory to residential uses and lawful or approved uses existing prior to the effective date of these regulations.
 - b) Where these regulations conflict with other laws and regulations of the Town of New Lisbon, the more restrictive shall apply, except for tower height restrictions that are governed by these special use standards.
- 2) Procedure and Standards.
 - a) Site plan. An applicant shall be required to submit a site plan. The site plan shall show all existing and proposed structures and improvements including roads and shall include grading plans for new facilities and roads. The site plan shall also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennae and justification for any land or vegetation clearing required.
 - b) Visual EAF. Additionally, the Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this section with particular attention to visibility from key

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viewpoints within and outside of the municipality as identified in the Visual EAF. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.

- c) Shared use. At all times, shared use of existing towers shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antenna on pre-existing structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to a new construction.
 - i) An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate shared use.
 - ii) In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.
- d) Setbacks. Additional setbacks may be required by the Planning Board to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities.
- e) Visibility. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.
 - i) Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding treeline unless other standards are required by the FAA. In all cases, structures offering slender silhouettes (i.e. monopoles or guyed tower) shall be preferable to free-standing structures except where such free-standing structures offer capacity for future shared use. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
 - ii) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

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- f) Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at breast height) shall take place prior to approval of the site plan.

 - g) Access. Road construction shall minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal site disturbance. Public road standards may be waived in meeting the objectives of this subsection. Parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.
- 3) Removal upon abandonment. Such conditions may include provisions for dismantling and removal of towers and accessory facilities upon abandonment of use.

§100-5.4. Home Occupations

In any legally existing dwelling unit or accessory structure, a home occupation that occupies more than twenty-five percent (25%) of the floor area of the dwelling unit or more than 500 square feet may be conducted, provided that it is in compliance with the New York State Uniform Fire Prevention and Building Code and the following standards:

- A. Appearance. In no way shall the appearance of the residential structure or the premises be altered by a home occupation, and in no way shall the home occupation be conducted such that the structure or premises differs from its residential character by the use of colors, materials, premises layout, or lighting.
- B. Home occupations involving classes or instruction. If the home occupation is the type in which classes or instruction is given, there shall be no more than four (4) students or pupils in the dwelling unit or on the premises at any one (1) time.
- C. Number of employees. Home occupations shall not employ more than one non-resident of the household on premises on a regular basis.
- D. Outdoor display and storage. There shall be no outside operations, storage or display of products, materials, goods, supplies or equipment.
- E. Off-street parking. The home occupation shall require two (2) off-street parking spaces, for clients or customers, in addition to the off-street parking spaces required for the residence.

- F. Home deliveries. Deliveries shall not exceed those normally and reasonably occurring from a residence and shall not include more than an average of four (4) deliveries of products or materials per day.
- G. Signs. There shall be no signs related to the home occupation present on the property, except one (1) flush-mounted wall sign, not over twelve (12) square feet in area, indicating only the address and occupant's name and occupation.

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H. Adverse impacts.

- 1) A home occupation shall not be permitted to produce any offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any noise, vibration, smoke, electrical interference, dust, odors or heat detectable beyond the property lines shall constitute a violation of these terms.
- 2) Home occupations which constitute a fire hazard to neighboring residences, will adversely affect neighboring property values or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors or other circumstances are not allowed.

I. Hours of operation. In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. nor later than 9:00 p.m.

§ 100-5.5 Manufactured Home Parks.

Manufactured home parks shall be subject to the following standards and review criteria.

A. Manufactured home park site plan review criteria. The Planning Board shall, in reviewing and acting upon applications for manufactured home parks, apply the following standards and review criteria:

- 1) The location of the park shall be one demonstrably suitable for such use, with proper drainage and provisions for stormwater control as provided herein.
- 2) There shall be documentation of the availability and adequate capacity of all utility providers to service the park. Offsite or centralized water and sewer facilities shall be provided.
- 3) The park shall be designed to buffer individual manufactured homes from each other and from other adjoining lot owners. It shall be landscaped so as to develop and maintain a high quality aesthetic environment and neighborhood character for prospective new and existing residents.
- 4) Adequate provisions shall be made for outside storage space and these shall not in any way interfere with emergency access.
- 5) Adequate provisions shall be made to control potential nuisance situations such as accumulation of unused materials or vehicles.
- 6) Recreational facilities sufficient to accommodate the number of dwellings proposed shall be provided.

- 7) There shall be adequate groundwater supplies to support the proposed water system without causing a detrimental impact on adjoining water supplies and evidence of this shall be provided and professionally reviewed.
- 8) The management and operations plan for the park shall provide for maintenance of all common facilities and ensure the purposes and requirements of this law are met. It shall also provide for limitation of occupancy to manufactured homes meeting U.S. Department of Housing Urban Development regulations under the Manufactured Housing Act.

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- B. Manufactured home park standards.
- 1) Site requirements.
 - a) The park shall be located on a well-drained site that is properly graded to ensure rapid drainage and free at all times from stagnant pools of water.
 - b) The park shall be at least twenty-five (25) acres in size and have at least five-hundred (500) feet frontage on a public road. Additional parkland must be contiguous to the existing park and shall not be bisected by a public road except to the extent a new road may be approved as part of the plan.
 - 2) Manufactured home lots.
 - a) Each manufactured home lot shall have a total area of not less than 10,000 square feet.
 - b) No more than (1) manufactured home shall be placed on any manufactured home lot.
 - c) The lot numbers shall be legibly noted for each lot on the plans submitted
- C. Manufactured home placement. All manufactured homes shall be parked or otherwise be located:
- 1) At least forty (40) feet from an adjacent manufactured home;
 - 2) At least fifty (50) feet from an adjacent manufactured home park property line;
 - 3) At least seventy-five (75) feet from right of way line of any existing public street or highway; and
 - 4) At least forty (40) feet from the nearest edge of any roadway located within the park.
- D. Manufactured home stand. Each manufactured home lot shall have a manufactured home stand (concrete pad) that will provide for the practical placement on a base on the lot of both the manufactured home and its appurtenant structures and provide for the retention of the home on the lot in a stable condition. Tie downs shall be provided for all manufactured homes.
- E. Accessibility and lighting.
- 1) Each manufactured home park shall be accessible from an existing public highway or street.
 - 2) Any manufactured home park shall provide, two (2) points of entry/exit at least one-hundred (100) feet apart.
 - a) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.

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- b) No individual manufactured home shall have direct access to a State, County or Town road without first entering a street or driveway in the manufactured home park leading to an exit.
 - c) All entrances and exits shall be free of any material that would impede the visibility of the driver on a public highway or street.
 - d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with manufactured homes attached and shall be at least fifty (50) feet in width for at least fifty (50) feet into the property.
- 3) Each manufactured home park shall have roads to provide for the convenient access to all manufactured home lots and other facilities within the park.
- a) The road system shall be so designed to permit the safe and convenient vehicular circulation within the park. All streets shall be provided with safe, all-weather surfaces.
 - b) All roads shall have minimum pavement width of eighteen (18) feet:
 - c) Road features, including shoulders and sidewalks, shall otherwise be constructed in accord with the requirements set forth in the Town Subdivision Law and Town highway specification.
 - d) No parking shall be allowed on the street.
- 4) All means of egress, drives and public places shall be adequately lighted.
- 5) One non-flashing, illuminated sign shall be permitted on the park. Such sign shall not be greater in area than 50 square feet and shall not extend more than eight (8) feet above ground level. Such sign shall be located at least 20 feet from any property line or street right-of-way line.
- F. Parking. Two (2) off-street parking spaces shall be provided on each manufactured home lot. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet.
- G. Utilities and service facilities. The following utilities and services shall be provided in each manufactured home park in accordance with the regulations and requirements of the New York State Department of Health:
- 1) An adequate supply of pure water meeting New York State Department of Health standards for drinking and domestic purposes shall be supplied by pipes to manufactured home lots and buildings within the park. Documentation of compliance with the Department of Health's requirements in Part 17 of the Sanitary Code shall be provided.
 - 2) Each manufactured home lot shall be provided with a sewer, which shall be connected to the manufactured home situated on the lot, to receive the waste from the washing machines, shower, tub, flush toilet lavatory and kitchen sink in such home. The sewer shall be connected to a central sewage facility. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
 - 3) Garbage removal shall be provided on an individual lot pickup basis.
 - 4) Manufactured homes that do not contain toilets, lavatory and tubs or showers

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shall not be permitted in any manufactured home park. Service buildings shall be provided as deemed necessary for the normal operation of the park. Service buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.

- 5) Each manufactured home lot shall be provided with weatherproof electric service connections and outlets that are a type approved by the New York State Board of Fire Underwriters. The electric lines within a manufactured home park shall be placed underground.

H. Recreation and Open Space

- 1) Each manufactured home park shall provide common open space equal to at least thirty-five (35) percent of the gross land area of the park including all lots and unplatted areas.
- 2) Any manufactured home park shall provide, as part of its open space, areas for active recreational use. These recreation areas shall not include any wetlands, steep slopes or other land areas unusable for development and shall consist of contiguous land areas that can be used for active recreational activities such as ball fields. No less than 20% of the open space provided shall be dedicated to such recreational areas and no individual area so designated shall be less than three (3) acres in size. Each manufactured home park affected by this section shall provide at least one developed picnic area, including tables and benches, and a system of marked and improved trails or sidewalks connecting each manufactured home to the recreation and other open space areas created. These recreational improvements shall be included on the landscaping plans presented as part of the application package.

I. Landscaping

- 1) Ground cover shall be provided on those areas not used for the placement of manufactured homes and other buildings, walkways, roads and parking areas.
- 2) Screening acceptable to the Planning Board and Land Use Enforcement Officer shall provide for adequate shade and a suitable setting for the manufactured homes and other facilities. A side or rear yard adjacent to an existing developed area shall be a minimum width or depth of 100 feet and the 50 feet nearest to the existing developed area shall be planted or screened with materials designed to create and maintain a high quality neighborhood character for existing residents as well as new manufactured home park residents. Natural landscape buffers shall be required as opposed to fencing or other artificial measures. It shall provide, to the maximum extent practical, for the effective screening of other development from the view of manufactured home residents and of all manufactured homes and accessory structures from view by adjoining.

The Planning Board shall also require and approve a landscaping plan for the interior of the manufactured home park to buffer individual manufactured

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homes, provide shade and green areas and ensure a wholesome living environment.

- 3) Skirting acceptable to the Planning Board and Land Use Enforcement Officer shall be installed along the perimeter of each manufactured home, extending from the stand to the floor of the manufactured home and fully screening the area beneath the unit from view. The landscaping plan required above shall also address landscaping of individual manufactured home sites and ensure effective separation of manufactured homes from each other for purposes of privacy as well as aesthetics.
- J. Registration. The owner or operator of each manufactured home park shall keep a register wherein there shall be recorded the name and permanent address of the owner and occupant of each manufactured home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register shall be signed by the owner of the manufactured home or the person bringing the same into the court. Such register shall be open for inspection to the Land Use Enforcement Officer or the Town Assessor at all reasonable times. Registers shall be kept for a period of seven (7) years.
- K. Fire district approval and firefighting requirements. No application for a manufactured home park license shall be approved unless and until the appropriate officer of the applicable Town fire district shall have reviewed the plans as well as the site and determined the district firefighting equipment can provide adequate coverage of the park and that there are no major obstacles in the design or layout of the facility to providing fire protection. If the fire district approval cannot be obtained because the district lacks the specific services and facilities needed to serve the proposed park, the Town shall be authorized, through its Planning Board, to require, as a condition of site plan review approval, a financial contribution from the applicant toward providing those services or facilities. Such contribution shall be reasonable and directly related to the costs of serving the manufactured home park.
- L. Accessory structures and additions. Accessory structures and additions shall require a building permit from the [Otsego County Code Enforcement Office](#) and meet State building code requirements.
- M. Site plan review approval renewal. Annual renewal of site plan review approval shall be required based upon inspection by the Town as to continued conformance with the requirements of this section. Such renewal shall also be considered a license for continued operation of the manufactured home park, as provided under New York State Town Law. No manufactured home park shall continue to operate without such renewal and license. All licenses to operate manufactured home parks shall expire on December 31 of each year absent submission, review and approval of an application for renewal (for the following calendar year) prior to that date.

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§ 100-5.6 Vacation Rental Cabins

Vacation rental cabins shall be subject to the following standards and review criteria.

- A. Density. The maximum density of vacation rental cabins shall be no greater than one (1) unit per acre on average over a single tract or development.
- B. Separation Between Buildings. The minimum separation between vacation rental cabins shall be seventy-five (75) feet.
- C. Access. Up to ten (10) vacation rental cabins may be developed on a gravel surface road or drive with a minimum width of eighteen (18) feet for two-way traffic and twelve (12) feet for one-way traffic. Adequate drainage as approved by the Town Highway Superintendent shall be provided and grades shall not exceed twelve percent (12%). Any development of greater than 10 vacation rental cabins shall meet all internal improvement requirements of multifamily or townhouse developments as provided in Section 100-5.4 of this Chapter.
- D. Water. An adequate supply of pure water meeting New York State Department of Health standards for drinking and domestic purposes shall be supplied by a community water system or individual wells to serve each vacation rental cabin. Documentation of compliance with the Department of Health's requirements in Part 17 of the Sanitary Code shall be provided.
- E. Sewer. All vacation rental cabins shall be provided with a septic system, which shall be connected to the cabin to receive the waste from shower, tub, flush toilet lavatory and kitchen sink in such cabin.
- F. Fire Protection. Each vacation rental cabin occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector and fire extinguisher and comply with New York State's Building and Fire Codes.
- G. Signage. Only one (1) monument sign (not to exceed 4' x 6') shall be permitted at the entrance of the rental cabin facility to identify the business along with one (1) identification sign or number (not to exceed 2' x 2') to be located on each cabin.
- H. Lighting. Sufficient exterior illumination of the site shall be required to provide convenience and safety of guest and generally be in accordance with Section 100-4.5 of this Chapter.
- I. Solid Waste. The applicant shall identify the solid waste needs for the proposed vacation cabin rental facility and present a solid waste management plan that is acceptable to the Planning Board.
- J. Occupancy. No vacation rental cabin shall be permitted for use as living quarters, with the exception of the resident manager or property owner. No vacation rental cabin shall be leased by the same person for more than one-hundred and twenty (120) consecutive days in a given calendar year.
- K. Streams, Water Bodies and Wetlands. Vacation rental cabins shall not be less than fifty (50) feet from any stream and/or in compliance with applicable NYSDEC standards.
- L. Utilities. Electric, telephone and cable shall be located underground.

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§ 100-5.7 Self-Storage Facilities

- A. Duration of Storage. Self-service storage facilities shall be limited to long-term storage use only. No activities other than rental of storage units and pickup and deposit of long-term storage items shall be allowed. "Long-term storage" will be defined as the storage of goods or materials for a period of 60 days or greater.
- B. Prohibited activities. Include, but are not limited to the following: commercial wholesale or retail sales; auctions, garage sales or flea markets; servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or similar equipment; the operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment; the establishment of transfer storage businesses; and any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations, but nothing contained herein shall prohibit enforcement of the provisions of the New York State Lien Law. None of the aforementioned conditions shall restrict the facility owner from performing maintenance on this facility.
- 1) All rental contracts shall include clauses prohibiting:
- a). The storage of flammable liquids and highly combustible, radioactive or explosive materials, hazardous chemicals or substances considered illegal under state or federal statutes.
 - b). The use of property for uses other than long-term storage.
 - c). Short-term storage of items for the intent of warehousing activities and/or for retail sales.
- C. Annual inspection. The owner shall inspect each and every storage unit for cause or at a period no greater than once yearly. The owner shall maintain records of their inspections and make them available to the Code Enforcement Officer upon request.
- D. Parking. Interior parking lanes shall be provided adjacent to the storage units. Such lanes shall be provided parallel to the storage units. Such lanes shall be a minimum of twelve (12) feet in width.
- E. Traffic circulation. Interior maneuvering lanes shall be provided around all buildings. For one-way circulations, lanes of twelve (12) feet shall be provided. For two-way circulation, twenty-four (24) feet shall be provided. Drives shall be surfaced with asphalt or oil and chip or some other hard-packed material capable of sustaining the weight of fire equipment. All interior travel lanes shall be posted to prohibit parking.
- F. Setbacks. All self-storage structures shall be set back a minimum of two-hundred (200) feet from front lot line.
- G. Building design. Shall be designed and oriented to reduce the visual impact on adjacent properties and existing roadways.
- H. Building height and length. No building shall have an exterior wall height greater than ten (10) feet nor shall any single self-storage structure be longer than 150 feet in length.

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- I. Rental unit size. Shall be limited to a maximum of 400 square feet, and no single tenant shall be permitted to rent or lease more than 2,000 square feet.
- J. Landscaping. Plantings shall be provided in all yards facing public rights-of-way to visually screen the storage units from public view. An earthen berm along the public right-of-way along with plantings is recommended to screen self-storage units from public view.
- K. Lighting. Site lighting shall be provided and shall be directed or shielded to prevent glare on adjacent properties or roadways and subject to Planning Board approval.
- L. Signs. Signs shall be installed in accordance with applicable provisions of this Law; however, no signs shall be permitted on any portions of the security fencing.
- M. Storage. All storage shall be within the building walls. No storage out-of-door shall be permitted.
- N. Security. The entire site shall be designed to minimize the potential for vandalism or criminal activity. Any fencing for security or aesthetic purposes shall be approved by the Planning Board as to material, height and color.
- O. Hours of operation. Business hours for self-storage facilities shall be limited to the hours of 6:00 a.m. to 11:00 p.m. daily.

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ARTICLE VI Non-Conforming Uses

§100-7 EFFECT OF LOCAL LAW

This Law does not apply to uses or structures that are lawfully in existence as of the date this Law becomes effective. Any use that would otherwise be subject to this Law that has been discontinued for a period of three (3) years or more shall be subject to review pursuant to the terms of this Law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this Law and fully constructed and completed within one year from the effective date of this Law. The Planning Board or Town Board shall have the right, for good cause, to declare a use that has been discontinued for more than three years as a legal non-conforming use.

§100-7.1 Non-Conforming Buildings.

A non-conforming building is any building which does not conform to the dimensional and bulk requirements of this Law with respect to lot area, width, or depth; front, side or rear yards; maximum height; etc. Nonconforming buildings may be continued, repaired, structurally altered, moved, reconstructed or enlarged, provided that such action does not increase the degree of or create any new nonconformity with respect to the bulk requirements of this Law.

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ARTICLE VII Enforcement

§100-8 ENFORCEMENT

§100-8.1. Site Plan Compliance.

No permit or certificate of occupancy shall be issued by the County Code Enforcement Officer, except upon the authorization by and in conformity with an approved site plan by the Town Board, where required.

§100-8.2. Land Use Enforcement Officer.

The Town Board may appoint a Land Use Enforcement Officer to carry out the duties assigned by this Law. If appointed, the Land Use Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate. With or without an appointed enforcement officer, any person may file a complaint in regard to these regulations. All such complaints must be in writing and shall be filed with the Town Clerk, who shall properly record such complaint and immediately cause an investigation of such complaints.

§100-8.3. Enforcement.

- A. 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 local law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$500.00 or by penalty of five hundred dollars (\$500) to be recovered by the Town in a civil action. Each day an offense is continued shall be deemed a separate violation of this Law.
- B. In addition to the penalties provided above, the Land Use Enforcement Officer, or Town Board, may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Law.

§100-8.4. Appeals.

Any person aggrieved by any decision of the Town Board may apply to the Local Court for review under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision.