



**TOWN OF RODMAN
DEVELOPMENT LAWS OF 1998**

ADOPTED

JUNE 5, 1986

AMENDED & ADOPTED OCTOBER 12, 1988

AMENDED & ADOPTED SEPTEMBER 9, 1998

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TOWN OF RODMAN DEVELOPMENT LAW

LOCAL LAW NO. ONE 1998

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~XXXX~~

of Rodman

Town

~~XXXXXX~~

Local Law No. ONE of the year 1998

A local law for the Town of Rodman entitled Town of Rodman Development Law.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXX~~

~~XXXX~~

of Rodman as follows:

Town

~~XXXXXX~~

ARTICLE I. ENACTING CLAUSE, TITLE, AND PURPOSES

Section 105. Enacting Clause

The Town Board of the Town of Rodman, Jefferson County, New York, does hereby enact the Town of Rodman Development Law pursuant to the authority and provisions of Articles 2 and 3 of the Municipal Home Rule Law and Article 16 of Town Law.

Section 110. Title

This local law shall be known as the "Town of Rodman Development Law."

Section 115. Purposes of the Development Law

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

It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development, and use of the natural and man-related resources of the town, by regulating land use activity within the town through review and approval of special uses. It is not the intent of this local law to prohibit *per se* any land use activity but to allow all land use activities which will meet the standards set forth in this local law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

ARTICLE II. DEFINITIONS

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

Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

Accessory Structure: A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

Accessory Use: A use incidental and subordinate to the principal use and located on the same lot with such principal use.

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

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

Agricultural Use: The raising of crops, animals, or animal products, the selling of products grown on premises, and any other commonly accepted agricultural operations, including incidental mechanical processing of products.

Building: Shelter having a roof supported by column or walls and intended for the shelter or enclosure of persons, animals, or property, regardless of the nature of the foundation provided.

Building, Principal: A structure in which is conducted the principal use of the lot on which it is located.

Camper: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

Campgrounds: Any area designated for transient occupancy by camping in tents, camp trailers, motor homes, truck cap campers, or pickup campers or similar facility designated for temporary shelter.

Camping Unit: Any tent, trailer, cabin, lean-to, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

Campsite: Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

Certificate of Compliance: A written certificate issued by the enforcement officer allowing the occupancy or use of a building or structure or the use of land, and certifying that the building, structure or use has been constructed or will be used in compliance with all applicable provisions of this law.

Development Permit: The permit issued by the Town of Rodman authorizing development for the principal or special uses of land as outlined in Sections 305 and 310.

Diversion Terrace: A channel or dike constructed up slope of a project for the purpose of diverting storm water away from the unprotected slope.

Dwelling Unit: Building or part thereof used as living quarters for one family. The terms "dwelling," "one family dwelling," "two family dwelling," or "multiple-family dwelling" shall not include a motel, hotel, boarding house, tourist home, or similar structure.

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.

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.

Dwelling, Multiple Family: Three or more complete but separate self-contained residential units each intended for permanent habitation by one family only in a single structure having a common roof, wall, or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

Earthmoving Activity: Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, lands development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Embankment or Fill: A deposit of soil, rock, or other material placed by man.

Enforcement Officer: A person appointed by the Town Board to carry out the regulations of this law.

Erosion: The natural process by which the surface of the land is worn away by the action of water, wind, ice, gravity, or chemical action.

Erosion and Sedimentation Control Plan: A plan which is designed to minimize accelerated erosion and sedimentation.

Excavation: A cavity formed by digging, quarrying, uncovering, displacing, or relocating soil or rock.

Family: One or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage, adoption, or assigned guardianship, no such single housekeeping unit shall contain more than three members.

Home Occupation: A non-residential activity conducted within a dwelling unit in accordance with the provisions of Section 715 of this law.

Interceptor Channel: A channel or dike constructed across a slope for the purpose of intercepting storm water, reducing the velocity of flow, and diverting it to outlets where it may be deposited.

Junkyard: The outdoor storage or deposit of any of the following:

1. Five or more junk vehicles.
2. Two or more abandoned mobile homes or recreation vehicles.
3. Five or more appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions.
4. Five or more inoperable farm implements within view of the highway.
5. Any combination of the above or parts of the above that total five or more items.

Junk Vehicle: Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle, or snowmobile, or any other device originally intended for travel on the public highways, which meets all of the following conditions: 1) it is unregistered; 2) it is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; 3) it is not in any condition for legal use upon the public highway. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

Land Use Activity: Any construction or other activity which 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 shall not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions to existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits.

Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law to be occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law.

Lot Frontage: The distance between the boundaries of a lot measured at their points of intersection with the road right of way line.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front: The lot line separating a lot from a road line.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the County Clerk's office and for which proof can be given that the lot was intended for development prior to adoption of this law.

Manufactured Building: Has the following characteristics: it is:

1. Mass-produced in a factory;
2. Designed and constructed for transportation to a site for installation and use when connected to required utilities;
3. Either an independent, individual building or a module for combination with other elements to form a building on the site.

Manufactured Housing: A manufactured building or portion of a building designed for long-term residential use.

Mobile Home: A manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

Mobile Home Site: A parcel of land in a mobile home park which is equipped with the necessary utilities and improvements for the erection thereon of a single mobile home.

Mobile Home Stand: A compacted gravel or cement pad used as a foundation for a mobile home. The terms stand or pad are used inter-changeably.

Mobile Home Park: Any parcel of land which has been planned or improved for the placement of mobile homes for non-transient use, and consisting of five or more mobile home sites.

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

Person: An individual person, copartnership, company, voluntary association, society, firm, or corporation.

Road: Public way for vehicular traffic which affords the principal means of access to abutting properties.

Road Line: Right of way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be 25 feet from the center line of the road pavement.

Sediment: Soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation: The process by which sediment is deposited on stream bottoms.

Setback: The distance between the road line and the front line of a building or any projection thereof.

Stabilization: The proper placing, grading and/or covering of soil, rock or earth to insure their resistance to erosion, sliding, or other movement.

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

Subdivision: The division of any parcel of land into two or more lots or parcels, including any remainder of the original parcel, with or without roads, and including reallotment and resubdivision.

Travel Trailer: Shall include motor homes, truck campers, camping trailers, travel trailers and pop-up trailers used for recreational, travel, and temporary living purposes.

Travel Trailer Park: Any parcel of land which has been planned or improved for the placement of three or more travel trailers occupied for dwelling or sleeping purposes for transients.

Travel Trailer Site: A parcel of land within a travel trailer park which has been equipped with the necessary utilities and improvements for the temporary placement thereon of a single travel trailer.

Use: The specific purpose or activity for which land or buildings are designed, arranged, intended, or for which land or buildings may be occupied or maintained.

Use, Principal: The primary or predominant use of any lot, unless that use is listed as a special use. A principal use does not require Town Board review but does require a development permit issued through the Enforcement Officer.

Use, Special: A use requiring review by the Town Board prior to the issuance of a special use permit by the Enforcement Officer.

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

Variance: A variance is any departure from the strict letter of this law granted by the Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.

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

Yard, Front: The space within and extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. If a lot adjoins two or more roads or highways, it shall be deemed to have a front yard respectively on each.

Yard, Rear: The space within and extending the full width of the lot between the building and the rear lot line, and measured perpendicular to the building at the closest point to the rear lot line.

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

ARTICLE III. PERMITS

Section 305. Principal Uses

Development permits for the following principal uses shall be issued by the Enforcement Officer when the applicant has satisfactorily met all the applicable requirements in this local law:

- (a) one- and two-family dwellings and mobile homes on individual lots and accessory structures
- (b) agricultural structures and uses and accessory structures
- (c) home occupations (see Section 715)

Section 310. Special Uses

All land use activities on the following list are special uses and shall require a special use permit upon approval of the Town Board; Special Use Review provisions found in Article V:

- (a) any use involving the alteration of three or more acres of land excluding customary agricultural uses such as pasturing and crop raising,
- (b) multiple family dwelling.
- (c) mobile home parks,
- (d) travel trailer parks and camp grounds,
- (e) all non-residential uses.

ARTICLE IV. SITE CONTROLS

Section 405. General

All Lots and Structures shall be developed in accordance with the standards set forth herein. Unless specifically authorized by the Town Board under the provisions of this local law pertaining to special use approval, no individual lot will be improved with more than one principal building together with such accessory and secondary structures as are necessary and incidental to the use and enjoyment of such

property. No part of any yard or other open space required for the purpose of complying with provisions of this local law shall be included as part of a yard or open space required for any other structure.

Section 410. Geometric Standards

- A. Minimum Lot Area for any use shall be 30,000 square feet.
- B. Minimum Lot Frontage shall be 200 feet.
- C. Minimum yard depths shall be:
 - 1. Front yards -- 25 feet from road line or right-of-way.
 - 2. Side yards -- 20 feet.
 - 3. Rear yards -- 20 feet.

Section 415. Distance Between Principal Buildings

In no case shall any point on any building be less than 10 feet from any point on any other building with the exception of a garage to be joined by breezeway to a residence. However, exceptions must comply with all fire and building codes.

Section 420. Stream, Lake, or Watercourse Setback

- A. All leach fields shall be set back 100 feet from the mean high water mark of any stream, lake, or watercourse, pursuant to "Appendix 75-A" of the New York State Public Health Law.
- B. All septic tanks shall be set back 50 feet from the mean high water mark of any stream, lake, or watercourse, pursuant to "Appendix 75-A" of the New York State Public Health Law.

Section 425. Mobile Homes - Siting Requirements for Mobile Homes Located on Individual Lots

All mobile homes located on individual lots, installed after the adoption of this law, shall meet the following siting requirements:

- A. Restrictions on Occupancy
 - 1. No mobile home shall be allowed unless it bears a manufacturer's label which certifies that, to the best of his knowledge and belief, the home is in compliance with all applicable Federal Construction and Safety Standards.
 - 2. Every mobile home shall bear a date plate, affixed in the manufacturing facility, bearing not less than the following standards:
 - a. The statement: "This mobile home is designed to comply with the Federal Mobile Home Construction and Safety Standards in force at the time of manufacture."
 - b. Reference to the structural zone and wind zone for which the home is designed.
 - 3. Every mobile home shall bear data relative to the heating and insulation zone and outdoor design temperature.
 - 4. A mobile home that was manufactured prior to 1974 will NOT be allowed to be sited in the Town of Rodman.

B. Mobile Home Skirting

1. Each mobile home shall be provided with a skirt to screen space between the mobile home and the ground.
2. Such skirts shall be of permanent material similar to that used in the mobile home and providing a finished exterior appearance.
3. The material used shall conform to the standards of the New York State Uniform Fire Prevention and Building Code.
4. Skirting shall be installed within 30 days of the installation of the mobile home on an approved mobile stand.

C. Mobile Home Stand

1. Each mobile home site shall be provided with a stand which will give a firm base and adequate support for the mobile home.
2. Such stand shall have a dimension approximating the width and length of the mobile home and any expansions or extensions thereto.
3. Six well anchored tie-downs shall be required, one on each corner of the stand and one on each side of the stand, half way between the ends. Tie-downs shall be installed before occupancy and immediately after the installation of the mobile home on an approved mobile home stand..
4. Stands shall be either
 - a. ten inches of compact gravel; or
 - b. a full concrete slab at least six 6 inches thick; or
 - c. six inches of compacted gravel with a reinforced concrete runner on each side of the stand to provide support. Such runner shall be a minimum of four feet wide, six inches thick, and the length of the mobile home.
5. The stand area shall be graded to ensure adequate drainage but in no event shall the grade variance exceed six inches from one end of the stand to the other.
6. No mobile home shall be installed until the stand has been inspected and approved by the enforcement officer.

- D.** Lot size for a mobile home located on an individual lot shall be the same as for individual dwelling units.

- E.** Additions to mobile homes such as porches, entryways, patios, etc., will require separate development permits (for additions) unless such extensions were part of the original permit which allowed siting of the mobile homes.

- F.** Individuals responsible for bringing mobile homes into, and situated even temporarily on lands in the Town of Rodman, before having obtained a permit for same will be subject to immediate penalties as outlined in Section 830.

ARTICLE V. SPECIAL USE REVIEW

Section 505. Objectives

The objective of the special use review is to provide for and assure the orderly growth of the community. In considering and acting on special uses, the Town Board shall consider the public health, safety,

welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Town Board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives in particular:

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

Section 510. Town Board Review of Special Uses

The Town Board is hereby authorized to review and approve or disapprove special uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

Section 515. Procedure

- A. **Sketch Plan.** A sketch plan conference between the applicant and the Town Board may be held to review the proposed development in light of existing conditions and to generally determine the information to be required for the application. At the conference the applicant may provide a statement and a rough sketch describing what is proposed together with a topographic map (USGS) showing the location of the tract and its relationship to surrounding area.
- B. **Initial Review.** The above material will be reviewed by the Town Board to provide the applicant with a firm indication of whether the proposal in its major features is acceptable or should be modified before expenditures for more detailed planning are made. The board shall also review the special use application requirements to determine information the applicant will need to present. An Environmental Assessment Form (EAF) should be completed at this time.
- C. **Application.** An application for special use approval shall be filed with the Town Clerk together with the appropriate fee as determined by the fee schedule adopted by Town Board resolution. The application shall include where applicable, but not be limited to, the following:
 - 1. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings;
 - 2. Date, northpoint, written and graphic scale;
 - 3. Boundaries of the area plotted to scale, including distances, bearings, and areas;

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

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

E. **County Planning Board Review.** The Town Board shall refer all special use permits that fall within those areas specified under General Municipal Law, Article 12-B, Section 239 m to the County Planning Board 10 days prior to the public hearing thereon. Any special use that falls within 500 feet of the boundary of the town; a State/County park or recreation area; a State or County highway or expressway; a State or County owned drainage channel; State or County land where a public building or institution is located; or a farm operation within an agricultural district shall be referred to the Jefferson County Planning Board for their recommendations

thereon. If the County Planning Board does not respond within 30 days from the time it received a full statement on the referral matter then the Town Board may act without such report. The Town Board must report to the County Planning Board on its final action within 30 days of that event.

- F. **Public Hearing.** The Town Board shall conduct a public hearing on the special use. Such public hearing shall be conducted within 62 days of the receipt of the completed application and shall be advertised at least five days before the hearing in a newspaper in general circulation within the town.
- G. **Town Board Action.** Within 62 days of such public hearing, the Town Board shall act on the special use. The Town Board's action shall be in the form of a written statement to the applicant stating whether or not the special use is approved, disapproved, or approved with modifications. If the special use is disapproved, the statement will contain the reasons for such findings. In such a case, the Town Board may recommend further study of the special use and resubmission after it has been revised or redesigned. The Town Board shall, where required, be responsible for completion of a final EIS with revisions as they see fit together with a statement of findings required under the State Environmental Quality Review (SEQR) Law (Section 8-0109-8 of Environmental Conservation Law). The Town Board shall file and circulate a final notice of completion as required in the provisions of Part 617, Title 6, NYCRR.
- H. Upon approval of the special use and payment by the applicant of all fees and reimbursable costs due the town, the Town Board shall endorse its approval on a copy of the application. The decision of the Town Board shall be filed in the office of the Town Clerk within five business days, and a copy mailed to the applicant.

Section 520. Findings

No special use permit shall be approved unless the following findings are made:

- A. All applicable regulations and other general and special controls contained in this local law are complied with.
- B. There will be no adverse impact upon the character or integrity of any land use within the immediate vicinity having unique cultural, historical, architectural or similar significance.
- C. The development will be in harmony with the natural environment.
- D. Adequately designed open space, drainage facilities, landscaping and other features considered appropriate to the function of the development shall be provided.
- E. Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended. In making this determination, the Town Board shall review, but need not be limited to the following considerations:
 - 1. Location and adequacy of parking and loading facilities.
 - 2. Pedestrian right-of-way.
 - 3. Traffic regulatory devices.
 - 4. Location, number and design of points of ingress and egress.

5. Accessibility to emergency vehicles with particular emphasis on proximity to structures, no parking or no loading zones or areas and provision for turning and free movement.
6. Storage facilities for snow.
7. Age and mobility of persons for whose benefit the use is intended.
8. Speed limits upon and general character of public highways in close proximity.

Section 525. Materials to be Submitted by Applicant

- A. **Vicinity Map:** This map at a scale of 2,000 feet to the inch or larger shall show the relationship of the proposal to existing community facilities that may affect or serve it such as roads, shopping areas, schools, employment centers, etc. It shall show all properties, subdivisions, roads, and easements within 300 feet of the proposal. Such a sketch may be superimposed on a USGS map of the area.
- B. **Topographic Map:** This shall be drawn at a scale of 100 feet to the inch or larger and shall show existing topography at a contour interval of not more than five feet. This map shall also show the location of pertinent natural features that may influence the design of the proposed use such as water courses, swamps, wetlands, rock outcrops, wooded area, areas subject to flooding, etc.
- C. **Site Development Plan:** This map of the property on which the proposal is to be situated shall be drawn at a scale of 100 feet to one inch or larger and shall show the location of all automobile parking and all parking for commercial vehicles while loading and unloading, the location and width of all driveways, exits, and entrances, the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences; provide a description and show the location of sewage disposal facilities, water facilities, show location and size of all signs, the location of proposed buffer areas, and the design of lighting facilities, and such other facilities as indicated in the special use checklist.
- D. **Elevations and/or Sections:** The application shall be accompanied by preliminary elevations and/or sections at the same or larger scale as required, drawn in sufficient detail to delineate clearly the bulk and height of all buildings and other permanent structures included in the proposal.
- E. **Engineering Plans:** Preliminary engineering plans including road improvements, drainage system, and public or private utility systems, and other such supporting data as may be necessary.

Section 530. Elements Reviewed

The Town Board's review of the special use shall include, as appropriate, but shall not be limited to, any of the following items:

- A. **General Considerations**
 1. Status of any federal, state, or county permits required.
 2. Existing or proposed deed restrictions.
 3. Environmental impact on community and adjacent areas.
 4. Age and mobility of design population.

B. Landscaping and Screening

1. Location and proposed development of buffer area including vegetative cover.
2. Outdoor lighting and time of use proposed.
3. General landscaping plan and planting schedule.
4. Location, size, design, and construction materials on signage.
5. Any areas subject to flooding, pondage, storm water overflow or erosion.
6. Location of existing water course, wetland, rock outcrop, forest, gorge, or other unique natural features.
7. Proposed fencing construction and material.
8. Clearing, alteration, or removal of any existing natural feature.

C. Access and Circulation

1. Entrances and exits to public roads.
2. Deceleration strip.
3. Traffic control measures.
4. Speed limits on adjacent roads.
5. Traffic volume on and adjacent to site.
6. Special access for emergency vehicles.
7. Internal circulation including road width, pavement surface, separation of pedestrian and vehicular traffic.
8. Intersections.
9. Existing or proposed easements.
10. Existing or proposed setbacks.

D. Parking, Loading, and Storage

1. Location, design, and construction materials.
2. Adequacy to meet standards for occupants, visitors, employees.
3. Truck loading facilities - separate access.
4. Outdoor storage.
5. Snow removal.
6. Storm water treatment.
7. Solid waste collection and removal.

E. Architectural Features

1. Location, size, proposed use, and height.
2. Space devoted to retail sales, storage, service, wholesale or other commercial facilities.
3. Number and type of housing units per building and proposed site density.
4. Floor plans, elevation, and sections of typical structures.
5. Lot coverage - density.

F. Site Characteristics and Utilities

1. Suitability of soil for proposed use.
2. Existing topography.
3. Proposed grading and drainage plan including calculated storm water runoff.
4. Measures to control erosion.

5. Description of sewage disposal system including location, design, construction materials, and estimated cost of facilities.
6. Description of method to secure public water including location, design, and construction material for proposed facilities.
7. Location of fire and/or emergency zones including special access, if any.
8. Location, design, and construction materials of all energy distribution facilities (electric, gas, solar, etc.).

G. Scheduling

1. General timetable for construction of structures and facilities.
2. Proposed staging of various sub-units of development.

Section 535. Financial Guarantees for Public Improvements

A. Required Public Improvements

All public improvements required pursuant to the approval of special uses shall be constructed and completed to the standards required by state and local laws, rules, and regulations. Applicants for special use approvals shall provide the town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public improvements required of applicants for special use approvals.

B. Time Limit on Installation of Improvements

The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this section shall be completed within one year from the date of the approval of the special use. Road improvements shall be completed within two years from the date of approval of the special use. At the end of such time, if the required public improvements are not completed and accepted by the town, the town may use as much of the financial security required by this article to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

C. Extension of Time Limit

The applicant may request an extension of time to perform required public improvements provided reasonable cause can be shown for the inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months.

D. Inspections of Improvements

At least five days prior to commencing construction of required public improvements the applicant shall pay to the town clerk the inspection fee required by the town and shall notify the town board or an official designated by the town board in writing of the time when the construction of such improvements will be commenced so that the town board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the town board.

E. Financial Security Options

Acceptable financial security shall be provided to the town in the form of a bond executed by a surety company, a certified check, or an irrevocable letter of credit drawn in favor of the town. Any such financial security shall be presented to the town clerk in an amount equal to the cost of construction of the public improvements required by the town board pursuant to this law.

F. Review of Proposed Financial Security

All required public improvements shall be shown on special use plans, and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the town board for financial adequacy as a guarantee of construction and of reasonable performance during a warranty period. The town board and the town attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

G. Schedule of Improvements

When a guarantee agreement has been approved by the town board and the required surety bond, certified check, or letter of credit has been received by the town clerk, the town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the town to the applicant as work is satisfactorily completed.

H. Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate town inspectors, and by the town fiscal officer. If the statement is approved by the town fiscal officer, the statement shall be forwarded promptly to the town clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the town clerk will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

I. Acceptance of Required Public Improvements

When the project inspector, following final inspection of the project, certifies to the town board that all required public improvements have been completed in accordance with all applicable requirements, the town board may act by resolution to accept the public improvements.

J. Maintenance Guarantee Required

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for ten percent of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Subsection E. above, but no maintenance bond shall be for less than \$5,000 face value. All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the town and shall extend for two years therefrom or for two years from the June first next succeeding the acceptance of the required public improvements, whichever period is longer.

ARTICLE VI. SPECIAL PERMITS -- ADDITIONAL CONDITIONS

Section 605. Mobile Home - Siting Requirements for Mobile Homes Located in Parks

All mobile homes installed after the adoption of this law shall meet the following siting requirements:

A. Restrictions on Occupancy

1. No mobile home shall be allowed unless it bears a manufacturer's label which certifies that, to the best of his knowledge and belief, the home is in compliance with all applicable Federal Construction and Safety Standards.
2. Every mobile home shall bear a date plate, affixed in the manufacturing facility, bearing not less than the following standards:
 - a. The statement: "This mobile home is designed to comply with the Federal Mobile Home Construction and Safety Standards in force at the time of manufacture."
 - b. Reference to the structural zone and wind zone for which the home is designed.
3. Every mobile home shall bear data relative to the heating and insulation zone and outdoor design temperature.

B. Mobile Home Skirting

1. Each mobile home shall be provided with a skirt to screen space between the mobile home and the ground.
2. Such skirts shall be of permanent material similar to that used in the mobile home and providing a finished exterior appearance.
3. The material used shall conform to the standards of the New York State Uniform Fire Prevention and Building Code.
4. Skirting shall be installed within 30 days of the installation of the mobile home on an approved mobile home stand.

C. Mobile Home Stand

1. Each mobile home site shall be provided with a stand which will give a firm base and adequate support for the mobile home.
2. Such stand shall have a dimension approximating the width and length of the mobile home and any expansions or extensions thereto.
3. Six well anchored tie-downs shall be required, one on each corner of the stand and one on each side of the stand, half way between the ends. Tiedowns shall be installed before

occupancy and immediately after the installation of the mobile home on an approved mobile home stand.

4. Stands shall be either
 - a. ten inches of compact gravel; or
 - b. a full concrete slab at least six inches thick; or
 - c. six inches of compacted gravel with a reinforced concrete runner on each side of the stand to provide support. Such runner shall be a minimum of four feet wide, 65 feet long, and six inches thick.
5. The stand area shall be graded to ensure adequate drainage but in no event shall the grade variance exceed six inches from one end of the stand to the other.
6. No mobile home shall be installed until the stand has been inspected and approved by the enforcement officer.

Section 610. Mobile Home Parks

A. Park Location and Conditions

The site of a proposed mobile home park:

1. shall be located where orderly development of a mobile home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering;
2. shall have generally level to gently rolling topography over an area of sufficient size to allow development of the mobile home park in compliance with Section E below without significant alteration or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock out-croppings; and
3. shall be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.
4. Travel trailers shall not be occupied, whether permanently or temporarily, in any mobile home park. Mobile home parks shall be separated from travel trailer parks by a minimum distance of 250 feet.

B. Park Standards

1. Mobile home site. Each mobile home park shall be divided (exclusive of internal roads, open space or common areas) and marked-off into mobile home sites numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted.
2. Mobile Home Site Size. Each mobile home site shall satisfy the following requirements:
 - a. Minimum site size shall be 15,000 square feet. In special cases where innovative park design for mobile home parks of ten or more mobile homes provides clustering and allows for wide roads or a greater amount of usable recreation area or open space exceptions may be granted. In no case, however, shall the site area be reduced below 10,000 square feet.

- b. Minimum 100 foot site width. Where exceptions have been made as provided in (a), minimum 100 foot site width; and
 - c. Minimum 100 foot site depth.
- 3. Setbacks and spacing
 - a. All mobile homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a mobile home park shall satisfy the following setback requirements. A detached structure accessory to and located on the same site with an individual mobile home shall be considered part of the mobile home for the purpose of spacing requirements.
 - (1) minimum of 150 feet from the road line of any public road.
 - (2) minimum of 40 feet from the center line of any road-way internal to the mobile home park.
 - (3) minimum of 40 feet spacing between adjacent mobile homes and any other structures in the mobile home park.
 - (4) minimum of 20 feet from rear lot lines.
 - b. No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 50 feet of a property external to the mobile home park.
- 4. Park Design Requirements
 - a. Access. Each mobile home park shall provide for safe, legal means of access from one or more public roads as follows:
 - (1) access roads shall meet the public roads at right angles and at compatible grades;
 - (2) entrances shall be located directly opposite or at least 200 feet from the nearest intersection of public roads, if any, and at least 150 feet from any other entrances to the mobile home park, if any;
 - (3) entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles;
 - (4) entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road;
 - (5) at least one common entrance and access road shall be required to serve any mobile home park having five or more mobile homes;
 - (6) at least two independent entrances and access roads shall be required to serve any mobile home park having 20 or more mobile homes; and
 - (7) access roads connecting mobile home park interior roads with the public road shall meet town road standards.
 - b. Internal Roads
 - (1) Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile homes attached.
 - (2) All mobile home sites shall face on and be serviced by such internal roads.
 - (3) All roads shall be built in accordance with the appropriate county road specifications.
 - (4) Straight, uniform gridiron road patterns should be avoided unless they can be relieved by mobile home clustering, landscaping and an open space system.
 - (5) Cul de sacs shall be provided in lieu of closed end roads with a turn around having an outside roadway character of at least 90 feet.

- (6) All internal roads shall have a minimum 30 foot right-of-way, 20 feet of which must be hard surface and designed to appropriate county road specifications.
- c. **Parking**
 - (1) Each mobile home shall be provided with at least two off-street parking spaces adjacent to the mobile home.
 - (2) At least one additional off-street parking space for each three mobile homes in the mobile home park shall be provided to accommodate guest parking, service or delivery vehicles, boat or camp trailer storage for the residents of the park, or other parking or storage demand. Such spaces shall be in centrally located parking areas without interfering with the traffic circulation of internal roads.
 - (3) Each parking space shall measure at least nine feet by twenty feet.
 - (4) Parking spaces or areas shall be constructed of at least eight inches of hard packed gravel.
- d. **Recreational Areas and Open Space.** Easily accessible and usable open spaces shall be provided in all mobile home parks. Such open space shall have a total area equal to at least 15% of the gross land area of the park and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.
- e. **Walkways.** A four foot wide hard surfaced pedestrian walkway may be provided along and at least five feet from each access road between the entrance to the public highway and either:
 - (1) the first mobile home unit or
 - (2) such location within the mobile home park as may be required by the Town Board to assure pedestrian safety.
- f. **Water Supply.** An adequate supply of water shall be provided for all mobile homes and service buildings. Where public water is available, connection shall be used exclusively, unless local authorities deem otherwise. If a public water system is not available, the development of a private water supply system shall be approved by the health authority or other authorities having jurisdiction thereof.
- g. **Sewage.** An approved sewage system shall be provided in all mobile home parks for the conveying, disposing and treatment of sewage from mobile homes, service buildings, and other accessory facilities. Such system must be designed, constructed and maintained in accordance with the New York State Department of Health standards and regulations, as applicable.
- h. **Garbage and Refuse.** Each mobile home lot shall be provided with at least two 20-gallon metal or plastic garbage cans with tight fitting covers. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the mobile home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.
- i. **Fuel Supply and Storage.**
 - (1) **General Requirements.** All fuel oil supply systems, provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.
 - (2) **Specific Requirements**

- (a) All fuel oil tanks shall not be located less than five feet from any exit.
 - (b) Supports or standards for fuel storage tanks are to be of a non-combustible material.
 - (3) Natural Gas
 - (a) Natural gas piping systems installed in mobile home parks shall be maintained in conformity with accepted engineering practices.
 - (b) Each mobile home lot provided with piped natural gas shall have an approved shut-off valve and cap to prevent accidental discharge of gas.
 - (4) Liquefied Gas
 - (a) Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - (b) Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of individual mobile home.
 - (c) All Liquid Propane Gas piping shall be well supported and protected against mechanical injury.
 - (d) Storage tanks shall not be less than 100 pounds and must be located no closer than five feet from any exit.
- j. Electrical Service.
 - (1) Every mobile home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must have the New York Board of Fire Underwriters' approval or other authority as designated by municipality.
 - (2) Each mobile home stand shall be supplied with not less than a 100 ampere service.
 - (3) Adequate lights shall be provided to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum lighting level of 0.3 foot candles shall be provided.
 - (4) All electrical distribution lines shall be placed underground.
- k. Telephone Service. When telephone service is provided to mobile home sites, the distribution system shall be placed underground.
- l. Service Buildings
 - (1) Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
 - (2) All service buildings and the grounds of the mobile home park shall be well lighted and maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- m. Fire Protection and Control
 - (1) Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and

number so located within the park as to satisfy applicable regulations of the fire district within which the mobile home park is located.

- (2) No open fires shall be permitted any place within the mobile home park with the exception of outdoor grills used for the preparation of foods.
- n. Proper planning and early communication with utility company is recommended to provide necessary easements by utility companies, i.e., gas, electricity and telephone.

C. Responsibilities of Park Operators and Park Occupants

1. The person to whom a permit for a mobile home park is issued shall operate the park in compliance with the standards set forth in this local law and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition.
2. The park operator shall place or supervise the placement of each mobile home on its mobile home stand which includes ensuring its stability by securing all tie-downs and installing all utility connections.
3. The park operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each mobile home. Such register shall be available to any authorized person inspecting the park.
4. The park occupant shall be responsible for the maintenance of his mobile home and any appurtenances thereto, and shall keep all yard space on his site in a neat and sanitary condition.
5. A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.

Section 615. Travel Trailer Parks/Campgrounds

- A. Each travel trailer park/campground shall have adequate access to a public highway, and each travel trailer/camp site shall be serviced from interior roadways.
- B. All buildings and travel trailer/camp sites shall have a front yard setback of 150 feet from the public road line, with the setback area being seeded and adequately landscaped.
- C. An overnight travel trailer/camp site shall be a minimum 4,000 square feet in size and 4,000 square feet shall be provided for longer term vacation camping sites.
- D. The owner or manager of a travel trailer park/campground shall maintain an office in the vicinity of the park and shall maintain accurate records of the names of park residents; home address; and make, description, year and license or identification number of all travel trailers. These records shall be available to any law enforcement official or the Building Inspector.
- E. A minimum of 10% of the total area of the travel trailer park/campground, not including the required setback from the road line, shall be dedicated to a recreation area and shall be fully maintained by the park owner.
- F. Travel trailer/camp sites shall be located on generally level terrain, not to exceed eight percent slope, that is well drained, free of flood hazard, and clear of dense brush.

- G. The corners of each travel trailer lot shall be clearly and permanently marked, and each lot numbered for identification.
- H. Sewer, water and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, New York State Sanitary Code, which is adopted herein by reference, and subject to any other town requirements.
- I. All travel trailer parks/campgrounds shall provide one toilet and shower for each sex, for each 20 travel trailer/camp sites. At least one public telephone shall be provided in each travel trailer park/campground.
- J. Mobile homes shall not be parked permanently in any travel trailer park/campground except that the owner or manager of a travel trailer park/campground may park one mobile home to use as an office or personal residence. This mobile home shall conform to the standards for mobile homes included in this law, Section 425. Mobile homes shall not be parked temporarily in any travel trailer park/campground except in cases of emergency and then shall not remain in the park for more than one 24-hour period.

Section 620. Junkyards

All junkyards, as defined herein, shall be in compliance with the following requirements.

- A. No junkyard shall be located within 1,000 feet of any adjoining property line, any residential building (except that belonging to the owner of the junkyard), public park, church, educational facility, nursing home, public building or other place of public gathering, or any stream, lake, pond, wetland, or other body of water.
- B. The junkyard shall be set back at least 500 feet from the right-of-way of any public highway.
- C. There must be erected and maintained an eight foot high fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junkyard. All the materials dealt with by the operator of the junkyard shall be kept within such fence at all times. Whenever the junkyard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry.
- D. Where a junkyard is or would be visible from a public highway or from neighboring properties the fence shall be of wood or other materials sufficient to totally screen the junkyard from view. As an alternative, the Town Board may permit such screening by adequate planting of evergreen trees or shrubbery.
- E. The junkyard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with the New York State outdoor burning law (see 6 NYCRR 215).
- F. In granting or denying a permit, the Town Board shall take the following aesthetic and locational factors into consideration:
 - 1. Aesthetic Considerations
 - a. Type of road servicing the junkyard.

- b. Natural or artificial barriers protecting the junkyard from view.
 - c. Proximity of the site to established residential or recreational areas.
 - d. Availability of other suitable sites for the junkyard.
2. Locational Considerations
- a. The nature and development of surrounding property, such as the proximity of places of public gathering.
 - b. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of other causes.
 - c. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies.
 - d. Local drainage patterns.
 - e. Long range comprehensive plans for the town.

G. Junkyards shall not be located within 1000 feet of established residential areas, state or county property, or established hunting areas.

ARTICLE VII. GENERAL REGULATIONS

Section 705. Access

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

Section 710. Soil Erosion and Sedimentation Control

A. General

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

B. Erosion and Sedimentation Control Plan

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

- h. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.

C. Restoration

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

Section 715. Home Occupation

A home occupation is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling, subject to the following:

- A. No home occupation shall be permitted that:
 1. Changes the outside appearance of the dwelling or is visible from the road;
 2. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
 3. Creates a hazard to person or property, results in electrical interference, emit offensive noise or odor, or becomes a nuisance;
 4. Results in outside storage or display of anything.
- B. The following are permitted home occupations provided they do not violate any of the provisions of Section 715.A. above:
 1. Dressmaking, sewing, and tailoring;
 2. Painting, sculpturing, or writing;
 3. Telephone answering;
 4. Home crafts, such as model making, rug weaving, lapidary work, and cabinet making;
 5. Tutoring, limited to four students at a time;
 6. Home cooking and preserving;
 7. Computer programming.
 8. Cosmetology operation with three or fewer chairs.
- C. The following are prohibited as home occupations, but may be permitted as commercial uses:
 1. Animal hospitals;
 2. Mortuaries;
 3. Nursery schools;
 4. Private clubs;
 5. Restaurants;
 6. Stables or kennels.
- D. Any proposed home occupation that is neither specifically permitted by paragraph B nor specifically prohibited by paragraph C shall be considered a conditional use and be granted or denied by the Town Board upon consideration of those standards contained in paragraph A.

Section 720. Line of Sight for Traffic Safety

No accessory structure, fence, wall, or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting highways. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the road centerline grades of two intersecting roads, in the area bounded by the road lines of such corner lot and a line joining along said road lines 20 feet from the point of the intersection.

Section 725. Towers

Towers shall not be artificially lighted unless required by the Federal Aviation Administration. All required illumination shall be the minimum necessary to comply with existing regulations.

1. **Temporary Special Use Permit Required:** Telecommunications towers shall be sited only upon approval of a temporary special use permit issued for a maximum period of five years. Such permit application shall be reviewed by the planning board pursuant to the authority of New York State Town Law Section 274-b, and pursuant to the procedures of Article 6 of this law. The public hearing as provided for in Section 645 of this law may not be waived. Such permit ~~may~~ be issued or extended upon proof by the owner or operator that 1) the facility is in use as a transmission facility, and 2) that there is a necessity for the tower at the particular location for which application is made. Where such temporary special permit is not renewed, the tower shall be removed from the premises within 60 days.
2. **Shared Use:** Shared use of existing towers shall be preferred to the construction of new towers. Where such shared use is unavailable, location of antennae on pre-existing structures shall be sought. An applicant shall be required to present an adequate report inventorying existing towers within a 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 new construction. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to share use. 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 and to secure location of antennae on pre-existing structures, as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.
3. **Setbacks:** Towers and antennae shall be setback from all lot lines a distance equal to the height of the tower plus 25 feet. Additional setbacks may be required to contain ice-fall or debris from tower failure on-site, and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy wire anchors and accessory facilities.
4. **General Aesthetics:** All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Accessory structures shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

5. **Lighting:** Towers shall not be artificially lighted except for 1) a single red aviation warning light on the top, or 2) as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
6. **Tower Design:** Whenever feasible, tower construction shall be of a "monopole" design. Guyed towers shall be preferable to free-standing structures. All towers shall be fitted with anti-climb devices. Towers shall be designed to provide colocation by at least three providers, or designed so that they can be retrofitted to accommodate at least three providers unless such colocation is not feasible as demonstrated by competent engineering or technical proof.
7. **Signs:** Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.
8. **Vegetation:** Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
9. **Screening:** Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including roads, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
10. **Fencing:** The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.
11. **Access and Parking:** A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this section.
12. **Utility and System Connections:** All utility connections shall be installed beneath the ground surface. Where technologically feasible, connections between telecommunications towers and the system of which they are a part shall be made by use of land line cable rather than parabolic or dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.

13. **Financial Security for Demolition:** The owner/operator shall provide a demolition bond or other security acceptable to the town for the purpose of removing the facility in case the applicant fails to do so upon the revocation, expiration or the nonrenewal of the special use permit.
14. **Annual Inspection:** Towers shall be inspected annually on behalf of the tower owner/operator by a New York State licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the enforcement officer no later than December 31 of each calendar year.
15. **Annual Radiation Emission Certification:** The owner/operator shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verifying that such facility is in compliance with all applicable federal, state and local radio frequency radiation emission standards. Such annual certification shall be delivered to the enforcement officer during the month of December of each calendar year. This requirement shall be considered an implied condition to any site plan, special use permit and/or use variance granted for the facility.
16. **Maintenance:** All facilities shall be maintained in good order and repair. Routine maintenance and repair shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for emergency repairs which may be undertaken at any time with prior notice to the enforcement officer.

Definitions

Antenna: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, and microwave communications. The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

Special Use Permit: A permit requiring planning board review and approval pursuant to New York State Town Law Section 274-b.

Telecommunications Tower: A structure on which transmitting and/or receiving antenna(e) are located.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Section 804. Development Permits Required

No land-use activity as listed below shall be carried out until a development permit has been issued by the enforcement officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law:

1. Erection, re-erection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure;
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of 12 months or longer;

5. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses;
6. Change in the contours of land;

Section 806. Development Permit Exceptions

A development permit shall not be required for the following development activities, and such activities shall not be subject to the requirements of this law:

1. Accessory structures with less than 150 square feet of ground coverage, unless over 20 feet in height;
2. Fences complying with Section 720 of this law;
3. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
4. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
5. Family day care homes and group family day care homes;
6. Nonstructural agriculture and forest management uses.

Section 808. Issuance of Development Permits

- A. When establishing measurements to meet the required yards and structure setbacks, the measurements shall be taken from the road line, lot line, or nearest high water elevation to the furthestmost protruding part of the structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
- B. No such development permit shall be issued for any building or structure where said construction, addition, and exterior expansion or use thereof would be in violation of any of the provisions of this law. A New York State Building Permit shall be obtained (from a Town recognized issuing authority) prior to any construction, addition, or exterior expansion as required by New York State Law.
- C. A development permit issued under this law, be it principal use or special use permit, shall expire one year from the date of issue. If construction has not been completed, another permit will be necessary for construction to continue, unless a temporary permit has been requested for extension and granted.
- D. Any use that has been discontinued for a period of twelve months or longer shall be termed abandoned and may not be reinstituted without applying for a new development permit.
- E. Applications for development permits shall be submitted to the Enforcement Officer or Town Clerk and shall include a copy of a layout or plot plan showing the actual dimensions of the lot to be built upon; the distance from the building line to all lot lines, road right-of-way lines, waterfront property lines, streams, and any other features of the lot; and such other information

as may be necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on a form issued by the Town. The layout or plot plan may be submitted on regular 8 1/2"x11" paper. Special permit applications shall be submitted on special permit application forms supplied by the Town and materials submitted shall be in conformance with Section 515 and 525 of this law.

- F. Temporary development permits may be issued by the Enforcement Officer, for a specific period not exceeding one year. Such temporary permits are conditioned upon agreement by the owner or operator to remove any nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time.

Section 810. Enforcement Officer

- A. This law shall be enforced by the Enforcement Officer, who shall be appointed by the Town Board.
- B. The Enforcement Officer's authorities shall include:
1. Approve and/or deny principal use development permits and temporary development permits and certificates of compliance.
 2. Refer appropriate matters to the Board of Appeals or Town Board.
 3. Revoke development permits where there is false, misleading or insufficient information.
 4. Revoke development permits where the applicant has varied from the terms of the application.
 5. Investigate violations, issue stop work orders, and refer violations to the Town Justice, or the Town Board.
 6. Report at regular Town Board meetings the number of development permits issued and inspections made, and the number of violations filed.

Section 815. Certificate of Compliance

- A. No land shall be occupied or used and no building or structure hereafter constructed, erected, extended, used, or changes made in the use until an approved certificate of compliance shall have been issued by the Town of Rodman Enforcement Officer stating that the building, structure, or proposed use thereof complies with the provisions of this law.
- B. A certificate of occupancy shall be applied for coincidentally with the application for a New York State Building Permit from a Town recognized issuing authority. Said certificate shall be issued within 20 days after the erection and/or alteration shall have been approved as complying with the provisions of the New York State Fire Prevention and Building Code.
- C. The contracted issuing authority shall maintain a record of all certificates and the Town of Rodman shall request copies on a monthly basis for Town of Rodman files.

Section 820. Board of Appeals

- A. Creation, appointment, and organization: A Board of Appeals is hereby created. Said Board shall consist of five members. The Town Board shall appoint the members of the Board of Appeals on a staggered term basis in conformance with Town Law. The Town Board shall appoint a Chairman and Vice-Chairman. The Board of Appeals shall select a Secretary and shall prescribe rules for the conduct of its affairs.

- B. **Powers and duties:** The Board of Appeals shall have all the power and duties prescribed by Section 267 of the Town Law and by this law, which are more particularly specified as follows:
1. **Interpretation:** Upon appeal from a decision by an administrative official or citizen to decide any question involving the interpretation of any provision of this law.
 2. **Variances:** To vary or adapt the strict application of any of the requirements of this law in the case of exceptionally irregular, narrow, shallow, or steep lots, and other exceptional physical conditions; or undue use hardships; whereby such strict application would deprive the owner of the reasonable use of the land or building. Variances must meet the criteria of Town Law, legal parameters and the regulations and intent of this law. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.
- C. **Procedure:** The Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Town. Every appeal or application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the Board shall be public.

Section 825. Fees for Permits

The Town Board shall adopt by resolution a schedule of fees and charges for each development, special use, or temporary permit issued, to be paid by the applicant to cover the cost of enforcement and administration of this law. Actual costs of hearings, notices, postings, etc., shall be added to this fee when such requirement of the law must be met.

Section 830. Violations and Penalties

- A. Whenever a violation of this law occurs, the Enforcement Officer, Town, or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Enforcement Officer who shall properly record such complaint and immediately investigate and report thereon to the Town Board. The Town Board shall institute appropriate legal procedures to correct the violation or issue penalties. This shall be done by a stop work order, and order to correct the violation, being issued. If the violation is not corrected within the specified time the Town shall take action to compel compliance.
- B. Pursuant to Criminal Procedure Law Section 150.20 (3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.
- C. Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense

punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- D. In addition to the penalties provided above, the 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 restrain by injunction the violation of this law.

Section 835. Nonconformities

A. Intent

The intent of this section is to recognize certain lots of record and structures which legally existed at the time of enactment of this local law and which would be prohibited or unreasonably restricted by the provisions, regulations, standards, or procedures herein.

B. Non-conforming Lots of Record

Any lot of record held under separate ownership prior to the enactment of this local law and having lot width or lot depth or both less than the minimum area requirements set forth in this local law may be developed with any compatible use without requiring a variance provided that such lot:

1. Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to non-conforming dimensions;
2. Has sufficient area, width, and depth to undertake development which will:
 - a. maintain the required minimum front setback,
 - b. meet or exceed at least 2/3 of the required minimum side and rear setbacks,
3. Otherwise satisfies all applicable provisions of this local law.

C. Non-conforming Structures

Any pre-existing structure which by the enactment of this local law is made non-conforming may be used provided that it shall not be enlarged or extended so as to increase its non-conformance in terms of setback or lot coverage. Preexisting agricultural structures shall not be restricted by this provision. Nothing under the provisions of this local law shall prevent the repair, restoration, or reconstruction of a non-conforming structure damaged by fire or other hazard provided that:

1. Its owner or owners can demonstrate that construction, erection or location of a conforming structure is either:
 - a. physically impractical due to the size, configuration, or condition of the lot; or
 - b. a physical hardship; and
2. Such repair, restoration, or reconstruction is undertaken:
 - a. only on the premises and to the extent previously occupied by the non-conforming structure and
 - b. Within one year from the date on which the damage or destruction occurred.

Section 840. Amendments

- A. The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes meeting the criteria established in General Municipal Law Section 239-m shall be referred to the Jefferson County Planning Board for their recommendation and for a report thereon prior to final action. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:
1. By publishing a notice at least ten days prior to the time of such hearing in a newspaper in general circulation in the town..
 2. By referring any proposed amendments meeting the criteria of Town Law Section 264 (2) to the Clerk of the County Legislature and the clerks of neighboring towns and villages, and to any housing authority or regional state park commission whose property might be affected, at least ten days prior to the public hearing.
- B. In case of a protest against such change signed by (a) the owners of 20% or more of the area of land included in such proposed change; or (b) the owners of 20% or more of the area of land immediately adjacent to that land included in such proposed change, extending 100 feet therefrom; or (c) the owners of 20% or more of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendment shall require the approval of at least $\frac{3}{4}$ of the members of the town board.
- C. In the case of an adverse recommendation by the County Planning Board, the vote of the Town Board must have a majority plus one in favor to adopt the amendments.

Section 845. Interpretation and Separability

- A. Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, law, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.
- B. Should any section or provisions of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 850. Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXXXXXX~~

~~XXXX~~

Town

~~Village~~

of Rodman

Local Law No. Two of the year 1998

A local law for the Town of Rodman entitled Prohibition of Clutter,
(Insert Title)
Litter and Debris in the Town of Rodman, New York.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXXXXXX~~

~~XXXX~~

Town

~~Village~~

of Rodman as follows:

Section 1. Title

This local law shall be entitled "Prohibition of Clutter, Litter and Debris in the Town of Rodman, New York."

Section 2. Definitions

The words used in this local law shall be defined as follows:

Clutter, Litter and Debris: Ordinary household or store trash such as paper, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, lumber, brick, stone and other building materials no longer intended or in condition for ordinary use; and any and all tangible personal property no longer intended or in condition for ordinary and customary use, including junk appliances, junk mobile homes, or two or more junk vehicles.

Junk Appliance: Any stove, washing machine, dryer, freezer refrigerator or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled.

Junk Mobile Home: Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be used for either permanent or temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers and over-night trailers; which is no longer suitable for human habitation and has been abandoned for more than six months.

Junk Vehicle: Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle, or snowmobile, or any other device originally intended for travel on the public highways, which meets all of the following conditions: 1) it is unregistered; 2) it is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; 3) it is not in any condition for legal use upon the public highway. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Clutter, Litter and Debris Prohibited

In order to preserve and promote reasonable quality of environment and aesthetics and to prohibit actions and conduct which offends the sensibilities and tends to debase the community and reduce real estate values, the deposit, accumulation, or maintenance of clutter, litter or debris regardless of quantity is hereby prohibited anywhere within sight of persons lawfully traveling the public highways. The provisions of this section shall be applicable to existing conditions.

Section 4. Appeals

1. Any person aggrieved by this law may appeal to the zoning board of appeals for an interpretation or a variance from the provisions of this law.
2. In making its determination on variances, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance; (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a variance; (3) whether the requested variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance.
3. The board of appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. All fees for appeals shall be as established by town board resolution.

Section 5. Enforcement Procedure

The enforcement officer shall inspect the property and file a written report of violations with the town clerk. The enforcement officer shall prepare a written notice and shall serve such notice upon the owner or occupant personally or by certified mail. The notice shall contain the following:

1. The name of the owner or occupant to whom the notice shall be addressed.
2. The location of the premises involved in the violation.
3. A statement of the facts which it is alleged violate this law.
4. A demand that the clutter, litter and debris be removed or placed so as to be in compliance with this law within ten day of the service or mailing of the notice.
5. A statement that a failure to comply with the demand may result in prosecution.
6. A copy of this law.

Section 6. Extension

Upon application of the owner or occupant showing reasonable cause, the town board may grant an extension of up to 30 days for the owner or occupant to comply with the demands.

Section 7. Removal by Town

If, after the expiration of ten days from the date of mailing the notice provided in Section 5 above, or after the completion of any extension period allowed in Section 6 above, the owner or occupant shall fail to comply with the requirements of this law, the enforcement officer or the town board may institute enforcement procedures as follows:

1. Pursuant to Criminal Procedure Law Section 150.20 (3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.

2. The town board is hereby authorized to remove such clutter, litter and debris from its location and dispose of same, and the expense thereof shall be charged to the property so affected by including such expense in the next annual tax levy against the property. Such removal may be done only following Notice and a fact finding hearing at which time all parties may be heard. Notice of the hearing shall contain a description of the property and clutter, litter and debris on the property and the action being contemplated by the Board. It shall contain the date, time and place of the hearing. The Notice shall be served at least ten business days prior to the hearing.

Section 8. Penalties

Any person who shall violate any of the provisions of this law shall be guilty of an offense and subject to a fine not more than \$250 or by a penalty of \$250 to be recovered by the town in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. The 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 restrain by injunction the violation of any provision of this law.

Section 9. Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

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~~XXXX~~

Town

of Rodman

~~XXXXXX~~

Local Law No. THREE of the year 19⁹⁸

A local law for the Town of Rodman entitled Town of Rodman Local Law

(Insert Title)

Regulating the Overnight Assembly of Persons.

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~XXXXXX~~

~~XXXX~~

Town

of Rodman as follows:

~~XXXXXX~~

Section 1. Purpose

The Town Board of the Town of Rodman is concerned about the effect that outdoor public events attracting large numbers of persons and providing overnight accommodations would have on the health, safety and welfare of the residents of the Town of Rodman and of those persons passing through the jurisdiction of the Town of Rodman. The concentration of large groups of persons for outdoor public events could create problems and demands beyond the capabilities of the existing municipal service and facilities now available in the town, including police protection, the flow of traffic on public highways, noise, and damage and injury to persons and property adjoining the location of such events. The town board is also concerned that adequate provision be made for sanitation and sanitary facilities or services; water supply; food service; garbage and refuse collection and disposal; medical, nursing and ambulance service; policing and traffic control; parking facilities and control; and communications systems; all of which are normally subject to governmental regulation and licensing.

The town board therefore determines that it is necessary for the public order and protection and the safety, health, and well-being of persons and property within the jurisdiction of the town to adopt and establish certain rules and regulations and to regulate and license the holding of outdoor public events reasonably expected to attract more than 125 persons and provide overnight accommodations for participants.

Section 2. Definitions

Words used in this law shall be defined as follows:

Drinking Water: Water provided for human consumption, food preparation, or for lavatory, culinary, bathing, or laundry purposes.

(If additional space is needed, attach pages the same size as this sheet, and attach them here.)

Mass Gathering: An outdoor public event which the town board has reason to believe will attract 125 people or more and will result in participants staying at or near the site of the event overnight (12 p.m. to 6 a.m.).

Person: Any individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, industry, estate, or any legal entity whatsoever.

Refuse: All putrescible and nonputrescible solid waste.

Structure: A combination of materials to form a construction that is safe and stable and including, among other things, stadiums, stages, platforms, radio towers, sheds, storage bins, tents, billboards, spare signs, bleachers, ramps and seats.

Section 3. Permit

- a. No person shall organize, promote, conduct, operate, or cause to be held any mass gathering in the Town of Rodman unless a permit has first been issued for the holding of said mass gathering pursuant to this law. A separate permit shall be required for each such mass gathering.
- b. No person owning, having any right to, or any interest in any real property within the Town of Rodman shall license, rent, lease, or otherwise permit the use of such real property or any part thereof for any mass gathering unless a permit has first been issued for the holding of said mass gathering pursuant to this law.

Section 4. Application and Review Procedure

- a. Prior to the submission of a mass gatherings application, the applicant shall meet with the town board to discuss the permit review procedure, application requirements and the standards and specifications of this law. The applicant shall provide a sketch plan of the proposed mass gathering including its size, location, and the numbers of persons attending. An Environmental Assessment Form (EAF) pursuant to 6 NYCRR Part 617 shall be completed at this time to determine whether a draft Environmental Impact Statement shall be required with the application.
- b. Written application for a mass gathering shall be filed in duplicate with the town clerk at least 90 days prior to the first day upon which such mass gathering shall be held.
- c. The town clerk shall immediately present a copy of the application to the town board.
- d. The town board shall review the application for sufficiency pursuant to Section 5 of this law. If the application is found insufficient, it shall be returned to the applicant for resubmission. The town board shall review the application pursuant to the standards as set forth in Section 6 of this law, and shall approve, conditionally approve, or disapprove the issuance of a permit for the proposed mass gathering within 62 days of the acceptance of a sufficient application. The town board shall not issue a permit until it is found that the proposed mass gathering will have no adverse effect upon the public health, safety, and welfare of the people and property of the town.

Section 5. Application Requirements

An application for a mass gatherings permit shall contain the following:

- a. A statement of the name, age, and residence address of the applicant or of each applicant; or, if the applicant is a corporation, the name of the corporation, the names and addresses of the directors, officers and stockholders owning more than five percent of the number of shares outstanding of each class of stock; or, if the applicant is a partnership or other organized group of individuals, the name of the partnership or organization and the names, addresses, and ages of each and every individual associated with the partnership or other entity. Any address utilizing a post office box must also include the actual residence or business address of the individual, partnership or corporation.

- b. A statement containing the name and address of the owner of record of the real property upon which the mass gathering is to occur and the nature and interest of the applicant in such property; the names and addresses of all adjoining real property owners; the proposed dates and hours of such mass gathering; the expected minimum and maximum number of persons intended to attend the mass gathering at any one time and collectively the number of automobiles and other vehicles intended to use the property for such mass gathering; the purpose of the function, including the nature of the activities to be carried on and the admission fees to be charged, if any; and the names and addresses of all concessionaires and other persons providing any services or facilities under contract, lease, or other arrangement for the mass gathering.
- c. A map drawn to scale or showing all required dimensions and distances showing the size of the property, the names of owners of record and the adjoining properties; the streets or highways abutting said property; the size and location of any existing buildings or structures or other facilities to be erected thereon for the purpose of the mass gathering; the location of any parking areas for automobile and other vehicles and the means of ingress and egress to such parking areas; the location of all service and other roads servicing any camping areas, food services, toilet facilities, garbage refuse collecting facilities and the entertainment and performance areas.
- d. A plan and statement with drawings showing the methods and locations to be used for toilet facilities and for the disposal and treatment of sanitary sewage.
- e. A plan and statement with drawings showing the storage, distribution and supply system for drinking water.
- f. A plan and statement with drawings showing the layout of any parking areas for automobiles or other vehicles and the methods of traffic control to be used.
- g. A plan and statement with drawings showing the facilities for the preparation, storage, sale and distribution of food and the means of servicing such an area. Such a plan shall also detail the method and means of disposing of any refuse.
- h. A plan and statement fully describing any private security personnel who will be engaged by the applicant to serve on or about the site during the mass gathering and the qualifications and source of such personnel.
- i. A plan and statement providing for fire protection, specifying the location of fire lanes, water supply and equipment or apparatus to be available for such purposes.
- j. A plan and statement specifying the facilities to be available for medical, nursing, and ambulance service. The applicant shall furnish the town board with the names of all doctors, nurses, and ambulance service personnel the applicant will provide for the event prior to issuance of a permit.
- k. A plan and statement describing the restoration of the site following the event.
- l. A description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the town, and its various public bodies. Certificates of such insurance and bonds shall be submitted to the town board prior to the issuance of a permit.
- m. A subscribed authorization from the individuals, corporations, partnership, or business owning the real property upon which the event is to be held to permit agents of the town to go upon the property for the purpose of inspecting the same and to determine if there is compliance with the requirements of this law.

- n. A statement subscribed by the applicant that the applicant will specify in all advertisement and promotional endeavors the limitation on the number of tickets to be sold or otherwise issued as specified in the permit.
- o. A permit fee as determined by town board resolution.
- p. A draft environmental impact statement, when required.

Section 6. Standards and Specifications

A permit for a mass gathering may not be issued until the following requirements are met and conditions agreed upon.

- a. All amplified noise, commercial business activities and staged performances shall cease between the hours of 1:00 a.m. and 8:00 a.m.
- b. An individual acceptable to the town board as suitable and responsible shall be placed in charge of the property by the applicant, and shall be on the site of the mass gathering while the property is occupied or open for occupancy.
- c. The applicant shall inform the New York State Police and the County Sheriff's Department of the dates and times of the mass gathering and the capacity and qualifications of the security personnel. Provision shall be made for a sufficient number of qualified security personnel.
- d. A buffer zone sufficient to protect neighboring property owners from excessive noise, light, or other nuisance effects of the mass gathering shall be required where necessary.
- e. Toilets and sanitary sewage disposal facilities shall be adequate and shall comply with all State Health Department standards and approvals.
- f. The drinking water supply shall be safe and adequate and shall comply with all State Health Department standards and approvals.
- g. There shall be one parking space for each three people in attendance. Traffic control shall be adequate to maintain a safe and efficient traffic flow.
- h. There shall be adequate provisions for food supply, and there shall be complete and adequate provision for refuse disposal.
- i. Fencing sufficient to protect neighboring property from trespass shall be provided where necessary.
- j. Safe and effective fire control and medical facilities shall be provided.
- k. The site shall be restored to a suitable condition following the event, including the removal of garbage and debris and the replacement of any vegetation necessary to stabilize the soil.

- l. The applicant shall provide a comprehensive liability policy insuring the town against liability for damage to persons or property with limits to be determined by the town board in proportion to the size of the event but not less than \$500,000 for bodily injury or death to one person or \$5,000,000 for bodily injury or death in one event, and with limits of not less than \$500,000 for property damage, sufficient in form to save the town harmless from any liability or causes of action which might arise by reasons of the granting of the permit and noncancellable without ten days' prior written notice to the town.
- m. The applicant shall deposit with the town clerk cash or good surety company bond, approved by the town board, in such sum as determined by the town board in proportion to the size of the event but not less than \$100,000 as the town board may reasonably require, and conditioned that all requirements of the permit will be fully performed by the applicant; that no damage will be done to any public or private property and that the applicant will not permit any litter, debris, or other refuse to remain upon any public or private property by reason of granting of the permit. Such surety bond or cash shall serve as an indemnity to save and protect the roads, pavements, bridges, road signs and other public or private property within the town from any and all damage that may be caused by vehicles, employees, or participants of such mass gatherings, and shall be used, if necessary, to restore the ground where such mass gathering is held to a sanitary condition and pay all charges and losses to the town for damages to roads, pavements, bridges, and other property, and to reimburse the town for any expense necessitated by the mass gathering in the employment of additional town personnel. The surety company bond shall be canceled or the cash deposit or its balance shall be returned to the applicant when the town board has determined that no such damage had been done and that the town did not incur any additional expense due to said mass gathering or that the costs thereof have been paid by the applicant.
- n. The permit shall set forth the maximum number of persons to be permitted to attend the mass gathering. The town board, in determining the maximum limit, shall take into consideration the capacity of the site and of available public highways and other means of transportation to and from the site and the available parking and sanitation facilities and water distribution system. The applicant shall limit all ticket sales to such maximum number and shall include such limitation in all advertising.

Section 7. Denial of Permit

The permit shall not be granted if any of the information set forth in the application is determined by the town board to be insufficient to properly safeguard the safety, health, welfare, and well-being of persons or property, or does not comply with any of the requirements of this law.

Section 8. Noncompliance with Permit

If, after a permit is issued, the town board determines that any of the items required as a condition of the permit is not adhered to and accomplished within the required time limits or if any insurance and surety bonds shall be terminated prior to the completion of the event, then this permit shall thereupon immediately be terminated by action of the town board, unless the breach or failure is promptly remedied within such time limit as may be reasonably imposed by the town board. Notice of termination of the permit shall be in writing addressed to the applicant at the address set forth in its application.

Section 9. Enforcement and Penalties

- a. Any person, who shall organize, promote, conduct, operate, or cause to be held a mass gathering with the town or any person who shall license, rent, lease, or otherwise permit the use of real property or any part thereof for any mass gathering without having a written permit in accordance with the provisions of this law shall be deemed to have violated this law, which violation shall be deemed to be a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$1,000 or imprisonment not to exceed one year, or both such fine and imprisonment.
- b. In addition to the penalties above described, the 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. The town board shall be entitled to use one or more means concurrently for the enforcement of any violation of this law.

Section 10. Separability

If any clause, sentence, paragraph, section or part of this law shall be adjudged of any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 11. Effective Date

This local law shall become effective immediately after it is filed in the Office of the Secretary of State of the State of New York.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

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Town

of Rodman

~~XXXXXX~~

Local Law No. Four of the year 1998

A local law for the Town of Rodman entitled Unsafe Structure Law

(Insert Title)

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~XXXXXX~~

~~XX~~

Town

of Rodman as follows:

~~XXXXXX~~

Section 1. Purpose

Unsafe structures pose a threat to life and property in the Town of Rodman. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as point of congregation by vagrants and transients. A dilapidated structure may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this local law to provide for the safety, health protection, and general welfare of persons and property in the Town of Rodman by requiring such unsafe structures be repaired or demolished and removed.

Section 2. Authority

This law is enacted pursuant to Articles 2 and 3 of New York State Municipal Home Rule Law and Section 130 (16) of New York State Town Law.

Section 3. Name

This law shall be known as the "Town of Rodman Unsafe Structure Law."

Section 4. Definitions

Words used in this law shall have the following meaning:

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

Enforcement Officer: The enforcing officer of the Town of Rodman or such other person appointed by the town board to enforce the provisions of this local law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 5. Investigation and Report

The enforcement officer, when in his own opinion or upon receipt of information that a structure (1) is or may become dangerous or unsafe to the general public, (2) is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants or other trespassers, (3) is or may become a place of rodent infestation, (4) presents any other danger to the health, safety, morals, and general welfare of the public, or (5) is unfit for the purposes for which it may lawfully be used, shall cause or make an inspection thereof and report in writing to the town board his findings and recommendations in regard to its repair or demolition and removal.

Section 6. Town Board Order

The town board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such structure is unsafe and dangerous, and order its repair if the same can be safely repaired, or its demolition and removal, and further order that a notice be served upon the persons and in the same manner provided herein.

Section 7. Contents of Notice

The notice shall contain the following: (1) a description of the premises, (2) a statement of the particulars in which the structure is unsafe or dangerous, (3) a report outlining the manner in which the structure is to be made safe or secure, or demolished and removed, (4) a statement that the securing or removal of such structure shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended, (5) a date, time, and place for a hearing before the town board in relation to such dangerous or unsafe structure, which hearing shall be scheduled not less than five business days from the date of service of the notice, and (6) a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the structure, the town board is authorized to provide for its demolition and removal, to assess all expenses thereof against the owner and to institute a special proceeding to collect the costs of demolition, including legal costs.

Section 8. Service of Notice

The said notice shall be served (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested interest or contingent interest in such unsafe structure as shown by the records of the tax collector or of the county clerk; or if no such person can be reasonably found by mailing such owner by certified mail a copy of such notice directed to his last known address as shown by the above records, and (2) by personal service of a copy of such notice upon any adult person residing in or occupying such premises if such person can be reasonably found, and (3) by securely affixing a copy of such notice upon the unsafe structure.

Section 9. Notice to County Clerk

A copy of the notice served as provided herein shall be filed in the Office of the Jefferson County Clerk.

Section 10. Refusal to Comply

In the event of the refusal or neglect of the person so notified to comply with said order of the town board after the hearing, the town board shall provide for the demolition and removal of such building or structure either by Town employees or by contract.

Section 11. Recovery of Costs

All costs and expenses incurred by the town in connection with the administratively and/or judicially substantiated proceedings to remove or secure, including the cost of actually removing said structure shall be assessed against the land on which said structure is located.

The town board may commence a special proceeding in a court of competent jurisdiction to collect the cost of demolition, removal or repair of such structure, including reasonable and necessary expenses or incidental to obtaining an order to demolish, from the owner or occupant of any structure that may now be or shall hereafter become dangerous or unsafe to the public. The provisions of Article 4 of the Civil Practice Law and Rules shall govern any special proceeding commenced under this section.

Section 12. Emergency Cases

Where it reasonably appears that there is present a clear and imminent danger to the life, safety, or health of any person or property, unless an unsafe structure is immediately repaired and secured or demolished, the town board may by resolution authorize the enforcement officer to immediately cause the repair or demolition of such unsafe structure. The expenses of such repair or demolition shall be recovered as provided in Section 11 hereof.

Section 13. Cost of Enforcement Officer

The enforcement officer appointed as provided herein shall be paid reasonable compensation as shall be fixed by the town board.

Section 14. Validity

If any section, paragraph, subdivision, or provision of this law shall be declared invalid, such invalidity shall apply only to the section, paragraph, subdivision, or provision adjudged invalid and the rest of the law shall remain valid and effective.

Section 15. Effective Date

This law shall take effect immediately upon filing thereof in the Office of the Secretary of State.

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~XXX~~

Town

~~Village~~

of Rodman

Local Law No. FIVE of the year 1998

A local law for the Town of Rodman entitled Town of Rodman Subdivision Law.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXX~~

~~XXX~~

Town

~~Village~~

of Rodman as follows:

ARTICLE 1. INTRODUCTION

Section 105. Title

This law shall be known and may be cited as the "Town of Rodman Subdivision Law."

Section 110. Purpose

This law has been enacted for the purpose of providing for the future growth and development of the town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.

Section 115. Authority

By the authority of Article 2 and 3 of Municipal Home Rule Law and Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Rodman is authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, and to approve the development of plats entirely or partially undeveloped, which were filed in the office of the county clerk prior to the appointment of the planning board and the grant to the planning board of the power to approve plats.

Section 125. Definitions

For the purpose of this law, certain words and terms used herein are defined as follows:

Cluster Development: A form of development for subdivisions that permits a reduction in lot area requirements for some or all lots in a tract, provided there is no increase in the number of lots permitted under a conventional subdivision, and where the resultant land is either 1) devoted to permanent open space, or 2) is permanently combined with the remainder of the lots, where only some of the lots are reduced in area.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Easement: An authorization by a property owner for the use of any designated part of a property by another, and for a specific purpose.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be developed or built upon as a unit.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Parcel: Any area of land established by plat, subdivision, or as otherwise permitted by law, regardless of whether it is defined as a "lot" or whether it is to be developed or built upon as a unit.

Planning Board: The Town of Rodman Planning Board.

Plat: A map of a subdivision.

Plot Plan: A surveyor's plat constructed from deed descriptions and actual physical building or improvement measurements.

Reallotment: The relocation of lot lines of any lot or parcel, the deed to which was previously recorded in the office of the county clerk; but not including conveyances made so as to combine existing lots by deed or other instrument.

Resubdivision: The further division of lots or parcels.

Road, Private: Any driveway, right-of-way, or vehicular access which is not intended to be used by the public.

Road, Public: Any vehicular way which is: 1) an existing state, county or town roadway; 2) shown upon a plat approved pursuant to law as a public road; 3) approved by other official action; or 4) shown as a public road on a plat duly filed in the office of the county clerk prior to the grant of plat approval authority to the planning board. A *public road* includes the land between the road lines, whether improved or unimproved.

Subdivider: Any person, firm, corporation, partnership or association, or their agent, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision: The division of any parcel of land into two or more lots or parcels, including any remainder of the original parcel, with or without roads, and including reallotment and resubdivision.

Subdivision, Major: A subdivision containing eleven or more lots created within a three year period, or any subdivision involving 1) the creation of any new public road, 2) the dedication of lands or facilities to the public, 3) the extension of municipal facilities or other structural public improvements other than minor drainage facilities, or 4) the set-aside of open space through cluster development.

Subdivision, Minor: A subdivision containing four to ten lots or parcels created within a three year period, and not involving 1) the creation of any new public road, 2) the dedication of lands or facilities to the public, 3) the extension of municipal facilities or other structural public improvements other than minor drainage facilities, or 4) the set-aside of open space through cluster development.

Town Board: The Town Board of the Town of Rodman.

Undeveloped Plat: A plat where 20 percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

Development Law: Development Law of the Town of Rodman adopted by Local Law No. 1 of 1986, as subsequently amended.

Section 130. Sketch Plan Conference

All potential subdividers are encouraged to meet with the planning board prior to the submission of a formal application for a subdivision approval. Such a meeting may be used to expedite the review process by allowing the planning board and the applicant to be advised of the following: 1) the potential classification of the subdivision as minor or major, 2) the requirements under the State Environmental Quality Review Act, 3) the possible involvement of other government agencies in the review process, and 4) the determination of wetlands and floodplains.

Section 135. Procedural Waiver

The planning board may waive the application and review procedure as provided for in this law if the planning board determines that the proposed subdivision is of minor significance. Such waiver shall be in writing, and shall include the following findings:

1. The proposed subdivision does not involve the creation of more than four lots.
2. The applicant has provided evidence acceptable to the planning board that all proposed lots conform to the requirements of the development law. Such evidence may consist of proposed deeds, plot plans or surveys of the lands included in the proposed subdivision, or of part of the lands included in the proposed subdivision where such part provides the planning board with evidence sufficient to make a determination.
3. The proposed subdivision has no negative environmental significance pursuant to 6 NYCRR Part 617.

Section 140. Subdivision Process

Proposed subdivisions shall be determined by the planning board to be either minor or major as defined in this law, and shall follow the procedures as summarized below:

Minor subdivision shall follow the procedures of Article 2 of this law, summarized as follows:

1. Submission of application for final plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on final plat.
5. Filing of plat in office of county clerk by subdivider.

Major subdivisions shall follow the procedures of Article 3 of this law, summarized as follows:

1. Submission of application for preliminary plat approval.
2. Planning board review.
3. Public hearing.
4. Planning board action on preliminary plat.
5. Submission of application for final plat approval.
6. Planning board review.
7. Public hearing (optional).
8. Planning board action on final plat.
9. Filing of plat in office of county clerk by subdivider.

Section 145. Fees

Fees for subdivision reviews shall be as established in the Town of Rodman Fee Schedule, adopted on _____ 19__, as subsequently amended. The planning board may retain consulting services from engineers, architects, landscape architects, lawyers, planners or other professional services during the course of subdivision plat reviews conducted pursuant to this law. The subdivider shall pay any actual costs attributable to a consultant's review of an application. The planning board may require a subdivider to deposit such funds as may be necessary to pay for these services with the town in advance.

Section 150. Waiver of Required Improvements

Where the planning board finds that, due to the special circumstances of a particular plat, the provision of certain

required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the development law. In granting waivers, the planning board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Section 155. Separability

If any clause, sentence, subsection, section, or article of this law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, section, or article thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 160. Violations and Penalties

1. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
2. The town board may institute any appropriate action or proceedings to prevent unlawful division of land, to restrain, correct or abate any violation of this law, or to prevent the use or occupancy of said land; and upon the refusal of the town board to institute any such appropriate action or proceeding for a period of ten days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such town board is authorized to do.

Section 165. Effective Date

This law shall take effect upon filing in the Office of the Secretary of State and upon filing in the Office of the Town Clerk.

ARTICLE 2. MINOR SUBDIVISION REVIEW PROCEDURE

Section 205. Submission of Application

Applications and fees shall be submitted to the planning board at least 10 days prior to the meeting at which it is to be considered. The application shall contain all items as required in Article 4 of this law.

Section 210. Acceptance of Completed Application--Official Submission Date

The application shall not be considered complete until 1) all information as required in Article 4 of this law is provided, and 2) either a negative declaration has been filed, or a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of 6 NYCRR Part 617. Upon acceptance of a completed application, the planning board shall establish the official submission date of the application.

Section 225. Area Variance

Where the application shows lots which are not in compliance with the development law, the planning board may, at its discretion, refer the application to the board of appeals for the consideration of an area variance review prior to the commencement of the planning board review.

Section 230. Public Hearing

Following the review of the application and supplementary material submitted in conformance with this law, and following negotiations with the subdivider on changes deemed advisable, the planning board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. This hearing may also fulfill the requirements of the State Environmental Quality Review Act for the draft environmental impact statement, where such hearing may be required. The hearing shall be advertised at least once in a newspaper of general circulation in the town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened.

Section 235. Action on Application

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see Section 240 below), or 3) disapprove the application. Such action shall be taken within 62 days of the close of the public hearing. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. The subdivider shall be notified of the final action of the planning board. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application.

Section 240. Conditional Approval of Application

The application shall be certified by the planning board within five days of conditional approval. A copy shall be filed with the planning board, and a copy provided to the subdivider along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

Section 245. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article 8 of this law, a copy of the plat shall be filed with the town clerk who shall make appropriate notations and references thereto in the town development law or map.

Section 250. Modification of Designs After Approval

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the planning board, the planning board chairman may authorize such modifications, provided these modifications are within the spirit and intent of the planning board's approval and do not substantially alter the function of any such improvement required by the board. Any such authorization issued under this section shall be in writing and shall be reported to the planning board at the next regular meeting.

ARTICLE 3. MAJOR SUBDIVISION PROCEDURE

Section 305. Preliminary Plat Procedure

The preliminary plat review procedure shall follow the steps outlined for minor subdivision approval as set forth in Sections 205 through 230 of this law, and shall then continue with the provisions of this Article as follows.

Section 310. Preliminary Action

Within 62 days of the close of the public hearing, the planning board shall approve, with or without modifications, or disapprove the preliminary application and state its reasons for disapproval. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. Within five days of approval, the action of the planning board shall be noted on three copies of the preliminary plat and reference made to any modifications determined. One copy shall be returned to the subdivider and the other two copies retained by the planning board.

Section 315. Effect of Approval

Approval of a preliminary application shall not constitute approval of the final application, but shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider shall comply with this law and all requirements set forth by the planning board in their review of the preliminary plat.

Section 320. Application--Final Plat

All major subdivisions shall require final application approval by the planning board. If the final application is not submitted for approval within six months of preliminary application approval, the planning board may revoke the preliminary application approval. The subdivider shall file an application with appropriate fees for final application approval, accompanied by documentation as specified in Article 5 of this law, with the planning board. Such application shall be submitted at least 10 days prior to the meeting at which it is to be considered by the planning board.

Section 325. Official Submission Date

The planning board shall establish an official submission date for the major subdivision final application. Such date shall be the date that the planning board determines the application to be complete, including all information required in Article 4 of this law.

Section 335. Public Hearing

A public hearing may be held by the planning board after a complete application is filed and prior to rendering a decision. This hearing shall be held within 62 days of the official submission date of the application. The subdivider shall attend the hearing. The hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before the hearing. The hearing shall be closed within 120 days after it has been opened. The public hearing may be waived by the planning board if the final application is in substantial agreement with the preliminary application. If the final application is not in substantial agreement with the approved preliminary application, then the public hearing shall be conducted.

Section 340. Guarantees for Required Improvements

In order that the town has the assurance that construction and installation of public improvements will be guaranteed, the applicant shall either 1) construct all improvements as required by this law, and by the planning board, prior to final approval of the application, or 2) furnish guarantee as provided in Town Law Section 277. All financial guarantees shall be furnished in accordance with Section 535 of the Town of Rodman Development Law.

Section 345. Final Action

The planning board shall by resolution 1) grant final approval by the signature of the planning board chairman on the plat, 2) conditionally approve, with or without modifications (see Section 350 below), or 3) disapprove the application; within 62 days of the close of the public hearing. If the public hearing has been waived, the planning board shall act within 62 days of the final application official submission date. The time in which the planning board must take action may be extended by mutual consent of the subdivider and the planning board. The subdivider shall be notified of the final action of the planning board. If disapproved, the grounds for disapproval shall be stated in the record of the planning board, including reference to the provisions violated by the application.

Section 350. Conditional Approval

The application shall be certified by the planning board within five days of conditional approval. A copy shall be filed with the planning board, and a copy provided to the subdivider along with a statement of the requirements that shall accompany the application which, when completed, will authorize the signing of the conditionally approved plat. Conditional approval of an application shall expire 180 days after the date of the resolution granting conditional approval. The planning board may extend the expiration time, not to exceed two additional periods of 90 days each. Upon planning board acceptance of the completion of the conditional approval requirements as stated in the conditional approval resolution, the planning board chairman shall sign the plat, granting final approval.

Section 355. Approval of Plats in Sections

Prior to granting conditional or final approval of a plat in final form, the planning board may permit the plat to be divided into two or more sections and may in its resolution granting conditional or final approval state such requirements as it deems necessary to insure the orderly development of the plat be completed before such sections may be signed by the planning board chairman. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the planning board, shall be granted concurrently with conditional or final approval of the plat. In the event the owner shall file only a section of such approved plat in the office of the county clerk, two copies of the entire approved plat shall be filed within 30 days of the filing of such section with the town clerk. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed in the office of the county clerk within three years of the filing of the first section with the county clerk.

Section 360. Filing of Plat

The subdivider shall file the plat, or section thereof, in the office of the county clerk within 62 days after the date of final approval; otherwise the plat shall be considered void and must again be submitted along with complete application and appropriate fees to the planning board for approval before filing in the office of the county clerk. When filing a plat which has been approved pursuant to the provisions of Article 8 of this law, a copy of the plat shall be filed with the town clerk who shall make appropriate notations and references thereto in the town development law or map.

Section 365. Modification of Designs After Approval

If at any time it is demonstrated that unforeseen conditions make it necessary to modify the location or design of improvements required by the planning board, the planning board chairman may authorize such modifications, provided these modifications are within the spirit and intent of the planning board's approval and do not substantially alter the function of any such improvement required by the planning board. Any such authorization issued under this section shall be in writing and shall be reported to the planning board at the next regular meeting.

Section 370. Public Acceptance of Improvements

The approval by the planning board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the town of any road, park, playground, recreation area, easement, public utility, or any other improvement. The plat shall be endorsed with appropriate notes to this effect. The planning board may also require the filing of a written agreement between the applicant and the town board covering future deed and title, dedication, and provision for the costs of developing and maintaining any such improvements.

ARTICLE 4. DOCUMENTS TO BE SUBMITTED

Section 410. General Application Requirements

All applications for minor subdivisions and preliminary plats for major subdivisions shall include the following:

1. _____ copies of the application form.
2. A nonrefundable application fee.
3. A copy of any covenants or deed restrictions which are intended to cover all or part of the tract.
4. _____ copies of the plat prepared at a scale of not more than 100 feet to the inch.
5. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable.
6. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617.

Section 420. Minor Subdivision Plat Requirements

All minor subdivision plats shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at USGS intervals, minimum, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
3. The locations of all front, side and rear yard lines as required by the development law; floodplains; wetlands; and easements.
4. The words "final plat."
5. Any other specifications required by the planning board.

Section 430. Preliminary Plat--Major Subdivision Application Requirements

Preliminary plat applications for major subdivisions shall contain the following:

1. All items specified in Section 410 above.

2. If the application is for a subdivision in sections, covering only a part of the subdivider's entire holding, a map of the entire subdivision, drawn at a scale of not less than 300 feet to the inch showing an outline of the platted area with its proposed roads and indication of the probable future road system with its grades and drainage in the remaining portion of the subdivision and the probable future drainage layout of the entire subdivision shall be submitted. The section submitted shall be considered in the context of the entire subdivision.

Section 440. Preliminary Plat--Major Subdivision Plat Requirements

The preliminary plat for major subdivisions shall be prepared and drawn in conformity with Appendix A of this law and shall show:

1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and referenced corners of the tract; and shall be made and certified to by a licensed land surveyor.
2. The proposed pattern of parcels and lots; including parcel and lot widths, depths, and areas within the subdivided area. Calculations of lot areas shall exclude public road areas.
3. The locations of all front, side and rear yard lines as required by the development law.
4. The parcels of land proposed to be dedicated to public use and the conditions of such dedication.
5. The location of existing property lines, easements, buildings, water courses, wetlands, rock outcrops, wooded areas, floodplains, and other significant existing features for the proposed subdivision and adjacent property.
6. The location of existing wells, on-site sewage disposal systems, sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
7. Contours with intervals of 5 feet or less, or as required by the planning board, including elevations on existing roads; and a grading plan, where natural contours are to be changed more than 2 feet.
8. The width and location of any roads or public ways or places shown on the comprehensive plan, within the area to be subdivided, and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
9. The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; and connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water and sewer lines.
10. A storm drainage plan indicating the approximate location and size of proposed lines and their profiles; and connection to existing lines or alternate means of disposal.
11. Plans and cross-sections of the proposed location and type of sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins and underground conduits.
12. Preliminary designs of any bridges or culverts which may be required.
13. The words "preliminary plat."
14. Any other specifications required by the planning board.

Section 450. Final Plat--Major Subdivision Application Requirements

Final plat applications for major subdivisions shall contain the following:

1. _____ copies of the application form.
2. A nonrefundable application fee.
3. Copies of agreements or other documents showing the manner in which public open space areas are to be maintained and the provisions made therefor.
4. Offers of cession and covenants governing the maintenance of unceded open space, bearing the certificate of approval of the town attorney as to their legal sufficiency.
5. A map indicating the location of monuments marking all underground utilities as actually installed.
6. _____ copies of the plat prepared at a scale of not more than 100 feet to the inch.

Section 460. Final Plat--Major Subdivision Plat Requirements

The final plat shall be prepared and drawn in conformity with Appendix A of this law and show:

1. Sufficient data from an actual field survey to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground.
2. The length and bearing of all straight lines; the radii, length, central angles and cord bearings for road curves; the dimensions and angles of the lines of each lot; and all dimensions in feet and decimals of a foot.
3. Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
4. The locations of all front, side and rear yard lines as required by the development law; floodplains; wetlands; and easements.
5. Public open spaces for which deeds are included, and those spaces title to which is reserved by the developer.
6. Lots and blocks numbered and lettered in accordance with the prevailing town practice.
7. Permanent reference monuments.
8. The words "final plat."
9. Any other specifications required by the planning board.

Section 470. Plat to be Filed

The plat to be filed with the county clerk shall be printed upon linen or acceptable equal or be clearly drawn in India ink upon tracing cloth, and shall comply with the requirements of Real Property Law Section 334.

Section 480. Waiver of Submission Requirements

The planning board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

ARTICLE 5. GENERAL DESIGN STANDARDS

Section 505. General

Land to be subdivided shall be of such character that it can be used safely for development without danger to public health or safety; the subdivision plan shall be in harmony with the comprehensive plan for the community; and all required improvements shall be constructed and installed in conformance with town specifications.

Section 510. Future Resubdivision

Where land is subdivided into lots substantially larger than the minimum size required in development law, the lots and roads shall be laid out so as to permit future resubdivision in accordance with the requirements contained in this law.

Section 515. Approval of Substandard Parcels

All parcels shall comply with the provisions of the development law, except that the planning board may, in unique circumstances, approve parcels which are substandard in terms of size or dimension in the following circumstances:

1. for road or access rights-of-ways,
2. where the parcel is intended to be used permanently for nonstructural recreational purposes,
3. where land is intended to be conveyed to an adjacent landowner for purposes of combination with an adjacent parcel,
4. where the land is intended to be left permanently undeveloped, or
5. where land is to be used for essential facilities as defined by the development law.

Section 520. Lot Arrangement

1. The lot arrangement shall be such that in constructing a building in compliance with the development law there will be no foreseeable difficulties for reasons of topography or other natural conditions, and each lot shall have a buildable area, free from development restrictions such as wetlands, floodplains, steep slopes, rock outcrops or unbuildable soils.
2. All lot dimensions and areas shall conform to the requirements of the development law, except where such requirements have been modified pursuant to Article 8 of this law.
3. Lots fronting on two roads, other than corner lots, shall be avoided.
4. Corner lots shall have sufficient width to allow appropriate building setbacks from, and orientation to, all abutting roads.
5. Extremely elongated lots having a depth to width ratio greater than 5:1 shall be avoided.
6. Side lot lines shall be approximately at right angles to straight roads or radial to curved roads. Lot lines shall generally not joint at less than a 75 degree angle or greater than a 105 degree angle. Lot lines shall be straight on large lots, except where the topography of the site would make this impractical.

7. Where a community sewage disposal system is not required, each lot shall have sufficient area so as to make adequate provision for such on-site sanitary disposal systems as are required by the New York State and County Health Department.

Section 525. Lot Access

1. Each lot shall directly abut a public or approved private road meeting the requirements of this law, as required by Town Law Section 280-a. This abutment shall include at least 25 feet of road frontage suitable for access by emergency vehicles. Easements may be considered for access.
2. All lots shall be designed so as to allow for safe access.
3. All lots shall be designed so as to allow for the construction of driveways within the road right-of-way not exceeding a 10 percent grade.
4. Where a watercourse separates a road from abutting lots, provision shall be made for access to all lots by means of culverts or other structures.
5. At least one 50 foot right-of-way shall be reserved at a location suitable to the planning board, allowing access to land behind road frontage lots.
6. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself shall be prohibited.

Section 530. Monuments

Permanent monuments shall be set at the subdivision boundaries at all corners, and at such other points as required by the planning board. Such monuments shall be of either iron rods or pipes, or concrete.

Section 535. Water Supply and Sewage Disposal

All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State Health Department.

Section 540. Preservation of Natural Features

Top soil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings. Existing vegetation should be conserved by the subdivider where possible. Care shall be exercised in construction so as to avoid damage to existing trees and shrubs. Streams, lakes, ponds, and wetlands shall be left unaltered unless such alteration would serve to enhance the utility and quality of the subdivision. Easements along water courses as a part of a comprehensive recreational and open space plan for the development are encouraged. Unique physical, historical, and cultural sites which add value to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets shall be preserved where possible.

Section 545. Park and Recreation Areas

Upon a finding by the planning board that a proper case exists for requiring that park/recreational space be suitably located on the plat for playgrounds or other recreational purposes, the planning board may require that the developer satisfactorily develop any such area shown on the plat. Any such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the town based on projected population growth to which the particular subdivision will contribute. Upon such finding, the planning board shall require that not more than 10% of the total area of the subdivision be allocated for park or recreational use. Such area may be dedicated to the town by the subdivider if the town board approves such dedication. Alternatively, park or recreational space may be conveyed to a homeowners association for control and joint private ownership and maintenance.

Section 555. Development in Floodplains

All subdivisions shall comply with the provisions of the Town of Rodman Flood Damage Prevention Law, Local Law No. ____ of 19____, as subsequently amended.

Section 560. Steep Slopes

Development; of steep slope sites of over 15% grade will be conditionally accepted only if there is no prudent or feasible alternative site, erosion and sedimentation control measures are incorporated in the design, construction, and operation of the development according to standards set by the U.S. Soil Conservation Service.

ARTICLE 6. ROAD STANDARDS

Section 605. General

Public roads shall be of sufficient width, suitably located, and adequately constructed to conform to the comprehensive plan, and to accommodate the prospective traffic and afford access for fire fighting, snow removal, school buses, and road maintenance equipment. The arrangement of roads shall be in harmony with surrounding areas and adjoining properties, and shall be coordinated so as to compose a convenient system. Public roads shall be graded and improved in accordance with the town road specifications. Storm drainage facilities, water mains, sewers, lights, signs, trees and fire hydrants shall be provided as required.

Section 610. Road Grades

The road plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all roads shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the roads. Road grades shall conform as closely as possible to the original topography, and shall not be greater than 10 percent. No grade shall be more than 3 percent within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of length and radius such that clear visibility shall be provided for a safe distance. A combination of steep grades and curves shall be avoided.

Section 620. Road Connections to Adjacent Properties

The arrangement of roads shall provide for the continuation of principal roads of adjoining subdivisions, and for the proper projection of principal roads into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Stub roads providing access to parcels adjacent to the subdivision may be required. Turnarounds may not be required for stub roads which do not provide access to dwellings within the subdivision.

Section 625. Dead-end Roads

1. The creation of dead-end roads may be allowed whenever such type of development will not interfere with normal traffic circulation in the area.
2. A 20 foot wide easement may be required to provide for the continuation of pedestrian traffic and utilities to the next road or public property.

3. Roads designed to be permanently dead-ended shall not generally exceed 800 feet in length or 20 dwelling units. Such roads shall be terminated in a circular turn-around having a minimum right-of-way radius of 75 feet and a pavement radius of 50 feet.
4. Roads designed to be dead-ended shall have a "No Outlet" or "Dead End" sign at the entrance.

Section 630. Intersections

1. In general, all roads shall join each other so that for a distance of at least 100 feet the road is approximately at right angles to the road it joins. . Roads shall not intersect at angles of less than 60 degrees.
2. Intersections of minor roads with collector or major roads shall, in general, be at least 500 feet apart.
3. Road jogs with centerline offsets of less than 125 feet shall be avoided.
4. All road rights-of-ways at intersections shall be rounded by curves of at least 20 feet radius and curbs shall be adjusted accordingly.
5. All corner lots shall be cleared of all growth and other obstructions, except for isolated trees, a level of three feet or higher above the centerline of the road, so as to achieve safe visibility for traffic entering the intersection.
6. No intersection of more than two roads is allowed.

Section 635. Curve Radii

In general, road lines shall be connected with a curve, the radius of which for the centerline of road shall not be less than 200 feet on collector roads, and 100 feet on minor roads.

Section 640. Partial Roads

Partial roads of less than full width are prohibited

Section 645. Road Names

All roads shall be named and the names placed on the plat. Road names shall not be numbers or letters. Road names shall be selected so as not to be confused in sound or spelling with existing or platted road names. Roads that join or align with roads of an abutting or neighboring property shall bear the same name. Signs bearing road names shall be erected by the subdivider at all intersections.

Section 650. Treatment Along Major Highways

In order to minimize driveway entrances onto major highways, the planning board may require marginal access roads parallel to major highways, or reverse frontage lots. Marginal access roads shall be separated from major highways by a distance which allows for an appropriate use of the intervening land. Where reverse frontage lots are required, an access control easement of up to ten feet in width may be required along major highways, sufficient to prohibit access to the highway from rear yards.

Section 655. Underground Utilities

Underground utilities shall be placed, wherever possible, in the road right-of-way between the paved roadway and the road line to simplify location and repair of utilities. Underground service connections shall be installed to the lot line of each lot for all required utilities prior to road pavement. Where topography is such as to make impractical the inclusion

of underground utilities within the road right-of-way, perpetual unobstructed easements at least 15 feet wide shall be provided with satisfactory access to the road. Such easements shall be cleared and graded where required.

ARTICLE 7. PERMISSIBLE MODIFICATION OF DEVELOPMENT LAW REGULATIONS

Section 710. Authority

The planning board is authorized and empowered pursuant to Section 278 of the Town Law to modify certain provisions of the development law as allowed by this Article, simultaneously with the approval of any subdivision application within the town.

Section 720. Applicable Provisions

The planning board may consider, or require, applications for major subdivisions which include the following deviations from the development law for any one of the following purposes:

1. to eliminate side and rear yard requirements to allow for innovative attached housing types;
2. to reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in the more efficient use of land;
3. to reduce road frontages to allow cul-de-sacs;
4. to reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development.

Section 730. General Criteria for Cluster Development

The planning board may allow, or require, cluster development when the proposed development:

1. will be in harmony with the general purpose, goals, objectives, and standards of the comprehensive plan and this law;
2. complies with all applicable provisions of the development law, except as modified pursuant to the authority of this law;
3. will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
4. will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;
5. will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
6. will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Section 740. Required Clustering

Cluster development may be required by the planning board to meet any one of the following objectives:

1. The clustering of development will reserve open space, recreational areas, large groves of trees, water courses and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the comprehensive plan for the community;
2. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in furtherance of the comprehensive plan for the community;
3. The clustering of development will provide for the more economical and efficient provision of municipal utilities and road services.

Section 750. Determination of Overall Development Density

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered subdivision which complies with all provisions of the development law. The purpose of this sketch plat shall be to aid the planning board in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the development law. All lots on the sketch plat shall be buildable lots. The planning board shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development subdivision.

Section 760. Approval of Cluster Open Space

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the planning board.

Section 770. Use of Cluster Open Space

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the planning board finds that the size, location, type of development, or cost of development or maintenance of such cluster open space, or the availability of public open space, would make public use undesirable or unnecessary.

Section 780. Undedicated Cluster Open Space

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the planning board, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the planning board; and any other specifications deemed necessary by the planning board.

Appendix A Town of Rodman Subdivision Law

I. **PURPOSE:** The purpose of this appendix is to set forth the plat requirements for both minor and major subdivisions, and shall be provided by the subdivider to the surveyor performing the work.

II. **PLAT REQUIREMENTS:** The plat shall contain the following information:

A. A *title block* containing subdivision name, name of town and county, date (different for each revision), scale, surveyor's name/company.

B. A *certification block* with the following statement:

As owner I hereby certify that I have caused the land described by this plat to be surveyed, divided, mapped, dedicated, and access rights reserved as represented on the plat.

Date

Owner Signature

C. A *stamp or seal* from the surveyor (and engineer if appropriate) showing license number.

D. The following *statement* for signature by the planning board chairman:

Plat Approved: _____

Town of Rodman Planning Board Chairman

Dated

E. *Notes* containing any covenant and deed restrictions.

F. The plat itself should cover all of the land being subdivided, at a scale of not more than 100 feet per inch and not less than 50 feet per inch, including any residual land retained by the owner, and shall include the following:

1. The name of all subdivisions and owners of record for lots immediately adjacent to the parcel being subdivided.
2. The following boundaries, if they exist, in the area adjacent to the subdivision or on the parcel, municipal boundaries, flood hazard areas, wetlands, property boundaries, easements, rights-of-way.
3. Parcels to be dedicated to public use and conditions.
4. Buildings, water courses, wells, septic systems and sewer lines, wooded areas, and other significant features on the parcel and adjacent parcels.
5. Contour intervals of five feet (or two feet when required by the planning board).
6. Width and location of streets and roads, and shall indicate the names of all existing and proposed streets and roads.

7. Location of all proposed facilities.
8. Storm drainage, culverts (with sizes indicated) and arrows indicating direction of flow.
9. Details such as cross-sections, plans, drains, etc.
10. Lot lines of all proposed lots, including bearings, distances, corners, and monuments (with descriptions).
11. Area of each lot (not to include area inside public rights-of-way).
12. North point prominently indicated on the plat and oriented to coincide with the locator map.

G. **Additional Markings Required to be Displayed on the Plat.** One or more may be selected as determined by the planning board.

1. WETLANDS RESTRICTIONS APPLY
Lot(s) _____ subject to any development, housing, building and use restrictions under Article 24, State of New York Environmental Conservation Law.
2. FLOODPLAIN RESTRICTIONS APPLY
Lot(s) _____ subject to any development, housing, building and use restrictions under National Flood Insurance Program.
3. SUBDIVISION RESTRICTIONS APPLY
Further Subdivision of Lot(s) _____ prohibited as an agreed-on condition for approval of this plat.
4. BUILDING RESTRICTIONS APPLY
Lot(s) _____ subject to building restrictions as an agreed-on condition for approval of this plat. Restriction is as follows:
5. WATER SUPPLY/SANITATION CERTIFICATION
All sanitation and water supply facilities are designed to meet the minimum specifications of the County Department of Health.
Licensed Engineer Name _____
License Number _____
Date _____
6. CERTIFICATION OF MONUMENTATION
Surveyor certifies that monuments have been set as shown on the plat.

H. **Special Marking Required.** Refer to Section _____ of the Subdivision Law.

Where applicable, a note, duly acknowledged by signature of the subdivider, stating:

Approval of this plat does not constitute town acceptance of the indicated, stated, or referenced improvements.

Owner

Date

- I. ***Locator Maps:*** One or more locator maps shall be included on the plat to clearly locate the subdivision of interest. As a minimum, the Town of Rodman map shall be used in all cases (see example in Figure 1). If additional detail is required, then a secondary locator map may be required (see example in Figure 2).
- J. ***Conflicts of Requirements:*** If conflicts between this appendix and the primary subdivision law occur, the planning board shall be contacted for resolution.
- K. ***Waiver of Plat Requirements:*** The planning board may waive any of the requirements in this appendix in the event that the information is not applicable or necessary.

EXAMPLES OF LOCATOR MAPS

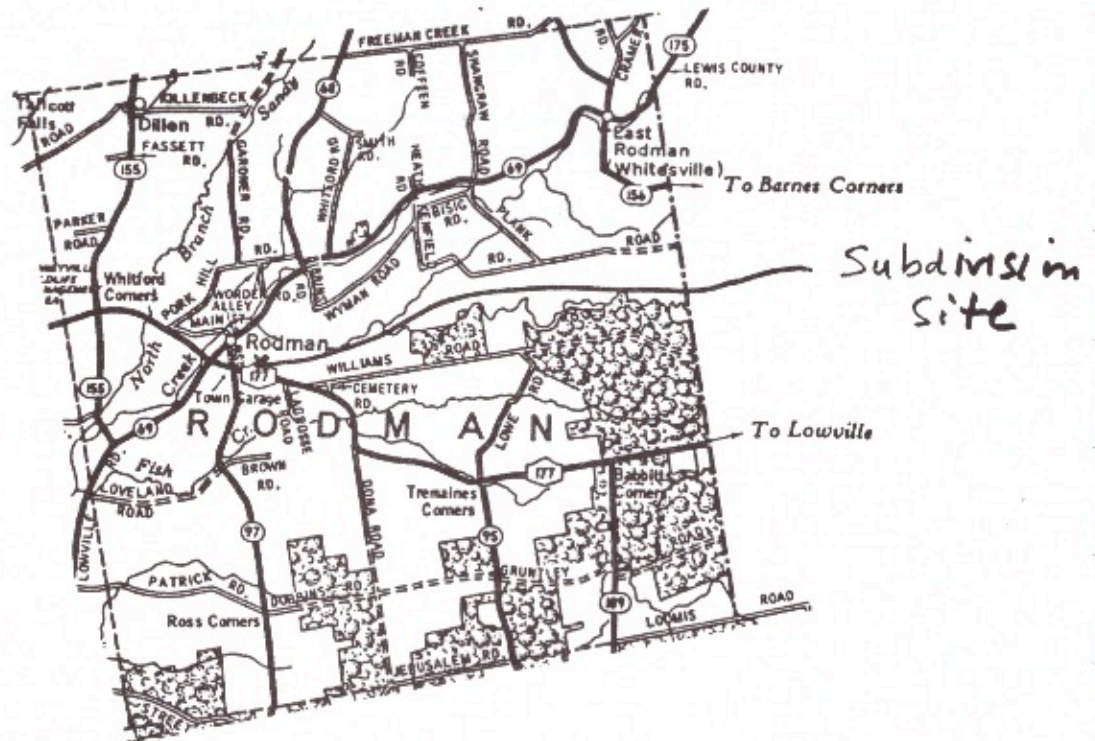


Figure 1. Town Locator Map

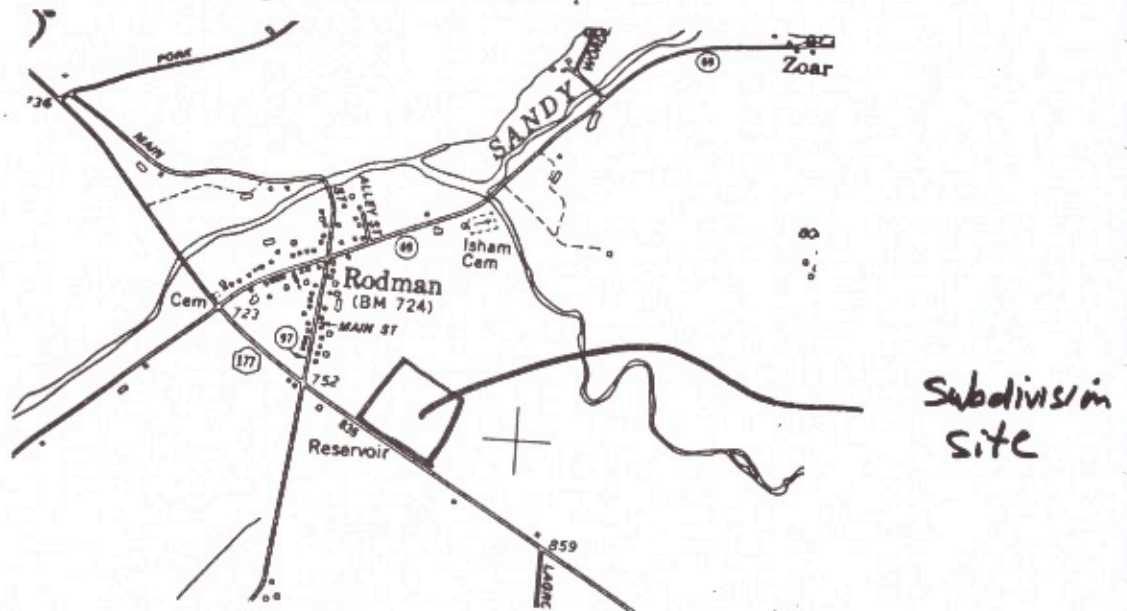


Figure 2. Detailed Locator Map
(supplement to Figure 1, if required)

Section 6. State Environmental Quality Review (SEQR) Fees

In the case of a positive declaration by a lead agency, such agency shall charge a fee to the applicant to cover the actual costs of either preparing or reviewing an environmental impact statement (EIS) pursuant to Section 617.17 of 6 NYCRR Part 617, and Subdivision 8-0109.7 of the Environmental Conservation Law. If the applicant prepares the EIS, such agency shall charge the applicant for the actual costs of the review. If the applicant does not choose to prepare an EIS, such agency shall charge the applicant for the actual cost of preparing the EIS.

Section 7. Consultants

The Town of Rodman Town Board and Board of Appeals may retain consulting services from engineers, architects, landscape architects, lawyers, planners or other professional services during the course of special use permit reviews, and variances conducted pursuant to the Town of Rodman Development Law, subdivision plat reviews conducted pursuant to the Town of Rodman Subdivision Law, and reviews conducted pursuant to the Local Law Regulating the Overnight Assembly of Persons.

An applicant may be required to deposit with the Town Supervisor, Chairman of the Zoning Board of Appeals, or Chairman of the Planning Board, an additional sum of money to be placed in a separate account and used to pay costs incurred by the Town for engineering, legal or other professional consultant services in connection with the application before the Planning Board or the Zoning Board of Appeals. Upon receipt and approval by the Town Board of itemized vouchers from an engineer, attorney or other consultant for services rendered on behalf of the Town pertaining to the development, the Town Supervisor shall cause such voucher to be paid out of the monies so deposited. The Town Board shall review and audit all such vouchers submitted and shall approve payment only for such engineering, legal or other consultant fees as are reasonable in amount and necessarily incurred by the Town in connection with the review, consideration and approval of the developer. The fees charged by engineers, attorneys, or other consultants must bear a reasonable relationship to the average fees charged by engineers, attorneys or other consultants to the Town for services on other similar developments and be consistent with fees charged generally in the community. In determining what fee is necessary to be deposited, the Town Board, Planning Board or Zoning Board of Appeals may take into consideration the size, type and number of buildings to be constructed, the amount of time required to complete the development, the topography of the land and other factors. For purposes of this paragraph, a fee is necessarily incurred if it is charged by the engineer, attorney or other consultant for service rendered to protect or promote the health, safety, and other vital interests of the residents of the Town, protect public or private property from damage or for other similar purposes.

Upon completion of the latter of final approval, rejection of any application, or final approval of any and all completed improvements and submission of all final bills to the Town for its administrative expenses incurred as a result of the applicant's proposed plan. Any unused funds deposited, or proceeds from any surety bond posted, shall be refunded to the applicant.

TOWN OF RODMAN FEE SCHEDULE APPENDIX A.

Development Permit Fees:

Principal Uses: \$35

Accessory Uses/Alterations to Principal Uses:
150 sq. ft. to 500 sq. ft. floor area: \$15
Over 500 sq. ft. floor area: \$25

Renewals: \$25

Special Uses: \$100

Accessory Uses/Alterations to Special Uses: \$50

Appeals Fees:

Interpretations: \$30
Variances: \$50

Subdivision Fees:

Minor Subdivision: \$25
Preliminary Plat, Major Subdivision: \$50
Final Plat, Major Subdivision: \$10 per lot

Overnight Assembly of Persons Permit: \$100

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~XXXX~~

Town

of Rodman

~~Village~~

Local Law No. SIX of the year 1998

A local law for the Town of Rodman entitled Town of Rodman Fee Schedule.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXX~~

~~XXXX~~

Town

of Rodman as follows:

~~Village~~

Section 1. Adoption

The following fee schedule, associated with the Town of Rodman Development Law; the Town of Rodman Subdivision Law; the Town of Rodman Clutter, Litter and Debris Law; and the Town of Rodman Local Law Regulating the Overnight Assembly of Persons is hereby adopted by the Town Board of the Town of Rodman on this ____th day of _____, 1997.

Section 2. Development Permits and Temporary Development Permits for Principal Uses

1. An application fee of \$35 shall be paid to the town clerk prior to the enforcement officer issuing a permit. This fee shall cover the costs of filing and inspections.
2. Accessory Uses and Structures and Alterations: An application fee as listed below shall be paid to the town clerk prior to the enforcement officer issuing a permit. This fee shall cover the costs of filing and inspections.

Less than 150 sq. ft. floor area--no permit or fee necessary
150 sq. ft. to 500 sq. ft. floor area--\$15
Over 500 sq. ft. floor area--\$25
3. Renewals: Permit renewals for principal and accessory uses and structures shall be accompanied by a fee of \$25.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

4. **Special Use Review Referral:** Where an application for a development permit is referred to the town board for special use review, the fees of this section shall not apply, and only the fees of Section 3 below shall apply.
5. Where an application for a development permit includes both principal and accessory uses and/or structures, only a principal use or structure fee shall be charged.

Section 3. Special Use Reviews

1. An application fee of \$100 shall be paid to the town clerk prior to the town board accepting an application for a special use review as complete. This fee is to cover filing, public hearing, administrative, overhead and inspection costs. Additional consulting fees (see Section 7 below) and SEQR fees (see Section 6 below) may also be charged, at the discretion of the town board.
2. **Accessory Uses and Structures and Alterations:** An application fee of \$50 shall be paid to the town clerk prior to the town board accepting an application for an use which is accessory to a special use, or is an alteration to a special use, as complete. This fee is to cover filing, public hearing, administrative, overhead, and inspection costs. Additional consulting fees (see Section 7 below) and SEQR fees (see Section 6 below) may also be charged, at the discretion of the town board.
3. Where an application for a special use review includes both special uses and accessory uses and/or structures, only a special use fee shall be charged.

Section 4. Appeals Fees

1. **Interpretations:** An application fee of \$30 shall be paid to the town clerk prior to the board of appeals accepting an application for an interpretation of the Town of Rodman Development Law and Litter, Clutter and Debris Law as complete. This fee is to cover filing costs.
2. **Variances:** An application fee of \$50 shall be paid to the town clerk prior to the board of appeals accepting an application for a use or area variance of the Town of Rodman Development Law and Litter, Clutter and Debris Law as complete. This fee is to cover filing and public hearing costs. Additional consulting fees (see Section 7 below) and SEQR fees (see Section 6 below) may also be charged, at the discretion of the board of appeals.

Section 5. Subdivision Reviews

1. **Minor Subdivision:** An application fee of \$25 shall be paid to the town clerk prior to the town board accepting a minor subdivision plat review application as complete. This fee is to cover filing and public hearing costs. Additional consulting fees (see Section 7 below) and SEQR fees (see Section 6 below) may also be charged, at the discretion of the town board.
2. **Preliminary Plat, Major Subdivision:** An application fee of \$50 shall be paid to the town clerk prior to the town board accepting a preliminary subdivision plat approval application as complete. This fee is to cover filing and public hearing costs. Additional consulting fees (see Section 7 below) and SEQR fees (see Section 6 below) may also be charged, at the discretion of the town board.
3. **Final Plat, Major Subdivision:** An application fee of \$10 per lot in the proposed subdivision shall be paid to the town clerk prior to the town board accepting a final subdivision plat approval application as complete. This fee is to cover filing and public hearing costs. Additional consulting fees (see Section 7 below) and SEQR fees (see Section 6 below) may also be charged, at the discretion of the town board.

