

Town of Veteran  
Zoning Law 2019

## TABLE OF CONTENTS

ARTICLE 1	INTRODUCTORY PROVISION .....	6
Section 1.0	Title, Authority and Purposes.....	6
ARTICLE 2	INTERPRETATION .....	8
Section 2.0	Interpretation, Separability and Conflict.....	8
Section 2.1	Definitions .....	9
ARTICLE 3	ESTABLISHMENT OF DISTRICTS.....	24
Section 3.0	Application of District Regulations.....	24
Section 3.1	Zoning Districts.....	24
Section 3.3	Official Zoning Map.....	25
Section 3.4	Interpretation of District Boundaries. ....	25
Section 3.5	Uses Prohibited in all Districts.....	26
Section 3.6	Fire, Safety and Sanitation Regulations .....	27
ARTICLE 4	USE DISTRICTS .....	28
Section 4.0	Flood Hazard Overlay District A (FD-A) .....	28
Section 4.1	Flood Hazard Overlay District AA (FD-AA) .....	28
Section 4.2	Residential-Agriculture District (R-A).....	29
Section 4.3	Conservation Overlay Zone.....	31
ARTICLE 5	AREA AND BULK REGULATIONS .....	36
Section 5.0	Purpose .....	36
Section 5.1	Density Control Schedule.....	36
ARTICLE 6	PLANNED RESIDENTIAL DISTRICT .....	37
Section 6.0	Intent.....	37
Section 6.1	Permitted Uses.....	37
Section 6.2	Standards Governing Planned Residential District .....	37
Section 6.3	Special Provisions Applying to Planned Residential District .....	39
Section 6.4	Procedures for Establishing a PRD .....	39
ARTICLE 7	PLANNED UNIT DEVELOPMENT (PUD) .....	41
Section 7.0	Intent.....	41
Section 7.1	Permitted Uses.....	41
Section 7.2	Dimensional Requirements .....	41
Section 7.3	Special Provisions Applying to the Planned Unit Development (PUD).....	41
ARTICLE 8	AVERAGE DENSITY DEVELOPMENT .....	42
Section 8.0	Intent.....	42
Section 8.1	Authorization to Grant or Deny Average Density Development .....	42

## TABLE OF CONTENTS

Section 8.2	Standards Governing Average Density Development .....	42
Section 8.3	Review of Average Density Development Plans .....	44
Section 8.4	Public Hearing on Average Density Development .....	44
ARTICLE 9	ADDITIONAL REQUIREMENTS FOR SPECIFIED USES.....	45
Section 9.1	Intent.....	45
Section 9.2	Animal Waste Storage Facility .....	45
Section 9.3	Mineral Extraction.....	46
Section 9.4	Water Supply and Sewage Treatment .....	47
Section 9.5	ECHO Units .....	47
Section 9.6	Travel Trailers.....	48
ARTICLE 10	CONDITIONAL USES.....	49
Section 10.0	Intent.....	49
Section 10.1	Authorization to Grant or Deny Conditional Uses.....	49
Section 10.2	Application for Conditional Use .....	49
Section 10.3	Standards Governing Conditional Uses .....	50
Section 10.4	Conditional Use Permit Considerations by the Planning Board .....	50
Section 10.5	Conditional Use Permit Review Criteria for Planning Board Findings .....	51
ARTICLE 11	SITE PLAN REVIEW .....	52
Section 11.0	Intent.....	52
Section 11.1	Authorization.....	52
Section 11.2	Concept Plan .....	52
Section 11.3	Preliminary Site Plan Application.....	53
Section 11.4	Preliminary Site Plan Requirements .....	53
Section 11.5	Public Hearing.....	55
Section 11.6	Notification of Decision on Preliminary Site Plan.....	55
Section 11.7	Final Site Plan Application .....	56
Section 11.8	Notification of Decision on Final Site Plan .....	56
Section 11.9	Appeal .....	56
ARTICLE 12	DEVELOPMENT GUIDELINES.....	57
Section 12.0	General .....	57
Section 12.1	Lots and Blocks.....	57
Section 12.2	Highway Design and Improvements.....	57
Section 12.3	Driveway Standards .....	57
Section 12.4	Off-Road Parking and Loading Requirements.....	58

## TABLE OF CONTENTS

Section 12.5	Accessory Buildings and Uses .....	63
Section 12.6	Home Occupation.....	64
Section 12.7	Signs .....	65
Section 12.8	Fences, Walls, Hedges and Screen Planting .....	67
Section 12.9	Establishment and Measurement of Clear Vision Areas.....	68
Section 12.10	Open Space, Parks and Playgrounds .....	68
Section 12.11	Utilities .....	68
Section 12.12	Special Provision Applying to Industrial Uses .....	69
Section 12.13	Standards and Design Criteria for Cottages, Camps, and Cabin Developments (CCCD) and Accessory Cottages or Cabins (ACC) .....	69
Section 12.14	Junkyard .....	70
Section 12.15	Filling Guidelines .....	70
Section 12.16	Individual Lot Mobile Homes .....	71
Section 12.17	Mobile Home Parks.....	71
Section 12.18	Steep Slope Guidelines.....	74
Section 12.19	Gasoline Filing Stations, Service/Repair Garages and Automobile Sales .....	75
Section 12.21	Drainage Systems and Erosion Control .....	76
ARTICLE 13	FLOOD DAMAGE PREVENTION.....	78
Section 13.1	Statutory Authorization and Purpose .....	78
Section 13.2	General Provisions .....	84
Section 13.3	Administration.....	85
Section 13.4	Construction Standards .....	90
Section 13.5	Variance Procedure .....	97
ARTICLE 14	NONCONFORMING BUILDINGS AND USES.....	99
Section 14.0	Continuation of Nonconforming Use or Structure .....	99
Section 14.1	Discontinuance of Nonconforming Use .....	99
Section 14.2	Change of Nonconforming Use .....	99
Section 14.3	Completion of Structure .....	99
Section 14.4	Existing Undersized Lots .....	99
Section 14.5	Reduction in Lot Area .....	100
Section 14.6	Exemption of Lots Shown on Approved Subdivision Plats .....	100
Section 14.7	Exceptions to Front Yard Requirements .....	100
ARTICLE 15	ZONING BOARD OF APPEALS .....	101
Section 15.1	Establishment .....	101
Section 15.2	Powers and Duties.....	101

TABLE OF CONTENTS

Section 15.3 Procedure..... 102

Section 15.4 Public Notice and Hearings..... 103

ARTICLE 16 ADMINISTRATION AND ENFORCEMENT ..... 104

Section 16.1 Zoning Administrator ..... 104

Section 16.2 Building Permits..... 104

Section 16.3 Revocation of Building Permit..... 106

Section 16.4 Certificates of Occupancy ..... 107

Section 16.5 Violations ..... 107

Section 16.7 Right of Inspection ..... 108

Section 16.8 County Referral ..... 108

ARTICLE 17 FEE SCHEDULE ..... 110

ARTICLE 18 MISCELLANEOUS PROVISIONS ..... 111

Section 18.1 Repeal..... 111

Section 18.2 When to Take Effect ..... 111

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## ARTICLE 1 INTRODUCTORY PROVISION

### Section 1.0 Title, Authority and Purposes.

This law shall be known as the Town of Veteran Zoning Law. It has been enacted by the Town Board of the Town of Veteran pursuant to Article 16 of the Town Law of the State of New York which empowers the Town Board to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open space, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and to establish penalties for the violation of such regulations. Section 274-a of the Town Law authorizes the Planning Board to review, approve, approve with modification or disapprove site plans prepared to specifications set forth in this zoning law.

The intent of this law is to encourage appropriate and orderly physical development; promote public health, safety, convenience and general welfare; classify, designate and regulate the location and use of buildings, structures and land for agricultural, residential, commercial, industrial or other uses in appropriate places. Objectives of this law are to provide assurance of opportunities for effective utilization of land; provide adequate community and public utility facilities; provide workable relationships of land uses to the transportation system and lessen congestion on the roads; conserve and stabilize the value of property; provide adequate open space for light and air; provide desired levels of population density; secure safety from fire, flood and other dangers.

These regulations have been made with reasonable consideration, among other things, as to the physical character of land and its peculiar suitability for particular uses, and with a view to conserving and stabilizing the value of land and buildings and encouraging the most appropriate use of land throughout the Town. This law has been developed in accordance with a comprehensive plan for the Town of Veteran adopted November ?? 2019.

## ARTICLE 1 - INTRODUCTORY PROVISION

This law is enacted to:

1. Guide and regulate the orderly growth, development, and redevelopment of the Town in accordance with a well-considered Comprehensive Plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.
2. Protect the established character and the social and economic well-being of both private and public property.
3. Promote, in the public interest, the utilization of land for the purposes for its highest and best purpose.
4. Regulate and limit the height, bulk, and location of buildings.
5. Establish, regulate, and limit the building or setback lines on or along streets in the Town.
6. Regulate and limit the density of population and the intensity of uses of lot areas.
7. Regulate and determine the area of yards, courts, and other open spaces within and surrounding buildings.
8. Classify, regulate, and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, or a mix of uses.
9. Divide the entire Town into districts of such number, shape and area, and of different classes according to use of land and buildings, height and bulk of buildings, intensity of use of lot areas, area of open spaces, and other classifications as may be deemed best suited to regulate development.
10. Fix standards to which buildings or structures in such districts shall conform.
11. Prohibit uses, buildings, or structures incompatible with the character of established districts.
12. Provide regulations pertaining to pre-existing lots, structures, and uses that do not conform to the regulations, standards, restrictions, and limitations established by this law.
13. Prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed by this law.
14. Provide for variances from such regulations, standards, restrictions, and limitations.
15. Provide administrative bodies and procedures as shall be necessary to the implementation and enforcement of the various provisions of this law.
16. Provide for the orderly amendment of this law.

These provisions will be set forth to encourage the most appropriate development of the Town in accordance with the Comprehensive Plan as the same may be amended and updated by the Town.

## ARTICLE 2 INTERPRETATION

### Section 2.0 Interpretation, Separability and Conflict.

- A. The following rules of construction of language shall apply to the text of this law.
- Words used in the present tense include the future tense.
  - Words used in the singular include the plural, and words used in the plural include the singular.
  - The word "lot" includes the word "plot," "parcel" and "property".
  - The word "person" includes an individual, firm, limited liability company or corporation.
  - The word "shall" is always mandatory; the word "may" is always permissive.
  - The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
  - A "building" or "structure" includes any part thereof.
  - The phrases, "to erect", "to construct", and "to build" a building, each has the same meaning and includes to excavate for a building and to relocate a building by moving it from one location to another.
  - The word "street" includes "road" and "highway".
  - The word "watercourse" includes "drain," "ditch" and "stream".
  - The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
  - The word "and" indicates that all connected items, conditions, provisions or events shall apply.
  - The word "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - The words "either...or" indicate that the connected items, conditions, provisions or events may apply singly but not in any combination.
  - The word "Town" means the Town of Veteran, New York.
  - The word "County" means the County of Chemung, New York.
- B. If any section, paragraph, subdivision, or provision of this law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision, or provision adjudged invalid, and the rest of this law shall remain valid and effective.
- C. This law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.
- D. Whenever the requirements of this law are at variance with the requirements of other lawfully adopted rules, regulations or laws, the law with the most restrictive provisions or those imposing the higher standards shall govern.



Section 2.1 Definitions

The following words or phrases as used in this law are defined as follows:

ACCESSORY STRUCTURE - A structure or a portion of a principal structure on the same lot used for purposes customarily incidental or subordinate to the principal structure.

ACCESSORY USE - A use which is incidental and subordinate to the use of a principal structure on the same lot.

ADULT USE – A business that provides sexual entertainment or services to customers. Adult uses include: X-rated video shops and bookstores, live or video peep shows, topless or fully nude dancing establishments, combination book/video and marital aid stores, non-medical massage, hot oil salons, hourly motels, body painting studios, swingers’ clubs, X-rated movie theaters, escort service clubs, and combinations thereof.

AGRICULTURE – means the use of land, buildings, structures, equipment, manure processing and handling facilities, and farming practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise or a hobby, and including commercial horse boarding operations as defined in the Agriculture and Markets Law Article (AML) 25-AA, Section 301. This includes, but is not limited to the following: orchards and vineyards, vegetable crops, hops, greenhouse/nursery production of horticultural and floriculture crops, greenhouse vegetable production, harvested agronomic crops (corn, soybeans, small grains), hay and pasture, livestock and poultry raised for food and fiber, and animals raised for recreation or sale (e.g. horses, alpaca/llama), beekeeping, aquaculture (fish production), silviculture (timber, firewood), agroforestry (forest farming) including maple, energy production including energy from manure or biomass crops. Agriculture and farming, and agricultural operations and farms, are considered to be interchangeable terms.

AGRICULTURAL DISTRICT – Land that has been certified by New York State, reviewed by Chemung County and given the certification as an “Agricultural District” pursuant to Article 25-AA (AML) with the intent to protect and promote the availability of lands for farming purposes.

AGRICULTURAL-RELATED ENTERPRISES – A retail or wholesale enterprise providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, fertilizer and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.

AGRICULTURAL USE – The use of land for the production, preparation, marketing or transportation of grain, vegetable, fruit, and other crops, horticultural and floricultural products, animal husbandry, livestock and livestock products, as well as the buildings, structures, equipment, animal waste and manure processing and handling facilities and associated

## ARTICLE 2 - INTERPRETATION

operations necessary to support such production activities and practices, including a commercial horse boarding operation.

ANIMAL KENNEL - Any place at which there are kept five (5) or more animals more than six (6) months of age for the purpose of sale, breeding, training or exhibition or are boarded for a fee or are sheltered for humanitarian reasons and not related to agricultural use or farm operations.

ANIMAL WASTE STORAGE FACILITY – Any building, structure, pond, lagoon or yard for the bulk storage of animal waste for eventual removal and/or dispersion.

AREAS, COMMON - Space reserved for use by any and all residents of a multiple family dwelling such as halls, stairways and landings in apartment houses.

BASEMENT - That space of a building that portion of a building having its floor subgrade (below ground level) on all sides.

BILLBOARDS AND SIGNS – Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

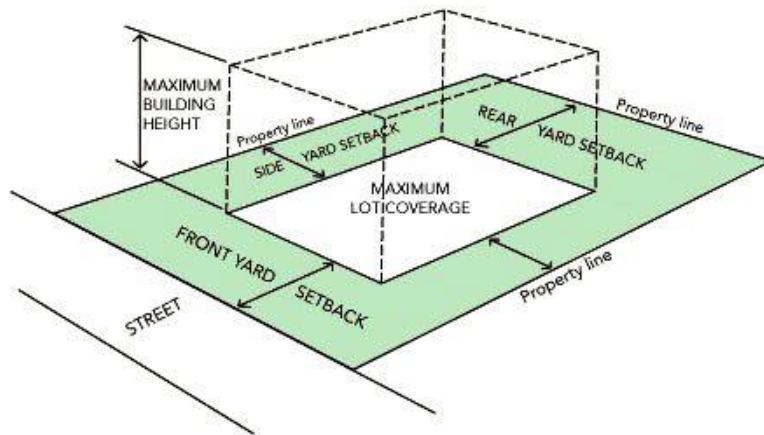
BUFFER AREA – A vegetated area, including but not limited to trees, shrubs and herbaceous vegetation; which exists or is established to protect a stream system, lake, wetland, steep slope, or reservoir or to protect an area from the impacts of an adjacent zoning district or from a highway.

BUILDING – Any structure, other than a house trailer or vehicle, having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or property.

BUILDING AREA - The area taken on a horizontal plane at the main grade level of the building exclusive of storage space, open porches, terraces, and steps, and in respect to dwellings, also exclusive of attached or built-in garages.

BUILDING ENVELOPE – The preferred area(s) for development on a property based upon site conditions and after discussion with the Planning Board.

**Building Envelope**



**BUILDING, FRONT LINE OF** – The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps. The area between the front line of the lot and the front line of a building is the front yard.

**BUILDING HEIGHT** – The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM:** A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

**BUILDING, NON-CONFORMING** – Any building or structure, other than a sign, lawfully existing on the effective date of this law, or any amendment to it rendering such building or structure nonconforming, which:

- Does not comply with all of the regulations of this law, or any amendment of this law, governing space and bulk requirements for the zoning district in which such building or structure is located; or
- Is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located.

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

**COTTAGE, CAMP, OR CABIN DEVELOPMENT** – Any parcel of land on which are located two or more cottages, cabins, camps or other accommodations of a design or character suitable for seasonal or temporary living purposes (less than six months per calendar year). This may include

## ARTICLE 2 - INTERPRETATION

a summer colony, boarding house, multiple cabins/cottages, camp sites, or RV sites, but does not include a manufactured mobile home, hotel or motel. Includes cabins built on same parcel as principal structure.

CELLAR - That portion of a building that is partly or entirely below grade level which has more than one half (1/2) its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building.

CODE ENFORCEMENT OFFICER – The person designated by the Town Board of the Town of Veteran, New York to perform the duties of Town Code Enforcement Officer.

COMMERCIAL USE – Establishment or business that generally has retail or wholesale of goods, office uses, or services. In addition to convenience stores, clothing stores and pet grooming, this use can also encompass large scale outdoor storage such as open sale yards, equipment sale and lumber yards.

COMPREHENSIVE PLAN – The long-term planning document or set of documents which is the culmination of a planning process establishing the official land use policy and presenting goals and a vision for the future that guides official decision-making of the Town of Veteran, prepared by the Planning Board pursuant to Article 272-a of New York State Town Law.

CONSERVATION EASEMENT – The grant of a property right or interest from a property owner to a unit of government or qualified conservation organization that permanently limits some uses of the land in order to protect its conservation values. Landowners continue to own and use their land and may sell or pass it on to heirs.

CONTIGUOUS PARCEL - A tract of land under the control or owner of the applicant or his agent that is not divided by any natural or man-made barriers such as existing roads, highways, railroad tracks, rivers and not totally bisected by any water bodies.

COVERAGE - That area or percentage of lot area covered by buildings or structures, including accessory buildings and structures but not including detached solar collectors used by solar energy systems.

DAY CARE – Daytime care or instruction of three or more persons away from their own homes for more than three but less than 24 hours per day, by an individual, association, corporation, institution or agency, whether or not for compensation or reward. This includes day care and group family day care requiring compliance with state laws and regulations under 18 NYCRR Parts 416 and 417 that relate to licensing and adequacy of the facility.

DAY CARE CENTER – A place other than an occupied residence providing or designed to provide day care, or an occupied residence providing or designed to provide day care for nine or more persons.

## ARTICLE 2 - INTERPRETATION

DWELLING – A building, or house trailer, designed or used exclusively as the living quarters for one or more families.

DWELLING, MULTI-FAMILY – A dwelling or group of dwellings, on one lot containing separate living units for three or more families, but which may have joint services or facilities or both.

DWELLING, ONE FAMILY – A building or house trailer designed for or used exclusively as the living quarters for one family.

DWELLING, TWO-FAMILY – A building designed for or occupied exclusively by two families independently of each other.

DUMP - Land used primarily for the disposal by abandonment, burial, burning or any other means and for any other purpose, of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

EASEMENT - A vested or acquired right to use land other than as a tenant for a specific purpose, such right being held by someone other than the owner who holds title to the land.

ECHO units – Elderly cottage housing opportunity (ECHO) unit, an accessory structure constructed and installed in accordance with the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code and any other applicable laws, ordinances and/or regulations of the Town of Veteran. Documentation from the Chemung County Health Department that the water supply and wastewater treatment systems are adequate for both the principal dwelling and ECHO unit must be provided to the Code Enforcement Officer.

EFFECTIVELY SCREENED - Barriers of sufficient height and opacity to reduce the transmission of sound and light to adjacent properties so as not to create a nuisance.

EFFICIENCY APARTMENT - A dwelling unit without a separate distinct room for sleeping which is part of a multi-family structure.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER: For the purpose of this law, a person licensed as a Professional Engineer by the State of New York.

FAMILY – One (1) or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club fraternity, or hotel.

FARM – Land used as a single operation for the production for sale of crops, livestock or livestock products and/or commercial horse boarding operation.

FARMWORKER HOUSING – Farm labor housing, including house trailers, used for the on-farm housing of permanent and seasonal employee farm labor housing purposes.

FENCE - Any constructed fence, brick or stone wall, and hedge or other continuous natural growth located outside of the area bounded by the front building foundation line and the side and rear setback requirements.

FRONT YARD – See 'BUILDING, FRONT LINE OF'

GROSS FLOOR AREA - The aggregate sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating the buildings. In particular, the "floor area" of a building or buildings shall include basement space, elevator shafts and stairwells at each floor, floor space for mechanical equipment, with structural headroom of six (6) feet or more, penthouses, attic space (whether or not a floor has actually been laid) providing structural headroom of six (6) feet or more, interior balconies, enclosed porches, accessory uses, not including space for accessory off-street parking.

However, the "floor area" of a building shall not include;

- a. Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- b. Elevator and stair bulkheads, accessory water tanks, and cooling towers.
- c. Floor space used for mechanical equipment, with structural headroom of less than six (6) feet.
- d. Attic space, whether or not a floor has actually been laid providing structural headroom of less than six (6) feet. Uncovered steps; exterior fire escapes. Terraces, breezeways, open porches, and outside balconies and open spaces.
- e. Accessory off-street parking spaces.
- f. Accessory off-street loading berths.

GROUND-MOUNTED SOLAR ENERGY SYSTEM OR FREESTANDING ENERGY SYSTEM: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity or other useable forms of energy for onsite consumption.

HOME OCCUPATION - An accessory use which is clearly incidental to or secondary to the residential use of a dwelling unit and does not change the character thereof, and is carried on wholly within the enclosed walls of a dwelling unit or accessory building by one or more occupants of such dwelling unit and in which not more than one person not residing in such dwelling unit may be employed.

INDUSTRIAL USE – Manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the

## ARTICLE 2 - INTERPRETATION

form character or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INDUSTRIAL, HEAVY – Industrial uses which frequently require large storage areas and often require mitigation of undesirable characteristics such as loud noise, vibrations, noxious odor, smoke, gas, large amounts of truck traffic, potential contaminants that requires the assistance of NYS DEC and other features that may require additional setbacks, buffering or other mitigation factors to create a development that is compatible with the Town.

INDUSTRIAL, LIGHT – Industrial uses such as wholesale and warehousing uses as well as those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibrations of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property.

JUNK YARD (See also 'DUMP' or 'SALVAGE YARD'): Any property or place where the business of a junk dealer or salvage dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise transfers junk or salvage materials other than wholly within an enclosed building. The outdoor storage of any of the following is included in this definition:

- Five or more inoperable appliances including, but not limited to, lawn and garden machines, car/automobiles or parts thereof, farm equipment/machine parts, washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions;
- Five and more inoperable pieces of equipment;
- Collection and storage of any second-hand or used material which, taken together, equal in bulk volume of 2000 cubic feet or more.

LOT - A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same. A lot shall abut and be accessible from a public or private street.

LOT AREA - The area within the property lines excluding any portion thereof within the boundaries of a street or highway.

LOT LINE – A parcel boundary as defined by the deed and/or survey completed by a licensed surveyor.

LOT WIDTH - The width of a lot measured along the rear line of the required front yard.

MAJOR SOLAR COLLECTION SYSTEM or MAJOR SYSTEM or SOLAR FARM - An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Facilities consist of one or

## ARTICLE 2 - INTERPRETATION

more ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Major solar collection systems are defined as ground-mounted accessory systems with a total surface area greater than 2,000 square feet. All solar systems must meet the Town of Veteran's Solar Law.

MINOR SOLAR COLLECTION SYSTEM or MINOR SYSTEM - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, accessory to the use of the premises for other lawful purposes. Minor solar collection systems are defined as roof- or building-mounted solar collectors greater than 60 square feet on any code-compliant structure, and ground-mounted solar collectors with the total surface area greater than 60 square feet and less than 2,000 square feet. All solar systems must meet the Town of Veteran's Solar Law.

MANUFACTURING – The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard which may require additional set-backs or screening and may include truck traffic for business operations.

MIXED-USE – A development or redevelopment that allows for more dense development in a single building or on a single lot and includes a mixture of residential and commercial uses.

MOBILE HOME – A structure, transportable, in one section on wheels, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Distinguished from modular homes which, although assembled in a factory, do not have a permanent chassis and are constructed or installed at the building site.

MOBILE HOME PARK - A parcel or parcels of land under single ownership on which two or more house trailers are occupied as residences or which is planned and improved for the placement of two or more-house trailers for non-transient residential use, or for the sale or rental of two or more-house trailer lots.

MOTOR VEHICLE SERVICE STATION – Any building, structure or land used to dispense, sell or offer automotive fuels, oils or accessories, including lubrication, washing, polishing or cleaning and the replacement or installation of minor parts and accessories to passenger automobiles or trucks, but not including any major mechanical repair, rebuilding or reconditioning of engines, motor vehicles or trailers or collision service, body repair, frame straightening, painting, undercoating, or upholstering.

MULTIPLE FAMILY DWELLING, MULTIPLE FAMILY RESIDENCE, MULTIPLE

FAMILY UNIT -See Dwelling, Multi-Family.



## ARTICLE 2 - INTERPRETATION

NEIGHBORHOOD COMMERCIAL USES – Commercial uses that provide centers for convenience shopping in residential neighborhoods, planned and controlled to the extent that such center will perform a vital service to the neighborhood in which it is located. Uses shall be less than 10,000 sq. ft. Uses to include but not be limited to: beauty salons, drugstores, grocery Stores, laundromats, service stations, restaurants, convenience stores.

NET METERING - A billing arrangement that allows for solar customers to get credit for excess electricity generated on-site and delivered back to the grid.

NON-CONFORMING BUILDING OR STRUCTURE - Any building or structure, lawfully existing on the effective date of this law, or any amendment to it rendering such building or structure nonconforming, which:

- Does not comply with all of the regulations of this Law, or any amendment of this Law, governing space and bulk requirements for the zoning district in which such building or structure is located; or
- Is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located.

NON-CONFORMING USE – Any use lawfully being made of any land, building or structure, including an accessory use on the effective date of this Law, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this Law, or any amendment hereto, governing use for the zoning district in which such land, building, or structure is located.

OPEN SPACE - Area not occupied by any building structure or parking area.

OPEN SPACE, COMMON - Area unoccupied by any building structure or parking area which is available to general public.

OVERLAY ZONE – A zoning district established by this land use law which may be applied to properties only when combined with an underlying zoning district (or primary zoning district).

PERSON - Any person, firm, partnership, association, limited liability company or corporation, but this definition does not include any governmental unit.

PARCEL – See 'lot'.

PHOTOVOLTAIC (PV) SYSTEM - A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity when light strikes them.  
PRINCIPAL DWELLING UNIT – The structure which houses the residential use permitted under the zoning classification in accordance with the zoning district regulations.

## ARTICLE 2 - INTERPRETATION

PRIMARY ZONING DISTRICT – The ‘underlying’ zoning district in which a parcel lies. This district is based on the Town of Veteran Zoning map. An example of a Primary Zoning District in the Town of Veteran would be the Residential-Agricultural District (R-A) as described in Section 4.2.

PRINCIPAL USE – The primary use of a lot that is permitted under the district regulations. Unless the district specifically allows mixed uses, only one principal use may be made of a single lot, along with uses that are accessory to that principal use. If a residence and farming occur on the same lot, the residence will always be the principal use.

PROFESSIONAL OFFICES – An office operation involving the practice of or associated with medicine, dentistry, law, architecture, engineering, accounting and similar fields.

PROPERTY LINES – For the purpose of this law the property line shall be considered as the boundary between the property and adjacent property.

PUBLIC BUILDINGS AND GROUNDS - Description of any one or more of the following uses, including grounds necessary for their use and accessory buildings:

- a. Churches, places of worship, parish houses and convents.
- b. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
- c. Nursery school, elementary school, high school, college, or university having a curriculum approved by the Board of Regents of the State of New York.
- d. Public libraries and museums.
- e. Municipal buildings.
- f. Hospitals for the treatment of human beings, convalescent or nursing homes, all duly licensed by the State of New York.
- g. Non-profit membership corporations established for cultural, social, or recreational purposes.

PUBLIC UTILITIES – The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical telecommunications or water/waste water transmission and/or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, or for the public health, safety or general welfare. This definition expressly excludes power generation facilities or sites for the disposal of waste materials associated with the provision of such services.

QUALIFIED SOLAR INSTALLER - A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified

Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's or NABCEP's list of certified installers may still be deemed to be qualified solar installers if the Town of Veteran Code Enforcement Officer determines such persons to have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of the exposed parts.

RECREATIONAL VEHICLE – See 'Travel Trailer.'

RESERVOIR SPACE - Any temporary storage space for a vehicle waiting for service or admission, that is in addition to drives, aisles or other required parking space.

RESIDENTIAL USE – Single and multifamily homes where people live (sleep), in contrast to commercial where people shop or work.

RESOURCE ANALYSIS: The inventory and evaluation of natural, historic and cultural resources on a lot to identify those resources to be protected, provide the basis for the maximum density calculation and determine locations for building envelopes.

RESTAURANT – An establishment where food is prepared and available to the general public, for a determined compensation, primarily for consumption within a structure on the premises and where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted.

RETAIL SALES AND SERVICE – The sale, provision of service or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption, but not including the sale to another business for resale purposes.

RIDGE: A ridge is a geological feature that includes a continuous elevational crest for some distance. Ridges can be termed hills or mountains depending on size and shape.

ROADSIDE STANDS – Sales limited to vegetables, fruits, herbs, flowers, plants, eggs, and other farm products; handcrafts produced as part of a home occupation; and syrups, jams and jellies, juices, honey, baked goods and other foodstuffs grown or produced as part of a home occupation.

ROOMING AND BOARDING HOUSES – A dwelling or other structure in which lodging facilities are supplied for pay over an extended period of time.

RIGHT-OF-WAY (ROW) - Property under ownership or easement used for vehicular circulation, usually forming a joint boundary between a lot and the road surface.

## ARTICLE 2 - INTERPRETATION

ROAD, COLLECTOR - All Town roads other than major roads and interior subdivision roads.

ROAD, MAJOR - All state and county highways.

ROAD, MINOR - All other streets, whether dedicated or not.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SALVAGE YARD – A lot, land, building, or structure, or part thereof, used primarily for collecting, storing, or selling waste paper, rags, glass, scrap metal or discarded materials of any kind or nature.

SEASONAL USE – Use of residential or commercial that occurs fewer than 6 months of the year.

SELF-STORAGE WAREHOUSES – One or more one-story buildings intended for use by the public and operated as a business for short-term self-storage of personal items.

SETBACK -The distance from the centerline of a public or private road to the principal building on a lot.

SHARED DRIVEWAY: A privately owned and maintained driveway that serves up to three (3) residences, does not require a turnaround, and is governed by a shared maintenance agreement among all owners. Driveway access is typically controlled by sight-line, grades, and ecological factors, such as wetlands and stream crossings.

SIGN - Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking or representation used as, or which is in the nature of an announcement, direction or advertisement. See also 'Billboards'. Not to apply to artwork, murals or artistic expression.

SIGN, Commercial – Any 'Sign' to be used for the advertisement of or location of a business, government or non-profit entity.

SIGN, REAL ESTATE – A temporary sign used for the sale or rental of a piece of property.

SOLAR COLLECTOR – A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other useable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure that directly or indirectly generates thermal, chemical, electrical, or other useable energy.

## ARTICLE 2 - INTERPRETATION

SOLAR EASEMENT - An easement recorded pursuant to the NY Real Property Law § 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy or other useable forms of energy.

STABLING OF AGRICULTURAL ANIMALS – A concentration of horses and/or livestock within a building, structure or other defined area for the purpose of housing or feeding.

STORY - That portion of a building included between the surface of the floor and the ceiling next above it, having a height of at least seven (7) feet six (6) inches.

STREAM – A watercourse or surface depression characterized by a defined channel and stream bed that contain rocks or gravel and where water flows; this does not include man-made stormwater conveyances, such as grassy or rip-rap stabilized swales, roadside ditches, or stormwater management practices.

STRUCTURE - A walled or roofed building or anything constructed, erected, or placed, above or below ground, other than walk, driveway and plant life, which requires temporary or permanent location on or the support of the soil, or which is attached to any structure.

SUITABLE VEGETATION - Vegetation in sufficient quantity and of sufficient maturity so as to prevent erosion, maintain the general character of the area, and provide effective screening when such purpose is warranted.

SUITABILITY LANDSCAPED - Landscaped with vegetation of a type sufficient to effectively screen differing uses, enhance the quality of the environment, limit erosion, and protect the general welfare.

TOWN HOUSE - A multi-family dwelling unit consisting of a series of non-communicating units having a common party wall between each adjacent unit.

TRANSPORTATION FACILITIES – A transportation center or facilities is a place where passengers transfer between vehicles and/or between transport modes. Public Transport centers include train stations, bus stops and bus stations

## ARTICLE 2 - INTERPRETATION

TRAVEL TRAILER – Any vehicle used or arranged to be used for living or as sleeping quarters, mounted on wheels and movable or propelled either by its own power or drawn by another power vehicle built on a chassis and designed to be used as a temporary dwelling for recreational or vacation purposes.

USABLE LIVING SPACE - The area of the floors of a dwelling unit excluding unenclosed, unheated porches.

USE - The purpose for which any structure or part thereof and the premises of any part thereof is occupied or intended to be occupied, or if unoccupied, the purpose for which they may be occupied.

WIND ENERGY SYSTEM – A wind energy conversion system with a rated capacity of not more than 300 kW which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment.

WRECK - A motor vehicle in such condition that it cannot be repaired or which has remained unrepaired for thirty days after the damage occurred or which by reason of age and prior use is unsuitable for use on the highway. (An unlicensed motor vehicle is one for which the registration for the current year has not been issued and affixed thereto.) This law, however, shall not be construed to prevent the storage of unlicensed vehicles in private garages upon the premises of the owners.

YARD - The open space required between a structure and the nearest road right-of-way or lot line. Any required yard shall be entirely open, may have vegetative cover, and unoccupied by buildings.

YARD, FRONT – An open space extending the full width of the lot between a principal front building/use line and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of the principal front building line. On corner lots, the front yard shall be both yards that front on the streets.

YARD, REAR – An open space extending the full width of the lot between the rearmost principal use/building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as before specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

YARD, SIDE – An open space extending from the front yard to the rear yard between a principal use/building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of a side yard shall be measured horizontally from the nearest part of the main building. An interior side yard is any side yard not on the street side of a corner lot.

ZONING DISTRICT or ZONE – A specifically delineated area or district within the Town of Veteran in which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

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## ARTICLE 3 ESTABLISHMENT OF DISTRICTS

### Section 3.0 Application of District Regulations.

Except as hereinafter provided:

- A. All buildings, structures, and land shall hereafter be used and/or occupied in conformity with the applicable regulations of this law.
- B. No lots shall be reduced in size if, as a result thereof, its area or any of its dimensions or open spaces shall be smaller than required by this law.
- C. Any required yard shall be entirely open, may have vegetative cover, and shall be unoccupied by buildings other than: Entrance porch or steps not over seven (7) feet deep in a front yard. Detached accessory buildings occupying not over twenty-five percent (25%) of a required rear yard and setback as required by this law.
- D. No part of any yard or open space required for any building shall be included as part of the yard or open space required for another building.

### Section 3.1 Zoning Districts.

- A. In order to fulfill the purpose of this Zoning Law, the Town of Veteran establishes the following Zoning District:
  - 1. *R-A Residential-Agricultural*
  - 2. *Flood Hazard Overlay District A*
  - 3. *Flood Hazard Overlay District AA*
  - 4. *Conservation Overlay Zone*
- B. This Law also establishes flexible districts that may be applicable anywhere in the Town that specified criteria and conditions are met:
  - 1. PRD - Planned Residential District
  - 2. PUD - Planned Unit Development
  - 3. ADD -Average Density Development

District Locations. The boundaries for each district listed as part of this law are the boundaries indicated for the district by the map entitled “The Official Zoning Map of the Town of Veteran” dated with the effective date of this law, which is hereby adopted by reference and declared to be part of this law, and hereinafter known as the “Zoning Map”.



### Section 3.3 Official Zoning Map.

There shall exist only one "Zoning Map" which shall be kept in the office of the Town Clerk and it shall bear the seal of the Town of Veteran, a certification that it is "The Zoning Map of the Town of Veteran" and its date of adoption. Said Zoning Map shall be on material suitable for reproduction. Copies of this Map which may from time to time be published and distributed would be accurate only as of the date of their printing and shall bear words to that effect. Changes made in district boundaries or other matters portrayed on the Zoning Map under the provisions of this law, shall be permanently affixed to the Zoning Map promptly after the amendment has been approved by the Town Board and shall convey information as to the date and nature of the change. Amendment to this law which involve districts portrayed on the Zoning Map shall not become effective until ten days after publication when such changes shall be made on said map and attested by the Town Clerk. Should the Zoning Map become damaged, destroyed, lost or difficult to interpret because of the changes and additions, the Town Board may by resolution adopt a new Zoning Map to supersede the former map. The new Zoning Map shall bear a statement which explains that it supersedes the prior map and gives the dates of adoption of both the prior map and the new Zoning Map. If possible, the prior map and the records of its adoption and amendments shall be preserved.

### Section 3.4 Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Centerlines and Right-of-Way Lines: Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such street, highway, public utility or watercourse is moved not more than twenty (20) feet.
- B. Lot or Boundary Lines: Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Parallel to Lot or Boundary Lines: Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.

## ARTICLE 3 – ESTABLISHMENT OF DISTRICTS

- D. District boundaries shall be determined by use of the scale of the Zoning Map. In no instances shall a District boundary be set at less than the minimum lot depth required in the Density Control Schedule, see Article 5.
- E. In the event of a questionable District boundary, the questionable boundary shall be referred to the Zoning Board of Appeals, and they shall, to the best of their ability, establish the exact boundary.
- F. The copy of the Zoning Map showing any such determinations under this section shall be on file at the office of the Town Clerk.
- G. Precise zone boundary determinations made by the Zoning Board of Appeals in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the Zoning Map by the Town Board.
- H. Lots Divided by Zoning District Lines: Where a lot is divided by a district boundary line, the regulations for each respective district shall apply except:
  - 1. In all cases where a lot in one ownership, other than a through lot, is divided by a district boundary so that fifty percent (50%) or more of such lot lies in the less restricted district, the regulations prescribed for such less restricted district shall apply to the more restricted portion of said lot for a distance of 30 feet from the zoning district boundary. For purposes of this Law, the more restricted district shall be deemed that district which is subject to regulations which prohibit the particular use intended to be made of said lot or which regulations set higher standards with respect to setback, coverage yard, screening, landscaping and similar requirements.
  - 2. In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, the regulations applicable to the greater part of the lot shall be deemed to apply to the entire lot.
- I. Buildings Divided by Zoning District Lines: Where a district boundary line divides a building existing on the effective date of this Law, so that fifty percent (50%) or more of such building lies within the less restricted district, the regulations prescribed by this Law for such less restricted district (as defined in H above) shall apply to the entire building. Such provisions shall apply only if, and as long as, the building is in single ownership and its structural characteristics prevent its use in conformity with the requirements of each district.

### Section 3.5 Uses Prohibited in all Districts.

- A. No effluent or matter of any kind shall be discharged into any stream or body of water which violates established stream standards of the New York State Department of Environmental Conservation or otherwise causes objectionable odors or fumes or which is poisonous or injurious to human, plant or animal life.

- B. The practice of soil stripping shall be limited to incidental filling of areas within the Town to bring them up to grade, except insofar as is necessary and incidental to sand and gravel operations or lawful excavations for cellars and other structures.
- C. No use shall be permitted which will produce corrosive, toxic or noxious fumes, glare, fire, explosion, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration or other objectional features so as to be detrimental to the public health, safety or general welfare unless conducted under proper and adequate safeguards.
- D. Storage of material, indoors in a manner that facilitates the breeding of vermin or endangers health in any way.

### Section 3.6 Fire, Safety and Sanitation Regulations

- A. No building except a silo or church shall be constructed either over three (3) stories or thirty-five (35) feet in height unless built of noncombustible materials.
- B. If the use of any lot or building involves the disposal of sewage or wastewater, an adequate sanitary disposal system for the same shall be installed in accordance with regulations of the Chemung County Health Department. Said system shall be at all times maintained on such lot. (The minimum lot area otherwise required may be increased where necessary to the extent required to safely provide such disposal system and detailed plans for such system must be submitted to and approved by the Chemung County Department of Environmental Health before a building permit shall be issued.)
- C. A building which has been damaged to the extent that renders it uninhabitable, unsafe or unusable for its intended purpose, must be reconstructed or razed in a fashion which leaves the site clean and safe within three (3) months.
- D. All buildings shall be in conformance with applicable building construction and fire prevention codes.

## ARTICLE 4 USE DISTRICTS

### Section 4.0 Flood Hazard Overlay District A (FD-A)

#### A. Intent

This flood hazard district has the most severe flooding potential. In order to protect persons, improvements and property from this special flood hazard all development and habitable structures are expressly prohibited. Other uses that have low flood damage potential and which do not obstruct or increase flood flows are allowed.

#### B. Permitted Uses

The following uses are permitted in the Flood Hazard District A provided that these uses do not result in any development, substantial improvement to any structure, fill or storage of materials and equipment and are not otherwise prohibited by this law:

1. Agricultural uses such as pasture, grazing, general farming and forestry.
2. Private and public recreational areas such as swimming areas, open space, wildlife or natural preserves, hunting and fishing areas, hiking and horseback trails, and parking and loading areas.

#### C. Prohibited Uses

No uses shall diminish or constrict the capacity of the channel or floodway of any watercourse, or any tributary to the main stream, or any other watercourse, drainage ditch or any other drainage facility or system to discharge the waters from the base flood.

### Section 4.1 Flood Hazard Overlay District AA (FD-AA)

#### A. Intent

This district includes the fringe area of the 100-year flood. As such it is subject to the periodic movement and inundation of flood waters. The intent of this flood hazard district is to provide for the protection of public health, safety and welfare by placing special conditions on any development and improvements to structures within the district.

#### B. Permitted Uses

Any permitted and conditional uses allowed in the Residential-Agricultural district may be allowed in this district subject to site plan approval by the Planning Board.

C. Special Provisions Applying to the Flood Hazard District AA

Any use considered in the Flood Hazard District AA shall conform to the standards laid out in the flood damage prevention law, Article 13.

Section 4.2 Residential-Agriculture District (R-A)

A. Intent

The Town of Veteran is characterized by many areas with slope and soil conditions that are not favorable for development. The primary intent of the residential-agriculture district is to promote and encourage the development of rural low-density residential uses that are compatible with these natural conditions, as well as to preserve farming in those areas in the Town suitable for agricultural uses. It is not the intent of this district to preclude industrial and commercial development. However, these uses shall be placed in such a manner so as not to be detrimental to the rural residential character of the Town and they shall be designed to suit the natural site conditions.

B. Permitted Principal Uses

The following uses are permitted outright:

- a. Single family dwelling
- b. Two family dwelling
- c. Public schools, parks and recreation
- d. Agricultural Uses
- e. Agriculture-related Enterprises
- f. Agricultural recreational educational events
- g. Stabling of horses and agricultural animals
- h. Game farms, fish hatcheries and fishing reserves
- i. Animal Waste Storage Facility, subject to the requirements of Article 9, Section 9.2.
- j. Nurseries, lawn/landscape services, orchards, greenhouses, vineyards
- k. Produce and roadside stands, including only movable or temporary structures for the sale of agricultural products grown principally by the operator.
- l. Wildlife sanctuaries, woodland preserves, arboretums
- m. Silviculture and timber processing, including the on-farm processing of timber grown on a farm operation which is included in the Residential-Agricultural Zone as part of Article 25AA of the New York State Agriculture and Markets Law, into woodland products, including but not limited to logs, lumber, posts and firewood, through the use of a readily moveable, nonpermanent saw mill, provided that such farm operation consists of at least seven acres and produces for-sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products

does not exceed the annual gross sales value of such crops, livestock or livestock products;

- n. Public utilities
- o. Neighborhood commercial uses, limited to 5,000 square foot structure
- p. Day Care Center

C. Permitted Accessory Uses, Located on the Same Lot with the Permitted Principal Use

- a. Storage buildings, private detached garages, carports, pool houses, gazebos
- b. Decks located in the side or rear yard
- c. Terraces and patios
- d. Detention and retention ponds
- e. Signs subject to the provisions of Section 12.8: Signs
- f. Off-street parking for residents and guest of the principal and accessory uses
- g. Other uses and structures that are customarily incidental and clearly subordinate to the principal use.
- g. Minor solar collection system
- h. Farming

D. Conditional Uses

The following uses and their accessory uses may be permitted when authorized in accordance with Article 12.6. Development Guidelines as specified in Article 12 shall be applicable where appropriate.

- a. Camps, camping facilities or CCCD
- b. Churches and similar religious institutions
- c. Riding instruction and academies
- d. Community centers owned and operated non-profit organization
- e. Public and private Colleges
- f. Multi-family dwellings
- g. Junkyards
- h. Neighborhood commercial uses greater than 5,000 square foot structure
- i. Home Occupations.
- j. Communication services (cell towers)
- k. Rooming and Boarding houses, Tourist homes, Bed and breakfast
- l. Permanent farm stand
- m. Breweries, Distilleries and Wineries
- n. Major Solar collection systems or Solar Farms
- o. Wind Energy Systems
- p. ECHO Unit, subject to the requirements of Section 9.5 Echo Units.
- q. Automobile parking, garages and sales subject to Section 12.20.
- r. Motor Vehicle services station subject to Section 12.20.
- s. Transportation facilities

- t. Dance halls, indoor theaters, bowling alleys, billiards room
- u. Large scale commercial / retail over 5,000 sq. ft.
- v. Professional offices
- w. Junk yards, automobile salvage operations operation under a valid Junk & Salvage registration and/or certificate from New York State Department of Motor Vehicles.
- x. Kennels or animal shelters
- y. Mineral extraction
- z. Industrial Use (light/heavy)
- aa. Self Storage
- bb. Adult Uses
- cc. Mobile Home park subject to provision of Section 12.18.
- dd. Mixed Use

### Section 4.3 Conservation Overlay Zone

#### A. Intent

This Conservation Overlay Zone provides special controls over land development in sensitive environmental areas. It is designed to protect vital environmental features and resources as well as Veteran residents' health, safety, welfare and general quality of life. It establishes minimum acceptable requirements:

1. protect the streams, wetlands, floodplains, aquifers, and steep slopes in the Town of Veteran;
2. protect the water quality of watercourses, reservoirs, lakes, ponds, groundwater and other significant water resources within the Town;
3. provide many animal and plant species suitable habitat;
4. protect Town riparian and aquatic ecosystems, the vegetative target being undisturbed native vegetation;
5. prevent public and private losses to flood conditions;
6. prevent erosion and slope failure of steep slopes;
7. provide for the environmentally sound use of Town land resources.

Conservation Overlay Zone regulations are to be superimposed on the Town's primary Zoning Districts and provide the Town with an additional level of review and regulation related specifically to the protection of identified environmental features. This additional level of review and regulation controls how land development permitted by the primary Zoning Districts should occur in sensitive or unique environmental areas. If the Town Planning Board requires professional review of the application by designated private planning, engineering, legal or other consultants, or if it incurs other extraordinary expense to review documents or conduct special studies in connection with the proposed application, reasonable fees shall be paid for by the applicant and an escrow deposit will be required.

B. Wetlands

Wetlands are areas saturated or inundated by surface water or groundwater for extended periods during the year and are characterized by special soil types and plant communities. Wetland buffers are measured horizontally from the edge of the delineated wetland boundary and protect and enhance important wetland functions, including erosion control, pollutant removal, diversity of wildlife habitat, water storage, groundwater recharge, and increased aesthetic value. Wetland buffers also provide a separation that reduces human access to sensitive habitat and discourages dumping.

1. Wetlands areas are those areas delineated by the New York State Department of Environmental Conservation in accordance with the Freshwater Wetlands Act (Article 24).
2. All wetlands delineated by the New York State Department of Environmental Conservation will have a 100' buffer.
3. Allowable uses within the wetlands shall be permitted utility rights of way and agricultural uses.
4. Allowed with Site Plan Review approval by the Planning Board:
  - a. Boardwalks intended for public use and education.
  - b. Footpaths intended for public use and education outside the edge of the wetland but within the 100-foot buffer.
  - c. Enhancement to benefit the ecosystem of a wetland following guidelines established by the New York State Department of Environmental Conservation and/or Federal Army Corps of Engineers as determined by the Town of Veteran.
  - d. The Planning Board may grant a special use permit within the Wetlands if the applicant demonstrates that the activity will not:
    - i. Impair groundwater reservoir capacities;
    - ii. Decrease watercourse flood-carrying capacities;
    - iii. Deteriorate water or air quality;
    - iv. Impair water retention capabilities;
    - v. Increase downstream siltation;
    - vi. Adversely affect the natural wildlife balance; or
    - vii. Impair any natural function of the wetland.

C. Streams

A vegetative Riparian Buffer shall be required for all development activities that occur in proximity to perennial and intermittent streams. Protection shall be a riparian buffer that protects overall water quality by limiting development in accordance with the adjacent land's ability to filter sediment, nutrients and other pollutants. This protection will provide stability to the stream and stream bank. To prevent animal waste from entering streams, the stabling of horses and agricultural animals adjacent to a stream is prohibited. Animals are to be fenced out of the stream with all runoff addressed with an appropriate collection and treatment system according to Natural Resource Conservation Service standards.



Riparian Buffer: The function of the Riparian Buffer is to protect the physical and ecological integrity of the portion of the riparian corridor in closest proximity to the stream through protection and enhancement of the native vegetation. Native vegetation provides shade, leaf litter, woody debris, erosion protection, and filtering of sediment, nutrient and pollutant loads to the stream.

1. The Riparian Buffer will begin at the top of the stream bank and extend a minimum of 50 feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane.
2. Development and use are restricted to the following, the entirety of which may not modify or interrupt more than 10% of the entire Riparian Buffer unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor:
3. Benches or seating;
4. Implementation of educational and scientific research that does not negatively impact the native vegetation;
5. Flood control, stormwater management structures, and stream bank stabilization measures approved by the Chemung County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or New York State Department of Environmental Conservation;
6. Maintenance of roadways or impervious surfaces existing at the time of the adoption of this provision;
7. Stream crossings necessary to access the property by driveway, transportation route, or utility line which are designed to minimize negative impacts to the stream and Riparian Buffer;
8. Public water supply intake structures;
9. Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
10. Utility easements;
11. Techniques to remove invasive species;
12. Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream;
13. Temporary use of erosion control measures such as silt fencing;
14. Limited tree cutting, forestry or vegetation management done in accordance with a Forest Stewardship Plan prepared by the Department of Environmental Conservation. Any harvest must furthermore be done in accordance with the New York State Forestry Best Management Practices for Water Quality – BMP Field Guide. Tree cutting may not compromise the integrity of the stream bank or negatively impact the function of the Riparian Buffer. Tree cutting within 25 feet of the top of stream bank is prohibited. Any such activity must retain at a minimum 50% of the tree canopy in the Riparian Buffer at all times.

D. Steep Slopes

Delineation: Steep Slope boundaries as shown on the Conservation Overlay Zone Map (Steep Slopes) includes all areas with a 15% or greater slope and, as a buffer, all areas within 50 feet of slope top, toe, and side of the slope. Such delineations may change with on-site verification.

1. Existing native vegetation within the buffer areas shall be maintained.
2. The buffer may be extended beyond these limits as required to mitigate landslide and erosion hazards, or as otherwise necessary to protect public health, safety and welfare as determined by the Town’s designated agents or consultants. Any such costs incurred by the Town’s agents or consultants shall be reimbursable to the Town.
3. Allowable Uses within Steep Slope boundary:
  - a. Forestry
  - b. Agriculture
  - c. Wildlife refuges
  - d. Parks and outdoor recreation and conservation areas and nature trails. In no case
  - e. shall trails be constructed in such a way as to contribute to surface water runoff
  - f. unless such construction is necessary to stabilize soil or to prevent soil erosion.

E. Variance Procedures

Variations from the above Conservation Overlay Zone requirements may be granted only in accordance with the following provisions. Except as provided below, the Board of Zoning Appeals shall grant no variance from this law without conducting a public hearing on the application for variance, and issue a notice of public meeting on such variance in a newspaper of general circulation in the municipality at least ten working days prior to such hearing. Such notice shall be forwarded at least ten working days in advance by a registered letter to the superintendent of highways or commissioner of public works, to the clerk of the county legislative body, and to the Chemung County Planning Department.

A variance shall be granted only upon a finding that a property's shape, topography or other physical conditions prevents land development unless a variance is granted, or that strict adherence to the minimal buffer and setback requirements would create extreme hardship.

1. A variance request shall include the following information in written documentation:
  - a. A to-scale site map with stream, wetlands, slopes and other natural features locations as determined by field survey;
  - b. Description of the topography, slopes and soil type, shape of property, natural vegetation, and other distinguishing or prohibitive physical characteristics of the property;
  - c. The locations and footprint of all existing structures and other impervious cover on a site map, with footprint for proposed structures. This map shall include the limits of all existing and proposed land disturbance, both inside and outside the

- buffer and setback;
- d. The exact area of the affected buffer and setback, and nature of proposed changes to be made to these areas shall be accurately and clearly indicated. A calculation of the total area and length of the proposed intrusion and any pre-existing intrusions shall be included;
  - e. A stormwater management plan given the proposed changes and intrusions;
  - f. Documentation of supposed hardship should the buffer be maintained;
  - g. Proposed mitigation for the intrusion.
2. The following matters will be considered in determining whether to issue a variance:
- a. The shape and physical characteristics of the property;
  - b. The locations of all streams on and/or adjacent to the property;
  - c. The location and extent of the proposed buffer or setback intrusion;
  - d. Whether alternative designs are possible which require less intrusion;
  - e. The water quality impacts of the proposed variance.

All uses proposed that are not listed are not permitted within the Town of Veteran.

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## ARTICLE 5 AREA AND BULK REGULATIONS

### Section 5.0 Purpose

In order to provide adequate open spaces for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, and to lessen congestion on streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this Article.

### Section 5.1 Density Control Schedule

The attached schedule of density control regulations is hereby adopted and declared to be a part of this Zoning Law and is hereinafter referred to as the "Density Control Schedule".

#### TOWN OF VETERAN DENSITY CONTROL SCHEDULE (Area and Bulk Schedule)

Use	Minimum Lot Size	Width of Lot	Lot Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Lot Coverage	Maximum Height
Agricultural	3 acres*	200'		40'	40'	40'	30%	35'***
Residential	3 acres*	200'		40'	40'	40'	30%	35'***
Commercial	1 acres**	150'		40'	40'	40'	50%	35'***
Industrial	5 acres	500'	500'	50'	40'**	50'**	35%	35'***

- \* Minimum lot size may be reduced to 20,000 square feet if serviced by public water and sewer. Such lots must meet the requirements of the Town subdivision regulations.
- \*\* These yard areas shall be exclusive of and in addition to any required buffer areas.
- \*\*\* Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, solar energy equipment and other similar objects not used for human occupancy are not subject to the building height limitations of this Law.

## ARTICLE 6 PLANNED RESIDENTIAL DISTRICT

### Section 6.0 Intent

It is the intent of this Article. to provide flexible land use and design regulations through the use of performance criteria so that small-to-large neighborhoods or portions there-of may be developed that incorporate a variety of residential densities and building types. This district may contain both individual building sites and common property which is planned and developed as a unit. The planned residential district designation shall be a rezoning, subject to site plan approval and shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article.

### Section 6.1 Permitted Uses

All residential uses and their accessory or associated uses subject to site plan approval.

### Section 6.2 Standards Governing Planned Residential District

Any development proposal to be considered as a planned residential district allowing density area reductions shall conform to the following standards, which are regarded as minimum requirements, in addition to applicable standards in other sections of this law.

- A. The minimum area required for a proposal to qualify for PRD designation shall be a contiguous parcel of ten (10) acres in size. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article, the Planning Board may consider projects with less acreage.
- B. All parcels shall either be serviced by public water and sanitary sewer systems or meet water and sewer requirements as set forth by Chemung County Department of Health.
- C. When such development is proposed adjacent to any existing residence or residential area, a buffer area of at least 250 feet in depth shall be left between the closest lot line in an existing residential development area or a conventionally platted residential map that has been filed with the Chemung County Clerk, and the closest structure in the residential cluster development. The 250-foot buffer area may be developed in a conventionally platted manner (non-clustered) consistent with the residential zoning district upon which such land is situated.
- D. The Planning Board shall determine in each case the appropriate dwelling unit density and placement of such units on the parcel. The gross density shall in no instance exceed the maximum permitted assuming the following minimum lot sizes:
  - 1. Single family -7,200 square feet
  - 2. Town Houses -5,400 square feet

3. Multi-family -5,400 square feet
- E. The development shall have dedicated for open space purposes all of those land areas used in the calculations of the permitted number of dwelling units.
- F. Single-family detached house developments shall meet the following standards:
1. Yard requirements:
    - a. front yard -minimum forty (40) feet
    - b. Rear yard -minimum twenty (20) feet
    - c. Side yard -minimum fifteen (15) feet
- G. Townhouse developments shall meet the following standards:
1. There shall be no more than eight (8) Townhouse units in any contiguous group.
  2. Yard requirements: front yard -minimum thirty (30) feet rear yard -minimum twenty-five (25) feet side yard - (at ends of buildings) minimum fifteen (15) feet.
  3. Maximum building height shall be three (3) stories Thirty-five (35) feet whichever is the lesser.
  4. Maximum site coverage by all buildings and structures shall be 30% of the lot area, such percentage to be calculated on the basis of the total project area.
- H. Multi-family developments shall meet the following standards:
1. Yard requirements:
    - a. No building shall be nearer than fifty (50) feet to the right-of-way line of any dedicated road peripheral to the site.
    - b. No building shall be nearer than thirty (30) feet from the right-of-way line of any interior project road. In the case of non-dedicated streets and roads, this setback shall be measured from the limits of the paved area.
    - c. No living unit building shall be nearer than thirty (30) feet from any interior lot line.
    - d. No accessory building, including unattached garages, shall be nearer than ten (10) feet of any lot line in the required rear or side yard and shall not be located in any required front yard.
  2. The maximum building height shall be three (3) stories or thirty-five (35) feet whichever is the lesser.
  3. Maximum site coverage by all buildings and structures shall be 30% of the lot area, such percentage to be calculated on the basis of total project area.
  4. No building shall contain more than twelve (12) dwelling units.
  5. Minimum unit size of apartments
    - a. Efficiency apartment: 550 sq. ft.
    - b. One bedroom apartment: 700 sq. ft.
    - c. Two bedroom apartment: 850 sq. ft.
    - d. Three bedroom apartment: 1,000 sq. ft.

An additional one hundred twenty (120) square feet for each bedroom shall be added for larger apartment sizes.

### Section 6.3 Special Provisions Applying to Planned Residential District

- A. In order to carry out the purpose of this district, a development shall achieve the following objectives:
1. A maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential Town residents at all economic levels.
  2. More useable open space and recreation areas.
  3. The preservation of trees and outstanding natural features.
  4. A creative use of land and related physical development.
  5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
  6. A development pattern in harmony with the objectives of the comprehensive plan for the Town.
- B. The tract of land for a project may be owned or controlled either by a single person, or corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- C. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas.
- D. For the purposes of regulating the development and use of property after initial construction and occupancy, any changes shall be subject to a site plan approval by the Planning Board. Properties lying in the PRD are unique and shall be so considered by the Planning Board when evaluating these requests; and maintenance of the intent and function of the planned unit shall be of primary importance.

### Section 6.4 Procedures for Establishing a PRD

- A. Any applicant wishing approval for a Planned Residential District shall submit his request to the Planning Board in the form of a Concept Site Plan as defined in Section 11.2. Upon review of the Concept Site Plan the Planning Board shall recommend to the Town Board that the plan be approved, approved with modifications or disapproved. Such recommendations shall include a detailed explanation of the reasons for its findings.

- B. Upon approval or approval with modifications of the Concept Plan by the Town Board the applicant shall submit an application for preliminary site plan approval to the Planning Board in conformance with the procedures and requirements set forth in Article 11.
- C. The Planning Board may, based on its review of the preliminary site plan, recommend to the Town Board that the proposal be approved, approved with modifications, or disapproved. Such recommendation shall include a detailed explanation of the reasons for its finding.
- D. Upon approval of a final site plan, the Planning Board shall forward to the Town Board its recommendation to modify the Zoning Law and establish the PRD. The Planning Board report shall include a statement of all conditions and covenants upon which the approval is contingent.
- E. Within forty-five (45) days of the receipt of the Planning Board's recommendation, the Town Board shall, in accordance with Section 12.2, advertise and hold a public hearing on the rezoning proposal. Within fifteen (15) days after such hearing the Town Board shall approve or disapprove the rezoning. The Town Board may attach such conditions on the approval as it deems necessary.
- F. If the Planned Residential District proposal involves the subdivision of land into parcels for sale to individual owners, the Site Plan Review required for the PRD shall suffice for Planning Board review under the Town's subdivision regulations. In such cases, the developer shall prepare a subdivision plat suitable for filing with the Chemung County Clerk in addition to the required site plan drawings. Final site plan approval shall constitute final plat approval under the Town subdivision regulations and the plat shall be signed by the Planning Board Chairperson, or the Chairperson's designate and filed with the County Clerk in the manner prescribed by said regulation.



## ARTICLE 7 PLANNED UNIT DEVELOPMENT (PUD)

### Section 7.0 Intent

It is the intent of the Planned Unit Development (PUD) to provide flexible land use and design regulations through the use of performance criteria so that small-to-large scale neighborhoods or portions thereof may be developed within the Town that incorporate density increases, a mixture of building types and land uses. It is characterized by a unified site design that may contain both individual building sites and common property. The PUD designation shall be considered a rezoning subject to site plan approval and shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article.

### Section 7.1 Permitted Uses

The following uses and their accessory or associated uses shall be permitted subject to site plan approval.

- A. All residential types. In developing a balanced community, the use of a variety of housing types shall be deemed most in keeping with this district.
- B. Commercial, service and other non-residential uses. These are to be scaled primarily to serve the residents of the PUD.

### Section 7.2 Dimensional Requirements

- A. The minimum area required to qualify for a Planned Unit Development shall be twenty (20) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, the Planning Board may consider projects with less acreage.

### Section 7.3 Special Provisions Applying to the Planned Unit Development (PUD)

- A. Special provisions applying to the PUD shall be the same as those stated in Section 6.4 - Procedures for Establishing A PRD.
- B. The procedures for establishing a PUD shall be the same as those stated in Section 6.4.

## ARTICLE 8 AVERAGE DENSITY DEVELOPMENT

### Section 8.0 Intent

The intent of this Article is to permit variation in lot size and housing type in suitable areas in order to encourage flexibility of design, to enable land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open space, in accordance with Section 281 of the New York state Town Law. This purpose is achieved by permitting a reduction in lot sizes required for the zoning district within which such development occurs while maintaining the imposed density limitations through the provision of open space.

### Section 8.1 Authorization to Grant or Deny Average Density Development

Section 281 of Town Law empowers the Planning Board to permit variations in the dimensional requirements of this Law under their subdivision review powers. The Planning Board shall comply with all procedures and standards set forth in this Article and the Town subdivision regulations when implementing such power.

### Section 8.2 Standards Governing Average Density Development

Any average density development considered shall conform to the following standards which are to be regarded as minimum requirements.

- A. This procedure shall apply only to residential-agriculture zoned land which shall be a contiguous parcel a minimum of nine (9) acres in size (3 acre lots). In addition it shall be determined that such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity, and that the proposed development is in conformity with the objectives of the Town Comprehensive Plan, and that the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements.
- B. When such development is proposed adjacent to any existing residence or residential area, a buffer area of at least 250 feet in depth shall be left between the closest lot line of any lot in an existing residential development area or a conventionally platted residential map that has been filed with the Chemung County Clerk, and the closest structure in the residential cluster development. The 250-foot buffer area may be developed in a conventionally platted manner (non-clustered) consistent with the residential zoning district upon which such land is situated.
- C. The development shall have dedicated, as a minimum, for open space purposes the same percentage of the entire tract as that by which the lot has on the average been reduced.

The area dedicated for open space purposes, including playgrounds and parks, shall be in a location and shape approved by the Planning Board and in addition the Planning Board, as a condition of approval, may establish such conditions on the ownership, use and maintenance of such open space lands as it deems necessary to assure the preservation of such lands for their intended purpose.

- D. The size of lots in an average density development may vary from the normal requirements of the district, but no dimensional or area requirement of the district shall be reduced below the following standards:
1. Single-family detached houses: single-family detached houses may be grouped in clusters with maximum lot size reduction for each. Residence as follows:
    - a. Minimum Lot Size -30,000 sq. ft.
    - b. Yard Requirements
      - i. Front - 40 feet
      - ii. Rear - 20 feet
      - iii. Side -15 feet
  2. Town House Developments shall meet the following standards:
    - a. The gross population density and building density of any area shall remain unchanged and shall conform to the minimum average density and maximum coverage requirements of this zoning law.
    - b. All standards and provisions as set forth in Section 6.2 (G).
  3. Multi-family developments shall meet all standards and provisions as set forth in Section 6.2 (H). For each square foot of land gained within the development through the reduction of lot size below that required by minimum average density requirements as set forth in the law, equal amounts of land shall be preserved and maintained as open space.
- E. All the land not contained in the lots or the road right-of-way, if provided, shall be contiguous and of such size and shape as to be usable for recreation or agriculture.
- F. Such land shall either be deeded to the Town or be held in corporate ownership by the owners of lots within the development, and the developer shall incorporate into the deeds of all property within the development, if appropriate, a clause giving to the owners an interest in such open land which shall be used for recreation, cultural or agricultural purposes only. No structure, save those incidental to the recreational, cultural or agricultural use shall be permitted thereon.
- G. The open space lands shall be subject to taxation, unless deeded to the Town. In the case of such tracts of 5 or more acres, the developer may petition to the Town to take over the land to be used in perpetuity as open space.

- H. Subdivision plats shall be prepared by a licensed architect, engineer and/or professional planner. Construction must start within one year of the date of approval and be completed within a reasonable time; it must be consistent with the spirit and intent of the Zoning Law.
- I. In the event that the organization established to own and maintain common property, or any successor organization shall fail to maintain the common property, in reasonable order and condition in accordance with the plan, the Town of Veteran may assume responsibility for such maintenance and assess the cost equally against the properties within the development.

### Section 8.3 Review of Average Density Development Plans

The Planning Board shall review modifications in dimensional requirements of this law according to the provisions of Section 281 of the Town Law. The approval procedure shall be generally the same as that specified in the subdivision regulations for the review and approval of a proposed subdivision of land. The applicant shall submit at successive stages a sketch plan, preliminary layout and subdivision plat in accordance with the requirements of the subdivision regulations. In addition, the applicant, at each stage, shall provide the following information:

- A. Proposed number of dwelling units and computation of overall residential density per gross acre.
- B. A tabulation of the total number of acres in the proposed project; the percentage designated for each use area.
- C. Proposed location and acreage for parks, playgrounds, natural watercourses and other open spaces.

### Section 8.4 Public Hearing on Average Density Development

An average density development shall not be approved as a subdivision plat by the Planning Board until after a public hearing has been held on the proposal in the manner specified in the Subdivision Regulations of the Town of Veteran and by Section 281 of the Town Law.

## ARTICLE 9            ADDITIONAL REQUIREMENTS FOR SPECIFIED USES

### Section 9.1            Intent

The Additional Requirements for Specified Uses place restrictions on specific uses because of the potential impacts on surrounding properties. These restrictions are applied to a project to mitigate impacts including noise, off-site parking, traffic and unsightliness, odors, dust and fumes. The regulations promote the public health and general safety and neighborhood character of the immediate neighborhood and the entire Town of Veteran community.

### Section 9.2            Animal Waste Storage Facility

#### A.            Intent

The Town of Veteran recognizes that many farm operations produce animal waste that, as a necessity, must be stored short or long term in an Animal Waste Storage Facility such as a lagoon or tank. Proper planning and construction of farm-related Animal Waste Storage Facilities ensures the continued protection of groundwater resources within the Town.

#### B.            Regulations for Animal Waste Storage Facility

1. Animal waste storage facilities shall be allowed only on a viable farm or agricultural operation as defined by NYS Department of Agriculture and Markets Law.
2. Animal waste storage facilities shall obtain a building permit prior to being constructed and operated. Design plans shall be submitted with every building permit application for a farm-related Animal Waste Storage Facility. All plans for farm related Animal Waste Storage Facilities shall be designed by and stamped with the seal of a New York State licensed design professional.
3. Animal waste storage facilities shall be designed, constructed, and maintained in accordance with the USDA Natural Resources Conservation Service (NRCS). A proposal may be submitted to SCSWCD or NRCS in order for the Planning Board to consider the potential impacts posed by such a facility upon surrounding land uses prior to taking final action.

#### C.            Site Requirements

1. All Animal Waste Storage Facilities shall be installed, operated and maintained pursuant to the following conditions:
  - a. Animal Waste Storage Facilities shall be placed a minimum of 50 feet from a road right-of-way but shall not be set closer to the right-of-way than the nearest permanent structure being served.
  - b. Animal Waste Storage Facilities shall be placed a minimum of 30 feet from a side or rear property line. Animal Waste Storage Facilities shall be placed a minimum

- of 100 feet from an existing occupied residential or non-agricultural building.
- 2. Unlined Animal Waste Storage Facilities shall be placed a minimum of 300 feet from any existing well, watercourse, or water body.
- 3. Lined Animal Waste Storage Facilities shall be placed a minimum of 100 feet from any existing well, watercourse, or water body.

D. Permit Application Requirements

All applications for Animal Waste Storage Facilities shall comply with following.

- 1. A completed permit application shall be submitted to the Code Enforcement Officer. No fee is required.
- 2. A site map shall be provided at the time of application which shows the location of the proposed Animal Waste Storage Facilities and distances to all buildings, property lines, water courses, water bodies, wetlands and existing wells.

**Section 9.3 Mineral Extraction**

Except where incidental to the construction of a building on the same lot, the excavation, extraction, processing, or sale of top soil, earth, sand, gravel, clay, oil, gas or other natural deposits are subject to the following standards:

- A. Such activity shall not endanger the stability of adjacent land, structures, streets, waterways, other property or water table.
  - 1. The mining and reclamation plan prepared for the Department of Environmental Conservation review shall also be reviewed and found acceptable by the Town Board, including:
    - a. Setback from property lines and rights-of-way
    - b. Barriers to restrict property access
    - c. Dust control
    - d. Hours of operation
    - e. Enforcement of reclamation requirements contained in the New York State Department of Environmental Conservation permit
    - f. Excavation applications shall be accompanied by a restoration and rehabilitation plan.
    - g. Bonding will be required by the Town when not required by New York State Department of Environmental Conservation.
- B. Setback: Excavation activities shall be set back one hundred (100) feet from any property line or public road.
- C. Excavation activities shall be designed and conducted so as not to cause any excessive dust, noise, traffic, or other conditions inappropriate for the neighborhood in which it is located.

- D. A haul route management plan shall be submitted to the Town Board showing ingress and egress to locally controlled roads and routing of mineral transport vehicles on locally controlled roads.
- E. No excavation shall endanger the stability of adjacent land or structures.
- F. All excavation activities shall be screened from the view of public roads and all residential structures, as approved by the Town Board.

#### Section 9.4 Water Supply and Sewage Treatment

The source of water supply and the method of sewage treatment must be in accordance with the requirements for the same as promulgated and established by the New York State Department of Health and Chemung County Health Department.

#### Section 9.5 ECHO Units

The Town of Veteran recognizes the importance of providing for the installation of elderly cottage housing opportunity (ECHO) units on the same lots with single-family dwelling units in the Residential-Agricultural Zone.

- A. Application requirements:
  - 1. The applicant must apply for Site Plan Review and certify that he or she understands that the ECHO unit is issued solely for the use of the named occupants; has made plans for the removal of the unit; agrees to provide the annual recertification required by this section; and recognizes the possible sanctions for failure to promptly remove the ECHO unit upon termination or revocation of the Site Plan approval.
- B. Occupancy requirements:
  - 1. At the time the site plan approval is issued, at least one intended occupant of the ECHO unit must be at least 60 years of age
  - 2. At least one occupant of the principal dwelling and at least one occupant of the ECHO unit must be related by blood, marriage, or adoption.
  - 3. In no case shall there be more than two occupants of an ECHO unit.
  - 4. The Certificate of Occupancy shall be issued to the owner of the principal dwelling and lot and shall specify the occupants of the ECHO unit by name.
  - 5. ECHO unit structure must meet building code.
  - 6. ECHO unit structure must have adequate access to water and sewer (well/septic) infrastructure that also meets building code.

C. Number of dwelling units per lot.

1. ECHO units shall only be placed on a lot with a single-family dwelling, limited to one ECHO unit per lot.

D. Removal.

The ECHO unit shall be removed within 180 days of the date its occupancy ceases to comply with the requirements of this section [i.e., death or permanent change of residence of the original occupant(s) of the ECHO unit]. Once the ECHO unit is removed, the site shall be restored so that no visible evidence remains of the ECHO unit and its accessory elements. If the ECHO unit has not been removed by the end of this 180-day period, in addition to the existing penalties of this chapter, additional actions may be taken to ensure removal, including removal and salvage by the Town with a lien imposed to defray any costs incurred. The Planning Board, upon a showing of extraordinary circumstances making removal of the ECHO unit impossible during the ninety-day grace period, may grant one extension of up to 90 days for removal of the ECHO unit.

E. Annual recertification.

Each year, two weeks prior to the anniversary date of the original issuance of a permit for an ECHO unit, the property owner shall provide certification to the Code Enforcement Officer that all the terms, conditions and requirements associated with said Site Plan approval are being fully complied with.

F. Failure to remain in compliance with the requirements set forth in this section may result in revocation of the Certificate of Occupancy.

## Section 9.6 Travel Trailers

A. Storage of Travel Trailers

The outdoor storage of no more than two travel trailers owned and registered by the property owners is permitted.



## ARTICLE 10      CONDITIONAL USES

### Section 10.0      Intent

The intent of conditional use approval is to allow the proper integration into the community of uses which may be suitable only on certain conditions. Because of their special characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this law and their effect on surrounding properties.

### Section 10.1      Authorization to Grant or Deny Conditional Uses

The conditional uses listed in section 4.2 (D) of this law may be permitted upon authorization by the Planning Board in accordance with the standards and procedures set forth in this law. Conditional uses may also be enlarged, or otherwise altered by such authorization. In permitting a conditional use or the modification of a conditional use, the Planning Board may impose in addition to those standards and requirements expressly specified by the law, any additional conditions which the Planning Board considers necessary to protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These conditions may include limiting the height of buildings, controlling the location and number of vehicle access points, increasing the street width, increasing the number of off-street parking and loading spaces required, limiting the number, site and location of signs, and requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this law and classified in this law as a conditional use, any change in use or in lot area or alteration of structure shall conform to this law.

### Section 10.2      Application for Conditional Use

A property owner(s) or his agent(s) may initiate a request for a conditional use by filing an application with the Town Clerk. Such application shall be accompanied by a site plan in accordance with Article 11 and shall follow the procedures set forth in that Article. A filing fee as set by Town Board resolution shall be required, no part of which is refundable.

A.      Procedures.

The procedures for review and action on a conditional use application shall be the same as those spelled out for site plan approval in Article 11.

1.   Concept Plan Conference
2.   Preliminary Site Plan Application
3.   Narrative Explanation of Activity
4.   Public Hearing
5.   Action
6.   Final Site Plan Application

7. Action

**Section 10.3 Standards Governing Conditional Uses**

A conditional use shall comply with the standards set forth in Article 10 and Article 11, except as these standards have been modified in authorizing the conditional use or as otherwise modified when the Planning Board gives consideration to the following:

- A. The submission of a site plan in accordance with Article 11 is required before any consideration can be given for a conditional use.
- B. In order to grant any conditional use the Planning Board shall find that the request is in harmony with the general purpose and intent of this law, taking into account the location and size of use, the nature and intensity of the proposed use and the size of the site with respect to its accessibility and the traffic bearing capacity of the surrounding thoroughfares.
- C. In order to grant any conditional use, the Planning Board shall find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town.
- D. In the case where a conditional use has been permitted, no building permit shall be issued until 15 days after the granting of the conditional use by the Planning Board, and then only in accordance with the terms and conditions of said permit. An appeal from the action of the Planning Board shall automatically stay the issuance of the building or other permit until such appeal has been completed. In the event the Court acts to grant said conditional use, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on said permit.
- E. A conditional use permit shall become void one year after approval or after such time as may be specified as a condition of approval, if no construction or use activity has begun. The conditional use permit shall be void if the original use shall cease for more than one year for any reason.
- F. The Planning Board, on its own motion, may revoke any approval of a conditional use for noncompliance with conditions set forth in the granting of said use after first holding a public hearing and giving notice of such hearing. The foregoing shall not be the exclusive remedy. It shall be unlawful for any person to violate any condition imposed by an approved conditional use.

**Section 10.4 Conditional Use Permit Considerations by the Planning Board**

- A. The compatibility of scale of the proposed project to surrounding uses;
- B. The potential for the proposed use to have negative impacts, such as traffic or noise, on neighboring uses and or functioning of nearby farm operations,
- C. The constitutional right of the applicant to an economically viable use of property;
- D. The rural tradition of freedom of land use in so far as such use does not cause harm to people or the value and use of neighboring property; and
- E. The existence or proposition of conservation easements or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the pastoral character of the Town.

**Section 10.5 Conditional Use Permit Review Criteria for Planning Board Findings**

- A. Will be generally consistent with the goals of the Town Comprehensive Plan;
- B. Will meet all relevant criteria set forth in this law;
- C. Will be compatible with existing uses adjacent to and near the property;
- D. Will be in harmony with the general purpose of this law;
- E. Will not tend to depreciate the value of adjacent property;
- F. Will not create a hazard to health, safety or the general welfare of the public;
- G. Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents;
- H. Will not be a nuisance to neighboring land uses in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions;
- I. Will not cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area or cause adverse environmental impacts such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation of water quality;
- J. Will not destroy or adversely impact significant historic and/or cultural resource sites;
- K. Will provide adequate landscaping, screening or buffering between adjacent uses which are incompatible with the proposed project; and

## ARTICLE 11 SITE PLAN REVIEW

### Section 11.0 Intent

The intent of site plan approval is to determine compliance with the objectives of this law and with regard to conditional uses that may be permitted in the Town of Veteran.

The objective is to evaluate various land uses that may cause a conflict between existing and proposed uses or be in conflict with natural site conditions and thereby minimize the adverse effects concerning health, safety, and overall welfare of the residents of the community. The Planning Board may at its discretion waive the concept and final application procedures.

### Section 11.1 Authorization

The power to approve, approve with condition, or deny site plans as required by this law is vested in the Planning Board. Section 274-A of the Town Law provides the legislative means for the Town Board to authorize the Planning Board to review site plans. Prior to issuing a building permit for the construction of any conditional use, a site plan and supporting documentation shall be submitted to the Planning Board for its review and approval. All site plans shall be prepared by a licensed architect or engineer, unless specifically waived by the Planning Board. Such waiver shall depend upon the complexity of the natural features at the site and of the proposed structures or uses.

### Section 11.2 Concept Plan

Concept Plan submittal is optional. The purpose of this step is to afford the person applying for a conditional use an opportunity to consult early and informally with the Planning Board in order to save time and money and to make the most of opportunities for desirable development.

#### A. Requirements

A concept plan shall be prepared and submitted in triplicate to the Planning Board. The Planning Board may request digital copies of submitted plan. Before preparing a concept layout, the developer may discuss with the Planning Board or the Town Planning Consultant the general requirements as to design of streets, reservations of land, drainage, sewerage, water supply, fire protection, and other improvements as well as procedural matters. Developers of land adjoining state or county highways are advised to consult with the District Engineer of the New York State Department of Transportation or the County Highway Superintendent at the concept layout stage in order to resolve problems of street openings or storm water drainage at the earliest possible stage in the design process. The Planning Board shall provide written comments on the current plan of a proposed development in relation to the applicable requirements of this Article and Article 9, to existing or potential development of the adjacent area, the Town Comprehensive Plan, and in the course of its review may consult with other interested public agencies.

The concept plan shall include in as much detail as possible the following information:

- A. An area map showing:
  - 1. That portion of the applicant's property under consideration for development and any contiguous parcels owned by the applicant.
  - 2. Existing natural features such as waterbodies, water-courses, wetlands, wooded areas, individual large trees, flood hazard areas.
  - 3. Zoning districts, certified agricultural districts, school districts.
  - 4. Special improvement districts (water, sewer, light, fire, drainage and the like).
  - 5. Easements.
  
- B. All properties, their ownership and uses, subdivision, streets, zoning districts, easements, and adjacent buildings within five hundred (500) feet of the applicant's property.
  - 1. A map of site topography (USGS topo map).
  - 2. A soils overlay, if general site grades exceed 15% or portions of the site have susceptibility to erosion, flooding or ponding.

### Section 11.3 Preliminary Site Plan Application

Application for preliminary site plan approval shall be made in writing to the Town Code Enforcement Officer fifteen (15) days prior to a scheduled Planning Board meeting to be submitted to the Planning Board for its review and action. For the purposes of this law, the submission date shall be taken as the date of the first regular Planning Board meeting following the submission to the Town Code Enforcement Officer. The application shall be submitted in triplicate and shall be accompanied by the information listed below. The Planning Board may at its discretion waive any preliminary requirements which are clearly not relevant to the site and proposed use.

### Section 11.4 Preliminary Site Plan Requirements

- A. An area map showing the applicant's entire holding, that portion of the applicant's property under construction and any contiguous parcels owned by the applicant, as well as, all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of applicant's property.
  
- B. A preliminary site plan shall include the following information:
  - 1. Title of drawing, including name and address of applicant.
  - 2. North point, scale and date.
  - 3. Boundaries of the project plotted to scale of not more than one hundred (100) feet to one (1) inch.
  - 4. Existing natural features such as watercourses, waterbodies, wetlands, wooded areas and individual large trees. Features to be retained should be noted.

5. Existing and proposed contours at intervals of not more than two (2) foot contour intervals.
  6. Location of proposed land uses and their areas in acres and location, proposed use and height of all buildings.
  7. Location of all existing or proposed site improvements including streets, drains, culverts, retaining walls, fences and easements, whether public or private.
  8. Description of sewage disposal and water systems and location of such facilities.
  9. Location and proposed development of buffer areas and other landscaping.
  10. Delineation of the various residential areas, if applicable, indicating for each such area its general extent, description and composition of dwelling unit type, and a calculation of the residential density in dwelling units per gross acre for each such area.
  11. Location of all parking and truck-loading areas, with access and egress drives thereto.
  12. Location, design and size of all signs and lighting facilities. The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.
  13. Building orientation and site design for energy efficiency.
  14. Location and design of all energy distribution facilities, including electrical, gas and solar energy.
  15. Grading and erosion.
  16. Description and location of control measures including proposed location of sediment Sink/settling pond and interceptor swales, etc.
  17. Location and design for stormwater management facilities.
  18. Drainage report including supporting design data and copies of computations used as a basis for the design capacities and performance of drainage facilities.
  19. The boundary lines and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the development.
- C. The Planning Board may require such additional information that appears necessary for a complete assessment of the project.
- D. The Planning Board's review of the preliminary site plan shall include, but is not limited to the following considerations:
1. Adequacy and arrangement of vehicular traffic access and circulation.
  2. Location, arrangement, appearance and sufficiency of off-street parking and loading.
  3. Location, arrangement, size and design of buildings, lighting and signs.
  4. Relationship of the various uses to one another and their scale.
  5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between adjacent uses and adjoining lands.
  6. Adequacy of storm water and sanitary waste disposal.
  7. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding and/or erosion.

8. Compatibility of development with natural features of the site and with surrounding land uses.
9. Adequacy of floodproofing and prevention measures consistent with flood hazard prevention district regulations.
10. Adequacy of building orientation and site design for energy efficiency. The extent to which the proposed plan conserves energy use and energy resources in the community including the protection of adequate sunlight for use by solar energy systems.
11. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
12. Adequacy of pedestrian access, circulation, convenience and safety.

In their review of a preliminary site plan, the Planning Board may consult with the Town Code Enforcement Officer, fire chiefs, other local and county officials, and its designated private consultants, in addition to representatives of federal and state agencies including, but not limited to, the Natural Resources Conservation Service (NRCS), the State Departments of Transportation and Environmental Conservation.

#### Section 11.5 Public Hearing

Upon the Planning Board's determination that the preliminary site plan is complete and satisfactory, a public hearing shall be scheduled. Said public hearing shall be scheduled within forty-five (45) days of the submission of the application to the Planning Board. The hearing shall be advertised at least five (5) days prior to its scheduled date in a newspaper of general circulation in the Town.

#### Section 11.6 Notification of Decision on Preliminary Site Plan

The Planning Board shall act upon a preliminary site plan within forty-five (45) days of the public hearing at which a preliminary site plan is considered. If no decision is made within said period of time, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant and shall state whether the preliminary site plan is approved, conditionally approved or disapproved. A copy of the appropriate Planning Board minutes shall be a sufficient statement.

The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan. Conformance with said modifications shall be considered a condition of approval. Upon disapproval of a preliminary site plan the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission after revision or redesign.

### Section 11.7 Final Site Plan Application

After receiving approval, with or without conditions, from the Planning Board on a preliminary site plan and approval for all necessary permits and curb cuts from state and county officials, the applicant shall prepare his final site plan and submit it in triplicate to the Planning Board for its review and approval. However, if more than six (6) months have elapsed between the time of the Board's report on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revisions prior to accepting the proposed final site plan for review. The final site plan shall conform to the approved preliminary site plan, and shall incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. All compliances shall be clearly indicated by the applicant.

### Section 11.8 Notification of Decision on Final Site Plan

Within forty-five (45) days of the submission of the final site plan, the Planning Board shall render a decision. The Planning Board shall notify the applicant in writing of its decision and state reasons for a disapproval. A copy of the appropriate Planning Board minutes may suffice for this notice. If no decision is made within the forty-five (45) day period, the final site plan shall be considered approved.

- A. Upon approval, the Planning Board Chairperson shall endorse the approval on a copy of the final site plan and shall forward it to the Town Code Enforcement Officer who may then issue any required building permit following the fifteen (15) day appeal period if the project conforms to all other applicable requirements.
- B. Upon disapproval, the Planning Board shall inform the Town Code Enforcement Officer and the CEO shall deny a building permit.
- C. Specifications for improvements shown on the site plan shall be those set forth in this law and in other laws, rules and regulations, or in construction specifications of the Town of Veteran.

### Section 11.9 Appeal

The applicant or any interested person may appeal a decision of the Planning Board. The appeal is made to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after filing of a decision on a site plan application.



## ARTICLE 12 DEVELOPMENT GUIDELINES

### Section 12.0 General

The Planning Board, in reviewing a site plan shall take into consideration the prospective character of the development and require improvements be designed to such standards as are consistent with reasonable protection of the public health, safety, or welfare. In addition, the Planning Board shall be guided by the following standards.

### Section 12.1 Lots and Blocks

#### A. Lot Size and Arrangement

The dimensions and arrangements of lots shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build. In general, side lot lines shall be at right angles or radial to street lines, unless a variation from this can be shown to result in a better plan.

#### B. Access

Insofar as possible, lots shall not derive access from a major road. Access to lots adjacent to a major road shall, in general, be from marginal access streets or other streets within the development. Where a watercourse separates the 'buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, which shall be subject to the same design criteria and review as all other stormwater drainage facilities in the development.

### Section 12.2 Highway Design and Improvements

Design of all roads, highways and their improvements must meet the Town specifications as set by the Town Highway Superintendent. The Planning Board shall refer all appropriate site plans to the Highway Superintendent for approval.

### Section 12.3 Driveway Standards

No person, firm or corporation shall construct or locate any driveway entrance or exit into a highway of the Town of Veteran without having first met the provisions of this Section. The "Standard Entrance and Exit Crossing Requirements" shall be as follows:

- A. The applicant shall furnish all materials and bear all costs of construction within the Town road right-of-way; pay the cost of all work done and materials furnished as required to meet the conditions set by the Town Highway Superintendent.

- B. No alteration or addition shall be made to any driveway without first securing permission from the Town Highway Superintendent.
- C. No more than two driveways to a single commercial establishment entering on one highway shall be permitted.
- D. The maximum width for a single combined entrance or exit shall be not more than fifty (50) feet for commercial use and not more than twenty (20) feet for residential use.
- E. The slope of the driveway shall not be greater than 10 %. Slope of the driveway shall not exceed 2% within twenty-five (25) feet of the intersecting public highway.
- F. The driveway shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. In addition, as specified by the Town Highway Superintendent, a catch basin at a point near the intersection of the driveway and Town highway may be required. This will prevent surface water and debris from being discharged onto the highway.

#### Section 12.4 Off-Road Parking and Loading Requirements

The intent of this section is to prevent or alleviate congestion on public streets and to promote the public safety and welfare by establishing standards for the provision of off-street parking and loading spaces. The listed parking standards reflect reasonable standards for most uses in most locations. The Town of Veteran governing board, in adopting these standards, is providing guidance to future developers, tenants and residents of uses requiring off-street parking and loading. From an environmental and cost perspective, it is always desirable to construct the least number of parking spaces to accommodate a particular use.

- A. Applicability
  - 1. In all zones, every industrial, business, institutional, recreational, residential or other use shall provide, at the time of any change of use or when any building or structure is erected, enlarged or increased in capacity, off-street parking for motor vehicles in accordance with the requirements of this and other applicable sections of these regulations, especially conditional use permit approval in accordance with Article 10 and landscaping with Article 12.8
  - 2. Loading spaces shall be provided and maintained on the same premises with every building or structure erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles of material or merchandise. No such activity shall use public right-of-way or parking area for standing, loading and unloading services.
  - 3. Bus, taxi or passenger loading spaces may also be required, depending on the use.

B. General Standards

1. Site Plan Review. The creation, expansion, or significant alteration of off-street parking facilities is subject to site plan review and approval by the Planning Board.
2. It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any use, which is erected, enlarged, or altered after the effective date of this Law.
3. A parking space shall be considered adequate if it is not less than eighteen feet by nine feet (18' X9') exclusive of the maneuvering passageway.
4. All off-street parking shall be paved, surfaced or covered so as to be well-drained. Impervious surfaces should be minimized wherever practical. Runoff water should be redirected so that land is available to absorb storm water and to reduce polluted runoff and flooding. Constructions of pervious roadways are preferred.
5. Applicants are encouraged to provide evidence of lesser parking and loading demand if appropriate.
6. The Planning Board, at its discretion, may require less off-street parking or loading if warranted based on the information presented. In any case where less off-street parking is required, the Planning Board reserves the right to require the set-aside of additional open space sufficient to accommodate the amount of off-street parking which would ordinarily be required.
7. The Planning Board also reserves the right to request additional information, such as but not limited to expected number of employees, students, expected attendance or expected deliveries, relevant to judging the adequacy of listed parking and loading standards. Such information may result in application of off-street parking standards higher than those listed.
8. For uses not listed, the required number of off-street parking or loading spaces shall be determined by the Planning Board based on similarity to listed uses and information provided by the applicant.
9. In all cases, provided off-street parking and loading should be sufficient for the loading and unloading of passengers or materials in such a manner that it is not disruptive to traffic.
10. In addition to the off-street parking required based on the following standards, one appropriately sized parking space shall be available for each commercial vehicle used in any business conducted on or from the premises.
11. The Planning Board reserves the right to require off-street parking spaces suitable for vehicles with boats or trailers in tow.
12. Parking of any tractor-trailer combinations, except in conjunction with provision of a commercial service to an owner or occupant of the property, shall be prohibited in any residential or transitional district. The parking of one tractor without an attached trailer which is owned by or leased to the occupant of a dwelling is allowed, subject to the availability of an off-street parking space which meets all the requirements of these regulations.
13. Adequate off-street loading space(s) shall be provided for any commercial, institutional or industrial use which involves receipt or distribution of goods.

C. Location of Required Spaces

Parking and loading spaces shall be located in accordance with the following:

1. For single-family detached, semi-detached, two-family, attached and accessory dwelling units, off-street parking shall be provided on the same lot with the building it serves.
2. For multifamily dwellings, required off-street parking shall be located as close to the use as possible, given site conditions, and in no case more than 200 feet from the building it is required to serve.
3. Access drives to any commercial or industrial uses through any residential or transitional district shall not be considered to be a permitted use.
4. The location, dimensions and signage of handicapped parking shall meet the requirements of the New York State Uniform Fire Prevention and Building Code.

D. Computation of Required Spaces

1. In places of public assembly in which patrons or occupants are accommodated in pews, benches or other similar seating facilities, each 24 inches of such seating shall be counted as one seat for the purpose of determining adequacy of parking.
2. If spaces are provided on the basis of employees or students, the number on the maximum shift or peak period shall be used.
3. Unless otherwise specified, off-street parking standards are based on square feet of all floor area, including the area of any accessory buildings.
4. If the number of required spaces is calculated to require any parts of a space (such as 0.2, 0.6, etc) 0.5 spaces and above shall be rounded up to require a whole space, and below 0.5 spaces shall not require an additional space.

E. Exceptions

At the discretion of the Planning Board, uses within 500 feet of a municipal parking lot or designated on-street parking may be wholly or partially exempt from off-street parking requirements. Such uses may be required to make a cash payment to the Town in lieu of providing off-street parking with such moneys dedicated to expansion or improvement of public parking facilities within the same commercial zone.

F. Alternate Parking Arrangements

1. The collective provision of off-street parking areas for two or more buildings or uses located on adjacent lots is permitted and encouraged. If it can be demonstrated that joint use is appropriate in accordance with Subsection C below, the total requirement of such off-street parking facilities may be reduced to a sum that is less than the sum required for the various buildings or uses computed separately. The land upon which

the collective facilities are located must be owned or leased by one or more of the collective users.

2. Off-site parking. Off-site parking meeting the location requirements of Section 11.5.4 may be used to meet the requirements of this article. Such off-site parking shall be subject to deed, lease or contract restrictions acceptable to the Town Attorney binding the owner, heirs or assigns to maintain the required number of spaces available throughout the life of such use.
3. Joint use. The off-street parking requirement of two or more use, structures or parcels of land may be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

G. Nonconforming Parking and Loading

No building or lot alterations nor change of use shall be allowed which would increase the degree of nonconformity with the off-street parking and loading regulations of this section unless approved by the Zoning Board of Appeals.

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H. Uses and Required Spaces

Table 3. Parking Requirements	
Use	Required Spaces
Residential	
Dwelling, All Residential Uses	1.5 per dwelling
Commercial	
Bar, or Tavern Restaurant	1 per four (4) seats
Bed & Breakfast/Inn Campground Hotel/Motel	1 per sleeping room/unit or camping area unit, plus parking spaces as required for any accessory uses
Club, Social; Club, Hunting& Fishing Convention Center Public Uses	As determined by the Planning Board.
Entertainment/Recreation, Indoor, Outdoor Arcade, Outdoor Professional	As determined by the Planning Board.
Home Occupation	In addition to spaces(s) required for the dwelling: 1 per nonresidential employee, and At least one (1) client parking space if clients will be visiting the property
Motor vehicle services station	As determined by the Planning Board.
Professional Office	2.5 per 1,000 square feet of office area
Residential Care Facility	0.3 per resident
Retail Sales Convenience Store	4 per 1,000 square feet of Gross Floor Area
Other Commercial Uses Not listed here	As determined by the Planning Board.
Industrial	
Light Industrial/ Light Manufacturing	1.5 per 2,000 square feet of Gross Floor Area
Other Industrial	As determined by the Planning Board.

I. Design Standards for Off-Street Parking Spaces

1. All parking areas shall be located to the side or rear of the primary use.
2. All parking areas, passageways and driveways serving commercial or industrial uses shall be illuminated adequately during the hours between sunset and sunrise when the parking areas are in operation. Adequate shielding shall be provided by commercial and industrial uses to protect adjacent residential uses from the glare of such illumination and from that of automobile headlights.
3. Off-street parking areas shall include landscaping in accordance with Article 12.
4. Where parking spaces abut sidewalks, landscaped areas, lighting fixtures or fences, appropriate car stops shall be installed to prevent encroachment on or damage to such features.

5. All off-street parking areas of more than 20 spaces shall provide a snow-storage area independent of required parking and loading areas.
6. All required parking areas shall be independent of required emergency access lanes, loading areas and drive-in queuing lanes.
7. No driveway to an off-street parking area shall be located closer than 50 feet to the intersection of any two streets or within 20 feet of any side lot line, provided that sufficient distance will always remain for all required radii for said driveway. The distances from the driveway to the intersection shall be measured by extending the curb line of the intersecting street until it intersects the curb line, extending if necessary, of the driveway in question.
8. Driveways shall be designed to provide for the safe and efficient movement of traffic between the roadway and the site, to eliminate the potential for stacking of vehicles along the public right-of-way and to minimize interference with pedestrians and vehicles using the site and the public right-of-way.
9. Stormwater drainage from a driveway shall be directed in such a manner as to not drain directly onto the road. Runoff shall be directed into infiltration areas whenever practicable.

J. Design Standards for Loading Spaces

1. Required loading spaces shall be 12 feet by 35 feet, with a fourteen-foot height clearance. If tractor-trailer deliveries are expected, at least one loading space 12 feet by 55 feet shall be provided.
2. All required loading areas shall be independent of required of required emergency access lanes, parking areas and drive-in queuing lanes.

**Section 12.5 Accessory Buildings and Uses**

A. Location of Accessory Buildings

Accessory buildings not attached to principal buildings shall be located no closer to the principal building than twelve (12) feet or a distance equal to the height of each accessory building -whichever is greater.

B. Location of Accessory Uses

In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as the principal structure, may not be constructed in front yard of such lot and shall be distant not less than twenty (20) feet from any lot line nor less than ten (10) feet from the principal structure, and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.

C. Calculation of Coverage with Accessory Buildings and Uses

Where 25% or more of the lots in a block are occupied by buildings, the average yard dimensions average of lot coverage of such buildings and the average side and rear yard set-back shall determine the yard set-back and coverage requirements for any new accessory building or use, within the block. Or, where no standard block exists the word "block" as used above shall be interpreted to mean those residences within 250 feet of either side of the lot in question, on the same side of the street. The average set-back shall not be based on fewer than two existing residences.

Section 12.6 Home Occupation

A home occupation may be permitted in any zoning district subject to issuance of a Conditional Use Permit by the Planning Board provided such use is not specifically prohibited in the district. Such use shall conform to the following standards which shall be minimum requirements:

- A. No more than 25% of the total floor area of a dwelling unit or 500 square feet whichever is the lesser may be used for such use.
- B. The use shall be carried on wholly within the enclosed walls of the dwelling unit or accessory building.
- C. There shall be no external evidence of such use except for one sign not exceeding eight (8) square feet in area. Stock, merchandise, equipment or displays of any kind shall not be visible outside the dwelling unit or accessory building.
- D. No external structural alterations which are not customary to a residential building shall be allowed.
- E. No more than one profession or occupation, and office shall be allowed per dwelling unit.
- F. Any form of business whose primary function is the retail sale of goods or articles produced elsewhere than on the premises, such as a small grocery store, shall not be deemed a home occupation.
- G. A distributorship whose primary function is the processing of orders for merchandise and which does not involve a high volume of retail sales or stock and merchandise on the premises may be deemed a home occupation, provided such use meets the intent and all standards of this Section.
- H. The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.



- I. Such uses shall also be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.

## Section 12.7 Signs

No sign or other outdoor devices for the purpose of advertising of any kind may be erected or established in the Town except in conformance with the standards in this Section.

### A. General Provisions

1. All signs shall comply with applicable regulations of the Building Code.
2. No permanent or temporary sign shall be erected or placed at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "stop", "Look", "Drive-in", "Left", or any other words, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic.
3. No sign shall be placed or erected above the maximum elevation of the main roofline of a building.
4. Any permitted free-standing sign shall not be more than twenty-four feet in height above the average surface of the ground of the parcel location of the sign.
5. All signs shall be set back a minimum of fifteen feet from any lot line.
6. Size of sign shall refer to the overall area occupied by the total sign and includes the face area of each surface and any spaces between parts thereof.
7. The provisions of this Section shall not apply to safety signs, road signs historical markers or highway directional signs erected by municipal or public agencies.
8. Illumination of signs shall not be intermittent or of varying intensity and may not produce glare beyond the limits of the property lines.
9. Signs with moving parts are not permitted except public service signs (such as time and temperature) approved by the Code Enforcement Officer.
10. Signs attached to a building shall not extend higher than the roof line of the building to which they are attached.
11. No sign shall by its light, brilliance, type, design, or character create a public or private nuisance. The use of par-spot and rotating beacon lights is prohibited and those existing shall be removed within one year of the effective date of this Law.
12. Other non-conforming signs shall be removed within two (2) years of the effective date of this Law.
13. All signs shall be located on the same site as the use they identify or advertise.
14. Signs shall be illuminated only at such times as said uses are open for business.

### B. Signs Permitted in any Area

The following signs shall be permitted in any area in which the use identified or advertised is permitted.

1. Property identification signs -maximum one and one-half square feet in area bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Professional or business nameplate -Two non-illuminated signs not exceeding eight square feet in area for each home occupation or for each office or suite of offices contained within a building and having a direct entrance from the outside.
3. Real Estate signs -One non-illuminated sign not exceeding twelve square feet in area.
4. Temporary signs for subdivision, development or construction sites -one sign a maximum of thirty-two square feet for each site that is less than five acres in size. Two such signs are permitted on larger site in single ownership fronting on two or more roads. Such sign may be installed after approval of the Planning Board of final site plan or a valid building permit has been issued but must be removed within three years after installation.
5. An illuminated bulletin board not exceeding twenty-four square feet in area for each church, neighborhood community center, educational institution or professional center.
6. Parking Signs -Signs not to exceed one square foot, directing and guiding traffic and parking on private property but bearing no advertising matter.
7. A temporary non-illuminated sign advertising such things as political and sporting events, shows and elections. Said sign not to exceed five (5) square feet in area for each candidate, ballot measure or event and not more than one sign for each candidate, ballot measure or event shall be placed on any single parcel of land. All such signs shall not be placed more than forty-five (45) days before the event or election and must be removed within ten (10) days following the election in which the sign pertains.
8. Traffic or other municipal Signs, legal notices and such temporary or non-advertising signs for government purposes.

C. Signs for Commercial Use

No sign of any character shall be permitted for a commercial use except the following:

1. any sign permitted in Section 12.7 (B).
2. One sign placed flat against the building not exceeding one and one-half (1 ½) square feet of sign area for each linear foot of building frontage occupied by such building fronting on a street. One (1) such sign shall be permitted for each street on which the business fronts. Such sign may be illuminated.
3. On those sides of a building not facing the street, signs placed flat against the building shall be limited in size to less than fifteen (15) square feet. Such sign may be illuminated.
4. One free standing sign identifying a group of businesses combined as a shopping center in addition to permitted sign areas for individual businesses. Such sign shall not exceed one hundred square feet of area and may be illuminated.

5. The following additional sign requirements shall apply to all gasoline service stations. - Signs may be located above pump island canopies but such signs shall not exceed a height of four feet above the top of the canopy.
6. One free standing sign may be permitted but said sign shall not exceed -thirty-two (32) square feet in area and may be illuminated.
7. Directional signs, no more than one square foot in area, indicating restrooms or public telephones shall be permitted with said sign attached only to the building or to an authorized sign or sign support.
8. The aggregate total area of all signs shall not exceed one hundred fifty square feet in area.

D. Signs for Industrial Use

No signs of any character shall be permitted for an industrial use except the following:

1. Any sign permitted in Section 12.8.2.
2. One (1) sign, not exceeding thirty-two (32) square feet in area, limited to the identification of the company or enterprise on the property where the sign is located, or to the advertisement of the products handled or produced or services rendered by the enterprise. The sign shall not be located within one hundred feet of any residential boundary unless screened from view from the residential structures. Such sign may be illuminated.
3. Signs, in addition to those included in 12.8.2 above, not exceeding a cumulative total of one hundred (100) square feet in area which identify the area or are directional signs without advertising.
4. In the case of industrial areas which are planned and developed as a park, one free standing sign containing only the name of the park shall be permitted and limited to one hundred fifty (150) square feet in area. Two (2) such signs are permitted on larger sites fronting on two or more streets. Such signs may be illuminated.

**Section 12.8 Fences, Walls, Hedges and Screen Planting**

Fences, walls, hedges and screen planting are permitted as follows:

- A. Where the driveway meets the road right-of-way the hedge shall not exceed three (3) feet in height from right-of-way to road line there shall be no visual obstruction.
- B. On a corner lot, no fence, wall, hedge or screen planting over three (3) feet in height shall be constructed within one hundred feet of the intersection of the two streets.
- C. Fences, walls, hedges or screen plantings may be required by the Planning Board such is necessary to protect the residential quality of adjacent property.

**Section 12.9 Establishment and Measurement of Clear Vision Areas**

Vision clearance areas shall be provided with the following distances establishing the size of the vision clearance area.

- A. In any use, the minimum distance shall be one hundred (100) feet from the edge of pavement at intersections.
- B. The vision clearance area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the street pavement, except that street trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

**Section 12.10 Open Space, Parks and Playgrounds**

In the case of an average density development planned residential or planned unit developments, where open space areas are required, the Planning Board shall approve the mechanism the applicant proposes to provide for maintenance and preservation of such lands for the intended purpose. In those cases where a site plan identifies lands for parks, recreation or common open space, that is not to be deeded to the Town, the Planning Board may request that an organization be established or arrangements be made to assure proper maintenance of these lands for their intended purpose.

Recreation areas shall have physical characteristics and locations which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimizing hazards from vehicular traffic for children walking between such facilities and their homes in the neighborhood. No such area may be smaller than two (2) acres, and in general, recreation areas shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is subdivided. The site plan shall include a detailed development plan for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least one hundred seventy-five (175) feet square for children's field games. The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.

**Section 12.11 Utilities**

- A. Water Supply and Sewage Disposal

Water supply and sewage disposal systems must comply with the regulations of and be approved by the Chemung County Health Department prior to final review by the Planning Board.

B. Underground Installation

All utility companies (telephone, electric, etc.) are now equipped to make underground installation of their services; underground installation shall be required unless natural site conditions make such installation impossible.

**Section 12.12 Special Provision Applying to Industrial Uses**

- A. Whenever an industrial use is to be located adjacent to any non-industrial use, a fully landscaped buffer one hundred feet in width must be provided along the full length of the adjacency. This buffer area shall be planted and perpetually maintained with trees and shrubs at least six (6) feet in height and shall adequately screen industrial activity from the adjacent use. The treatment of the buffer area shall not appear to be unnatural or rigid such as "bunker like" straight ridges or walls.
- B. At no time shall any use result in or cause dissemination of dust, smog, observable gas, fumes, odors, radiation or other atmospheric pollution, objectionable noise, glare or vibrations or hazard to any adjacent buildings or to any plant growth or any land adjacent to the site.
- C. The architectural treatment and general appearance of all buildings and grounds shall be in keeping with the character of the area in which they are located.

**Section 12.13 Standards and Design Criteria for Cottages, Camps, and Cabin Developments (CCCD) and Accessory Cottages or Cabins (ACC)**

CCCD & ACC shall meet the following standards and criteria:

- A. The design and size of the CCCD or ACC shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- B. Certification by the Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided.
- C. Placement and dimensions of any CCCD or ACC shall be in accordance with the lot area, height, and yard requirements of the zoning district within which it is located.
- D. If a primary use already exists on a lot, then only one ACC per lot is allowed as an accessory use. CCCD is a primary use, may not be added to a parcel with an existing primary use (business or single family/multi-family home).

1. The ACC must be less than 1,000 sq. ft. and must be less than 50% of the primary residence building.
  2. ACCs must be owned by the same owner of the principle buildings on a lot.
  3. Only one ACC may be created per lot.
  4. Any ACC shall be designed and constructed in a manner that would allow adequate dimensions and setbacks for the possible future subdivision from the original property (ie. Meet necessary setbacks to be subdivided in the future)
  5. At least one (1) parking space shall be provided for the ACC
- E. In order to encourage the development of housing units for people with disabilities, the planning board may allow reasonable deviation from the stated requirements to install features that facilitate accessibility.

### Section 12.14 Junkyard

The Town of Veteran classifies junkyards as an industrial use and shall be governed by the, criteria outlined in this Law for industrial uses. In addition, the following shall apply to any junkyard.

- A. All existing junk areas as defined in this document shall be in conformance with the provisions of this law within twelve (12) months of adoption as prescribed by law.
- B. The Town Code Enforcement Officer may inspect the premises at any time to carry out the general object of this law to authorize a lawful business carried on with respect for the health, safety, and welfare of others and their property. Objectionable views and odors shall be eliminated insofar as possible.

### Section 12.15 Filling Guidelines

The storing or disposal of refuse, waste material or other substances is prohibited in all districts within the Town, except for the purpose of filling in to establish grade which is considered a conditional use in District R-A and shall meet the requirements of Article 11 of the Law. All required State and County permits shall be obtained prior to application to the Planning Board for approval of such use. The approval shall require that the fill be clean, noncombustible matter, containing no garbage, refuse, offal or deleterious matter of any nature and that the material be immediately leveled off and covered with at least six (6) inches of clean non deleterious topsoil followed by either immediate placement of a hard surface or immediate reseeding with pasture or other fast growing surface vegetation until growth of same is established. The Planning Board may impose other reasonable provisions and they shall ensure that the operation shall be hazard and nuisance free, and may require the posting of a letter of credit as a condition. Any approval so granted shall expire one (1) year following the date of approval, and may be renewed under the same procedures as the original. A suitable fee may be charged according to a schedule established by the Town Board, and any approval is valid only insofar as the conditions

under which it may be issued are maintained.

### Section 12.16 Individual Lot Mobile Homes

Single lot mobile homes shall be allowed subject to the approval of a conditional use. The following criteria shall be considered by the Planning Board when reviewing an application for placement of a mobile home.

- A. Minimum lot size is 3 acres and setbacks shall conform to provisions of this law for single family homes in Article 5.
  - B. Water and sewage facilities shall be identical to those required for a conventional single-family home.
  - C. Off-road parking, driveway standards, and those standards not specifically listed for individual lot mobile homes shall be in conformance with applicable developmental guidelines.
  - D. A mobile home located in the Town of Veteran shall be placed upon suitably constructed footers or a foundation. All mobile homes shall be skirted utilizing approved manufactured materials. The home shall be rendered incapable of further wheeled transportation as a complete unit at the time of installation.
  - E. Mobile homes relocated from one site to another within Town boundaries shall be deemed a conditional use and subject to the provisions of this law.
- A. Mobile Home Standards  
All mobile homes installed in the Town of Veteran shall meet the following minimum requirements:
- 1. Each mobile home to be placed in the Town shall have the seal or insignia of approval as specified by the appropriate New York State Building Construction Code. "Mobile Home Construction and Installation Standards", "Factory Manufactured Home (Standards, Rules, and Regulations)"
  - 2. Minimum habitable square footage of the main structure (without/addition) shall be 720 square feet or not less than 12 feet wide and sixty (60) feet long.
  - 3. No mobile home manufactured prior to 1975 shall be permitted to locate in the Town.

### Section 12.17 Mobile Home Parks

Mobile home parks may be permitted in Residential-Agriculture Zoning district subject to Conditional Use Permit by the Planning Board in accordance with this Section of the zoning law.

- A. Standards Governing Mobile Home Parks

Any mobile home park shall conform to the following standards which are to be regarded as minimum requirements:

1. Sites for mobile home parks shall be a contiguous parcel with a minimum of ten (10) acres.
2. Conformance with health regulations -all sanitary and health regulations, state and local shall be met.
3. Each boundary of the park must be at least two hundred (200) feet from any permanent residential building located outside the park, unless separated there from by a natural or artificial barrier, or unless a majority of the property owners residing in the area within said 200 feet, consent in writing to the establishment of the park.
4. Site dimensions, boundaries of mobile home spaces shall be well-defined and permanently marked. Mobile home spaces shall meet the following requirements:
  - a. The density of development shall not exceed six (6) units per developed acre.
  - b. The private area associated with each lot shall be a minimum of five thousand (5,000) square feet with a minimum lot width of 50 feet.
  - c. In no case shall a mobile home occupy more than 20% of the site area.
  - d. All mobile homes larger than 14' x 70' shall have lots designed and laid out accordingly.
  - e. Any park proposed to be developed in sections or phases shall complete all public improvements in a section or phase prior to said section or phase being occupied.
  - f. Parking - Two (2) car parking spaces shall be provided for each mobile home site. At least one parking space shall be located in the side yard of each site, and the remaining spaces shall be located in off-street parking areas. Each parking space shall have dimensions of at least 9 feet by 18 feet.
  - g. Yard provisions -mobile homes shall be parked in spaces so that a minimum of fifteen (15) feet front yard (from pavement edge) and a ten feet rear yard setback is observed. No mobile home or any structure attached thereto shall be located less than ten (10) feet from the site boundary line nor within thirty (30) feet of the park perimeter.
  - h. Entrances and streets -streets shall be provided on the site where necessary to furnish principal traffic ways for convenient access to the mobile home sites and other important facilities on the property. Streets shall be privately owned with right-of-way widths of not less than thirty (30) feet. All streets within the mobile home park shall be hard surfaced, not less than twenty-four (24) feet in width, and shall be adequately lighted for safety of pedestrians and vehicular traffic. Individual mobile home sites shall only exit onto interior park streets.
  - i. Service buildings -each park shall provide community service buildings to house laundry facilities and other sanitary facilities, as required by the Planning Board.
  - j. Private service building -one accessory building, factory built, not to exceed 144 square feet in dimension may be located on each lot. This building must be of a material that will be approved by the Code Enforcement Officer and placed on a permanent foundation.



- k. Drainage facilities -the mobile home park shall be provided with a storm water system of sufficient capacity to accommodate the runoff from a five (5) year storm frequency.
- l. Landscaping -mobile home parks shall be landscaped to provide an attractive setting for mobile homes and other improvements to provide adequate privacy, to minimize reflected glare, and to afford summer shade. Such landscaping shall include the planting and maintenance of at least the following:
  - i. Every attempt shall be made to retain any existing trees four (4) inches or larger in height.
  - ii. Trees and shrubs at suitable intervals along park streets, within recreation areas, and around park borders.
  - iii. Special planting to screen objectionable views such as laundry drying yards, garbage and trash collection stations, non-residential uses, and any unsightly objects or conditions on adjacent properties.
  - iv. Lawns on all areas which are not paved or used as sites for mobile homes or buildings.
- m. Skirts - each mobile homeowner shall be required to enclose the bottom portion of the mobile home with either a metal, wood, or vinyl skirt, properly ventilated within 15 days after arrival in the park.
- n. Recreation facilities - recreation areas and facilities, such as playgrounds, swimming pools, and community buildings shall be provided to meet the anticipated needs of the park residents. Not less than ten (10%) percent of the gross site area shall be devoted to recreation facilities, generally provided in a location or locations convenient to all.
- o. Utilities - all telecommunication conduit will be installed underground and maintained in accordance with applicable codes and regulations governing such systems.
 

Lighting - the minimum requirements for such shall be a street light at the end of street, at any street intersection and near recreation areas.
- p. Water supply - an adequate supply of water must be available to all occupants of mobile homes in the park and the quality must be satisfactory to the New York State Health Department.
- q. Sewage disposal - an adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such systems shall be designed, constructed and maintained in accordance with local and state health laws.
- r. Refuse disposal -the storage, collection and disposal of refuse in the mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident of fire hazards or air pollution.
- s. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store refuse.

### Section 12.18 Steep Slope Guidelines

The Town of Veteran is characterized by numerous steep slope 15% or greater. Special design treatment for streets, building sites and other development may be required to preserve the natural terrain, trees, rock formation, scenic views, etc. All development on steep slopes shall be subject to the following guidelines:

- A. Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures (terraces, sediment basins, diversions, retaining walls, stream channel improvement, etc.) and road location (including cross-sections).
- B. Padding, which is the creation of level building sites, shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable visual appearance.
- C. Design principles shall include, but not be limited to, the following:
  1. Landscaping of areas around structures making them compatible with the natural terrain.
  2. Shaping, grouping and placement of man-made structures to complement the natural landscape.
  3. Arrange buildings so they complement one another to promote visual interest. Clustering of residential units and multiple dwellings shall be encouraged to house a given population with a minimum spoilage of land. The developer shall first determine the qualities of the site and then plan and build to accentuate these qualities rather than destroy them.
  4. Shape of essential grading to complement existing land forms and prohibit any appearance of successive padding, terracing or other similar forms for building sites in the hill area.
  5. Encourage the development of off-street parking bays.
  6. Encourage the use of turning circles at mid-block points to avoid the use of private driveways for turning and parking movement.
  7. Encourage split-level building sites. Use one-way streets when consistent with traffic safety, circulation needs, and natural topography. This guideline allows for smaller road right-of-way, less cut and fill within a given area and a highway network consistent with the natural terrain.
  8. Roads shall be parallel with the hillside wherever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.
  9. Land within the hill area that is in excess of 15% slope shall not be developed as individual residential lots.
  10. Outstanding natural features such as the highest crest of the hill, range, natural rock outcroppings, particularly desirable vegetation, etc. should be retained.

### Section 12.19 Gasoline Filing Stations, Service/Repair Garages and Automobile Sales

Where permitted, a gasoline filling station, service and repair garage and automobile sales areas is subject to Conditional Use Permit by the Planning Board in accordance with this section of the zoning law.

- A. Minimum lot size shall be:
1. 30,000 sq. ft. for a gasoline filling station, service and repair garage
  2. 45,000 sq. ft. for a combination gas station, mini-mart convenience food store.
  3. Additional lot area and setbacks shall be required as deemed to be adequate by the Planning Board to accommodate tractor trailer servicing.
- B. Lot frontage and width shall be at least one hundred fifty (150) feet.
- C. No gasoline service station or public garage shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution, or place of public assembly. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.
- D. Fuel pumps and other service devices shall be located at least thirty-five (35) feet from any front lot line and fifty (50) feet from any side and rear lot lines. This distance shall be measured from the outside edge of the fuel island.
- E. All automobile parts, including tires and dismantled vehicles are to be stored within a building. Old tires that are offered for sale may be placed outside during normal business hours, but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind a six (6) foot high fence, wall or natural screen.
- F. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans, and/or anti-freeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.
- G. All repair work is to be performed within a building. Automobiles waiting to be serviced or stored on the premises shall not encroach on any required yard area. Wrecked automobiles being held for insurance adjuster inspection may be stored for a period not to exceed thirty (30) days and must be stored in the rear of the premises, out of sight as much as is possible.
- G. Parking:
1. No vehicle shall be parked, stored or left standing within thirty-five (35) feet of the street line.

2. Parking requirements shall be in conformance with Section 11.5.9. Such parking areas shall not conflict with the traffic pattern established for the use of the fuel pumps. Additional parking area may be required by the Planning Board to accommodate tractor trailer parking areas.
  3. Where parking areas abut a residential use, they shall be screened by a buffer area no less than ten (10) feet in depth composed of densely-planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Planning Board, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the Code Enforcement Officer may direct the property owner to replace said shrubs.
- I. All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained and, if lighted, shall produce no glare on adjacent properties.
  - J. A maximum of two driveways and curb cuts shall be permitted. These shall be no less than twenty (20) feet and no wider than thirty (30) feet, and located a minimum of thirty (30) feet from any street intersection and a minimum distance of forty (40) feet shall be maintained between such driveways and curb cuts.

### Section 12.21 Drainage Systems and Erosion Control

#### A. Drainage Systems

Adequate and comprehensive drainage systems shall be provided to convey the storm water runoff originating with and outside the development in accordance with the natural direction of runoff for the total upland watershed affecting the areas. Such drainage systems shall be designed to effectively control the rate of surface runoff generated within the proposed development. Such drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed area upland of the development. In general, the preservation of natural watercourses is preferable to the construction of drainage channels. Interior drainage systems shall be based upon a design flow capable of handling a ten (10) year storm. The design of natural watercourse channels and structures shall depend upon the drainage area, but in general watersheds with less than one (1) square mile of area shall be designed for a 50-year storm frequency and those areas one (1) square mile and over shall be designed for a 100-year frequency. All structures shall have a minimum setback of 50u from the stream banks.

Utilizing the drainage guidelines outlined above, the Planning Board may require the developer to submit the following:

1. Plan, profiles, and typical and special cross-sections of proposed storm water drainage facilities.
2. Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
3. The grading plan shall be developed to suitable contour interval with grading details to indicate proposed street grades and elevations and building site grades and elevations.
4. If the development is within or adjacent to any designated flood-plain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.
5. Design criteria as specified in New York State Stormwater Management Design Manual shall be applicable to this Section.

B. Erosion Control

In order to ensure that the land will be developed with a minimum amount of soil erosion, the Planning Board shall require the developer to follow certain erosion control practices. Both the Planning Board and the developer shall consult with the Soil and Water Conservation District, as required, and the Soil and Water Conservation District shall determine whether or not the required procedures are being put into practice. Such procedures may include:

1. Exposing the smallest practical area of land at any one time during the development.
2. Provision of temporary vegetation and/or mulching to protect critical areas.
3. Provision of adequate drainage facilities to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development.
4. The developer's engineer shall show, as part of their submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.
5. Fitting of the development plan to the topography and soils so as to minimize the erosion potential. Retention and protection of natural vegetation wherever possible.
6. Installation of permanent final vegetation and structures as soon as practicable.
7. Provision of adequate protective measures when slopes in excess of 15% are graded, and minimizing such steep grading.
8. Installation of temporary sedimentation basins as required by the Soil Conservation Service.

## ARTICLE 13 FLOOD DAMAGE PREVENTION

### Section 13.1 Statutory Authorization and Purpose

The Town Board of the Town of Veteran finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Veteran and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

#### A. Statement of Purpose

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damages;
5. Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
6. Qualify and maintain for participation in the National Flood Insurance Program.

#### B. Objectives

The objectives of this local law are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To provide that developers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

C. Definitions

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Accessory Structure" is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel,

concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Encroachment" means any development in a riverine floodplain with the potential to obstruct or divert flood flows.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine



community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. This term includes both wet floodproofing, in which water-resistant measures and materials are used in an area subject to flooding, and dry floodproofing, in which a structure is water tight with walls substantially impermeable to the passage of water.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior or
  - b. directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One-hundred-year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 13.3 (C )(2), Use Of Other Flood Data, of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

### Section 13.2 General Provisions

#### A. Lands to Which This Local Law Applies

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Veteran, Chemung County.

#### B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard for the Town of Veteran, Community Number 361057, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. Flood Insurance Rate Map Panel Numbers: 361057 0005 B and 361057 0015 B, whose effective date is February 18, 1983.
2. Flood Insurance Rate Map Index No. 361057IND, whose effective date is February 18, 1983.

The above documents together with any Letters of Map Amendment and Letters of Map Revision issued by the Federal Emergency Management Agency, are hereby adopted and declared to be a part of this Local Law. These maps and letters of map change are on file at:

Town of Veteran Town Hall, 4049 Watkins Road, Millport, NY 14864.

#### C. Interpretation and Conflict with Other Laws

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and

welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or laws, the most restrictive, or that imposing the higher standards, shall govern.

D. Severability

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

E. Penalties for Non-Compliance

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Veteran from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 13.5 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

F. Warning and Disclaimer of Liability

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Veteran, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

**Section 13.3 Administration**

A. Designation of The Local Administrator

The Town of Veteran Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

B. The Floodplain Development Permit

1. Purpose

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 13.2 (B), without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and the boundaries of the area of special flood hazard and regulatory floodway in relation to the above features.

The requirements for floodplain development permits apply to projects undertaken by any private entity, county, city, Town, village, school district, or public improvement district. Development activities by the Town of Veteran shall comply with the standards specified in this local law. Federal actions and New York State actions are not subject to regulation under this local law.

2. Fees

All applications for a floodplain development permit shall be accompanied by an application fee as defined in the Town of Veteran Fee Schedule. In addition, the applicant shall be responsible for reimbursing the Town of Veteran for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

3. Application for a Permit

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- a. The proposed elevation, in relation to mean sea level, of the top of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- b. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be dry floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall

submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

- c. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 13.4 (D), Utilities.
- d. A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the dry floodproofing criteria in Section 13.4 (F), Non-Residential Structures.
- e. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 13.2(B), when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- f. A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- g. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data developed using detailed methodologies shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres if any development sites are located within an area of special flood hazard.
- h. Documentation by a licensed land surveyor or professional engineer of Flood Insurance Rate Map features (flood zone, floodway, and base flood elevation) at the location of the proposed development, if required by the Local Administrator.
- i. A technical analysis of the impact of any proposed encroachment on the base flood elevation or the information and fees required for a map revision, as specified in Section 13.4 (C), Encroachments.

C. Duties and Responsibilities of The Local Administrator

Duties of the Local Administrator shall include, but not be limited to the following.

1. Permit Application Review

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- a. Determine whether any portion of the proposed development is located within an area of special flood hazard or a regulatory floodway.
- b. If the site for any new or substantially improved structure is partially or completely within Zones A1-A30, AE, AH, or Zone A if base flood elevation data are available, determine the base flood elevation applicable to that structure.

- c. Review all applications for completeness, particularly with the requirements of Section 13.3 (B) (3), Application for A Permit, and for compliance with the provisions and standards of this law.
- d. Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 13.4, Construction Standards and, in particular, Sub-section 13.4 (B), Subdivision and Development Proposals.
- e. Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 13.4, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

2. Use of Other Flood Data

- a. When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph (7) of Section 13.3 (B) (3), Application for a Permit, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- b. When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.
- c. When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 13.2 (B), the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

3. Alteration of Watercourses

- a. Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such



notification to the Regional Administrator, Region II, Federal Emergency Management Agency.

- b. Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
4. Construction Stage
- a. In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of dry floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the top of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
  - b. For new and substantially improved structures in Zone AO and Zone A without base flood elevation data, the Local Administrator may require documentation of natural grade at the building site prior to any grading or placement of fill. Upon placement of the lowest floor, the Local Administrator shall either (i) document the height of the top of the lowest floor relative to the highest adjacent natural grade prior to placement of any fill or (ii) require certification of this height by a licensed land surveyor or professional engineer.
  - c. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.
5. Inspections
- The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
6. Stop Work Orders
- a. The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 13.2 (E) of this local law.
  - b. The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 13.2 (E) of this local law.

7. Certificate of Compliance
  - a. In areas of special flood hazard, as determined by documents enumerated in Section 13.2(B), it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
  - b. A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
  - c. Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 13.3 (C), Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
8. Information to Be Retained
 

The Local Administrator shall retain and make available for inspection, copies of the following:

  - a. Floodplain development permits and certificates of compliance;
  - b. Certifications of as-built lowest floor elevations of structures, required pursuant to paragraphs (1) and (2) of Section 13.3 (C), Construction Stage, and whether or not the structures contain a basement;
  - c. Floodproofing certificates required pursuant to paragraph (1) of Section 13.3 (C), Construction Stage, and whether or not the structures contain a basement;
  - d. Variances issued pursuant to Section 13.5, Variance Procedures;
  - e. Notices required under Section 13.3 (C), Alteration of Watercourses;
  - f. Base flood elevations developed pursuant to paragraph (7) of Section 13.3 (B), Application for A Permit, and supporting technical analysis; and
  - g. Documentation demonstrating compliance with Section 13.4 (C), Encroachments.

## Section 13.4 Construction Standards

### A. General Standards

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 13.2 (B). When the proposed development is located in multiple flood zones or in an area where the base flood elevation changes, the flood protection requirements shall be based on the flood zone or base flood elevation that results in the most stringent requirements.

### B. Subdivision and Development Proposals

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

1. Proposals shall be consistent with the need to minimize flood damage;
2. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
3. Adequate drainage shall be provided to reduce exposure to flood damage.
4. Proposed development shall not result in physical damage to any other property (e.g., stream bank erosion or increased flood velocities). If requested by the Local Administrator, the applicant shall provide a technical analysis, by a licensed professional engineer, demonstrating that this condition has been met.
5. Proposed development shall be designed, located, and constructed so as to offer the minimum resistance to the flow of water and shall be designed to have a minimum effect upon the height of flood water.
6. Any equipment or materials located in a special flood hazard area shall be elevated, anchored, and floodproofed as necessary to prevent flotation, flood damage, and the release of hazardous substances.
7. No alteration or relocation of a watercourse shall be permitted unless:
  - a. a technical evaluation by a licensed professional engineer demonstrates that the altered or relocated segment will provide conveyance equal to or greater than that of the original stream segment and will not result in physical damage to any other property;
  - b. if warranted, a conditional revision of the Flood Insurance Rate Map is obtained from the Federal Emergency Management Agency, with the applicant providing the necessary data, analyses, and mapping and reimbursing the Town of Veteran for all fees and other costs in relation to the application; and
  - c. the applicant provides assurance that maintenance will be provided so that the flood carrying capacity of the altered or relocated portion of the watercourse will not be diminished.

C. Encroachments

1. Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development that constitutes an encroachment (including fill) shall be permitted unless:
  - a. the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
  - b. the Town of Veteran agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Veteran for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Veteran for all costs related to the final map revision.

2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 13.2 (B), no new construction, substantial improvements or other development in the floodway that
  - a. a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
  - b. the Town of Veteran agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Veteran for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Veteran for all costs related to the final map revisions.
3. Within Zone A in riverine areas, all permit applications for new construction, substantial improvements or other development that constitutes an encroachment (including fill) shall be reviewed as set forth in paragraph (5) of Section 13.3 (C), Permit Application Review, to determine the effects of the encroachment on the flood carrying capacity of the stream. The Local Administrator may require submission of additional technical analysis and data necessary to complete the determination.
4. In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town of Veteran shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

D. Standards for All Structures

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 13.2 (B). Any alteration, repair, reconstruction, addition, or improvements to a structure that was built or substantially improved after the adoption of floodplain management regulations shall meet the requirements for new construction. Any alteration, repair, reconstruction, addition, or improvements to an existing structure that constitutes substantial improvement shall require that the entire structure comply with the requirements for substantially improved structures. Any alteration, repair, reconstruction, or improvements to an existing structure that does not constitute new construction or a substantial improvement, shall be elevated and/or floodproofed to the greatest extent practical.

1. Anchoring

New structures and substantial improvement to structures in areas of special flood hazard, together with equipment servicing those structures, shall be anchored to prevent

flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

2. Construction Materials and Methods

- a. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- b. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- c. For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO, AH or A, new and substantially improved structures may have fully enclosed areas, including crawl spaces or attached garages, below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
  - i. a minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - ii. the bottom of all such openings no higher than one foot above the adjacent finished grade; and
  - iii. openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters without intervention and that any resulting obstruction to flow be accounted for when determining the net area of the openings. Openings may be installed in doors or windows; however, doors and windows without installed openings do not meet the requirements of this section. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

3. Utilities

- a. New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, hot water heaters, and other service equipment (including ductwork) shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations. The Local Administrator may require certification of utility floodproofing from a licensed professional engineer or architect;

- b. New and replacement water supply systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the system;
  - c. New and replacement sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
  - d. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Storage Tanks
- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood. Fill caps and fittings below the base flood elevation must be tested to be liquid tight. Tank vent openings must be two or more feet above the base flood elevation or three or more feet above grade when no base flood elevation data are available.
  - b. Above-ground tanks shall be:
    - i. anchored to prevent flotation, collapse or lateral movement during conditions of the base flood; or
    - ii. installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in Section 13.2 (B) plus two feet or at least three feet above grade when no base flood elevation data are available.

E. Residential Structures

1. Elevation

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in Sections 13.4 (B), Subdivision and Development Proposals, 13.4 (C), Encroachments, and 13.4 (D), Standards for All Structures.

- a. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- b. Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- c. Within Zone AO, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 13.2 (B) (at least three feet above the highest adjacent grade if no depth number is specified).

- d. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

F. Non-Residential Structures

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in Sections 13.4 (B), Subdivision and Development Proposals, 13.4 (C), Encroachments, and 13.4 (D), Standards for All Structures.

1. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:
  - a. have the top of the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
  - b. be dry floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
2. Within Zone AO, new construction and substantial improvements of non-residential structures shall:
  - a. have the top of the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least three feet above the highest adjacent grade if no depth number is specified), or
  - b. together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Section 13.4 (F)(1)(a)
3. If the structure is to be dry floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 13.4 (F)(1)(a), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
4. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
5. Within Zone A, when no base flood elevation data are available, the top of the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

G. Manufactured Homes and Recreational Vehicles

The following standards in addition to the standards in Section 13.4 (A), General Standards, And Section 13.4 (D), Standards for All Structures apply, as indicated, in areas

of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

1. Recreational vehicles placed on sites within Zones A1-A30, AE, AO, AH, and A shall either:
  - a. be on site fewer than 180 consecutive days,
  - b. be fully licensed and ready for highway use, or
  - c. meet the requirements for manufactured homes in Sections 13.4 (G) (2), (3) and A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
2. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation
3. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the bottom of the frame of the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the highest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
4. Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 13.2 (B) (at least three feet if no depth number is specified).

H. Accessory Structures Including Detached Garages

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 13.2 (B).

1. Within Zones A1-A30, AE, AO, AH, A, accessory structures must meet the standards of Section 13.4-D, Anchoring,
2. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
3. Within Zones AO, or Zone A if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
4. Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters in accordance with paragraph (3) of Section 13.4 (D), Construction Materials and Methods.
5. Utilities must meet the requirements of Section 13.4 (D), Utilities.



## Section 13.5 Variance Procedure

### A. Appeals Board

1. The Zoning Board of Appeals as established by the Town of Veteran shall hear and decide appeals and requests for variances from the requirements of this local law.
2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
3. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
4. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
  - a. the danger that materials may be swept onto other lands to the injury of others;
  - b. the danger to life and property due to flooding or erosion damage;
  - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. the importance of the services provided by the proposed facility to the community;
  - e. the necessity to the facility of a waterfront location, where applicable;
  - f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. the compatibility of the proposed use with existing and anticipated development;
  - h. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  - k. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - l. the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
5. Upon consideration of the factors of Section 13.5 (A)(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
6. The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

B. Conditions for Variances

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-l) in Section 13.5-A (4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
  - a. the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
  - b. the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
  - a. the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
  - b. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances shall only be issued upon receiving written justification of:
  - a. a showing of good and sufficient cause;
  - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or laws.
7. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
  - a. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - b. such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 13.3 (C), Information to be Retained, of this Local Law.

## ARTICLE 14 NONCONFORMING BUILDINGS AND USES

### Section 14.0 Continuation of Nonconforming Use or Structure

Subject to the provisions of this Article, a nonconforming structure or use may be continued and maintained. Any alterations and/or extensions to a nonconforming use or structure shall conform to standards set forth in this Law.

### Section 14.1 Discontinuance of Nonconforming Use

If a nonconforming use involving a structure is discontinued for a period of one year (1), further use of the property shall conform to this law. If a nonconforming use not involving a structure is discontinued for a period of three (3) months, further use of the property shall conform to this law.

### Section 14.2 Change of Nonconforming Use

If a nonconforming structure or a structure containing nonconforming use is destroyed by any cause to an extent exceeding 75 % of its fair market value as indicated on the latest assessment records of the Town of Veteran the future structure or use on the site shall conform to this Law.

### Section 14.3 Completion of Structure

Nothing contained in this Law shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this Law, provided the building, if nonconforming use, is completed and in use within 12 months from the time the building permit is issued.

### Section 14.4 Existing Undersized Lots

- A. Any lot held in single and separate ownership prior to the adoption of this Zoning Law and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Zoning Law for the district, may be considered as complying with such minimum lot requirements and no variance shall be required provided that:
1. Such lot does not have a common boundary with any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
  2. Such lot can meet all necessary Health Department requirements for sewage disposal and water supply.
  3. All other setback and lot coverage requirements can be met (with the exception of accessory structures).

4. Accessory structures located (locating) on existing undersized lots may reduce their setback to a minimum of 6' from lot line and may be considered as complying with minimum lot requirements. No variance shall be required.
- B. In any district where residences are permitted, such under-sized nonconforming lots may be used for not more than one single-family dwelling.
- C. A lot of nonconforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owners or owners' property or properties.

#### Section 14.5 Reduction in Lot Area

A building permit shall not be issued for a lot that is reduced in area, after the effective date of this Law, so that it violates any dimensional requirements.

#### Section 14.6 Exemption of Lots Shown on Approved Subdivision Plats

In accordance with Town Law, Section 265-a, any lot proposed for residential use in a subdivision whose plat delineates one or more new streets, roads, or highways and which said subdivision plat has been properly approved by the Planning Board, and filed in the office of the County Clerk, prior to the passage of this Zoning Law and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Zoning Law for that district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

If at the time of the filing of the subdivision plat referred to above there was no planning board vested with authority to approve subdivision plats, then the exemption provided for in such subdivision shall apply for a period of one year after the filing of said subdivision plat in the office of the County Clerk.

#### Section 14.7 Exceptions to Front Yard Requirements

If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the proposed lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard of the proposed lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. If there are dwellings on both abutting lots with front yards greater than the required depth for the district, or if there is a dwelling on one abutting lot with a front yard greater than the required depth for the district, the front yard for the lot shall be determined by averages as specified.

## ARTICLE 15 ZONING BOARD OF APPEALS

### Section 15.1 Establishment

The Town Board of the Town of Veteran created the Zoning Board of appeals having the powers authorized under Section 267 of the Town Law of the State of New York. The Zoning Board of Appeals consist of five members. The members of the Zoning Board of Appeals are appointed by the Town Board and serve a term of five years. The members shall be residents of the Town of Veteran, New York. Each member’s term will expire on December 31<sup>st</sup> in the order they were appointed.

Member one – term expires 12/31/2019.

Member two – term expires 12/31/2020

Member three – term expires 12/31/2021

Member four – term expires 12/31/2022

Member five – term expires 12/31/2023

One of the said members of the Board of Appeals will be designated and appointed chairperson by the Town Board. The Town Board shall appoint a secretary to the Zoning Board of Appeals. In the absence of the chairperson, the chairperson may appoint a member to serve as chair for the meeting. No member of the Zoning Board of Appeals shall be the Town Supervisor, a member of the Town Board, or a member of the Planning Board.

### Section 15.2 Powers and Duties

The Zoning Board of Appeals shall perform its duties and exercise its powers so that the intent of this Law shall be attained and the Town of Veteran’s public health, safety, and welfare is secured. The Board of Appeals shall hear and decide on only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation, variance, and expansion of nonconforming buildings and structures.

All questions concerning application of the provisions of this Law shall first be presented to the Code Enforcement Officer. Such questions shall be presented to the Board of Appeals only on appeal from the decisions of the Code Enforcement Officer. Recourse from decisions of the Board of Appeals shall be to the courts as provided by law.

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Law, but does have power to act on those matters for which this Law provides, including:

- A. Review

1. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decisions or determination of the Code Enforcement Officer
- B. Interpretation
1. The Zoning Board of Appeals shall have the power to:
    - a. Interpret, upon request, the provisions of this Law in such a way as to carry out the intent and purpose of this Law. Where the Law is clearly silent and the intent is not known, the issue shall not be acted upon but shall instead be referred to the Town Board for consideration of an Amendment.
    - b. Determine the precise location of the boundary lines between Zoning districts when there is dissatisfaction with a decision made by the Code Enforcement Officer.
    - c. Classify a use which is not specifically mentioned as a part of the use or prohibited use, in accordance with the purpose and intent of each district. If the use is clearly different from any of the uses indicated in this Law the use is not permitted. Uses that are not mentioned shall be referred to the Town Board for consideration of an Amendment.
- C. Variances
1. Use Variance  
The Zoning Board of Appeals may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise prohibited in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of compliance with, satisfaction of, all the criteria set forth in Town Law Section 268-b(2)(b) as amended from time to time and the decisions thereunder.
  2. Area Variance  
The Zoning Board of Appeals may grant an area variance only upon a finding that practical difficulty exists. An area variance is a variance from any standard or requirement of the Law, such as, but not limited to, a deviation from density, height, bulk, setback, or parking, landscaping and sign standards and requirements. A finding of practical difficulty shall require demonstration by the applicant of compliances with, satisfaction of, all the requirements of Town law Section 267-b(3)(b) as amended from time to time and the decisions thereunder.

### Section 15.3 Procedure

The Board of Appeals shall adopt rules and regulations to govern its procedures or shall follow the rules of procedures adopted by the Town Board. The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or interpretation of the Code Enforcement Officer, or to decide in favor of an applicant any matter upon which they are

required to pass under this Law.

Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its rules of procedure may specify. In addition to the foregoing, the provisions of Town law section 267-a, as amended and decisions thereunder, shall apply with regard to meetings, minutes and records; filing requirements; hearing appeals; filing of administrative decisions and time of appeal; stay on appeal; hearing on appeal; time of decision; filing of decision and notice; notice to county planning board; compliance with state environmental qualify review act; rehearing; and voting requirements.

#### Section 15.4 Public Notice and Hearings

The Board of Appeals shall fix a reasonable time and date for a public hearing required for every appeal or application and shall give public notice including:

1. Publication in the official paper of a notice of such public hearing at least five (5) days prior to the date of the hearing.
2. At least five (5) days prior to the public hearing, mail notices to the parties involved, including adjoining property owners and to any property affected by such application.
3. The cost of the mailing and publication shall be paid by the appealing party to the Town prior to the hearing.

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## ARTICLE 16 ADMINISTRATION AND ENFORCEMENT

### Section 16.1 Zoning Administrator

The provisions of this Law shall be enforced by the Town of Veteran Code Enforcement Officer.

- A. The Code Enforcement Officer shall administer and enforce all of the provisions of this law.
- B. The Code Enforcement Officer shall receive applications and issue permits for the erection and alteration of buildings and structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of insuring compliance with the provisions of this law.
- C. The Code Enforcement Officer shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, and to ensure compliance during the entire course of construction with the requirement of such laws, laws, or regulations
- D. The Code Enforcement Officer shall make all inspections that are necessary or proper for the carrying out of these duties.

### Section 16.2 Building Permits

- A. No person, firm, or corporation shall commence the erection, construction, enlargement, alteration, removal, demolition, conversion, or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Code Enforcement Officer for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature, except as otherwise required by the NYS Uniform Fire Prevention and Building Code.
- B. Application for a building permit shall be made to the Code Enforcement Officer and shall contain the following information:
  - 1. A description of the land on which the proposed work is to be done;
  - 2. A statement of the present and proposed use or occupancy of all parts of the land and of the building or structure.
  - 3. The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.
  - 4. A brief description of the nature of the proposed work.



5. A duplicate set of plans and specifications as set forth in subsection C of this section.
  6. Such other information as may be reasonable required by the Code Enforcement Officer to establish compliance of the proposed work with the requirements of this law.
- C. Application shall be made by the owners or lessees, or agent of either, or by the architect, engineer, or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized by the owner to make such application.
- D. Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing construction on the site, the nature and character of the work to be performed, distance from lot lines, the relationship of structures on adjoining property. Plans and specifications shall bear the signature of the person responsible for the design and drawings.
- E. The Code Enforcement Officer shall keep permanent official records of all transactions and activities. This would include, in part, all applications received, permits and certificates, fees charged and collected, inspection reports, and notices and orders issued. All such records shall be public records open to public inspection during business hours.
- F. The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted.
- G. Amendments to the Application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to approval of the Code Enforcement Officer.
- H. If this law cannot be met and it is evident that a variance is necessary for a change in use, a request for a variance shall be made of the Board of Appeals. The Code Enforcement Officer, or the Board of Appeals, whichever has jurisdiction, shall not require plans and specifications until after the variance is granted, at which time they shall be prepared and submitted; it shall be ascertained that all the requirements of the Zoning Law for the type use requested have been met before a building permit is issued.
- I. The Code Enforcement Officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. The Code Enforcement Officer shall approve or disapprove the application within a reasonable period of time but in no event shall the time limit exceed 60 days. If no recommendation is made within 60 days the application shall be deemed approved.
1. Upon approval of the application and upon receipt of the application fees, the Code

Enforcement Officer shall issue a building permit to the applicant affixed with the Code Enforcement Officer's signature.

2. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word, "approved". One set of such approved plans and specifications shall be retained in the files of the Code Enforcement Officer and the other set shall be returned to the applicant together with the building permit and shall be kept at the building site open to inspection by the Code Enforcement Officer or his authorized representative at all reasonable times.
  3. If the application together with the plans, specifications and other documents filed therewith describes proposed work which does not conform to all of the requirements of this law, the building and zoning official shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Code Enforcement Officer shall cause such refusal together with reasons thereof, to be transmitted to the applicant in writing.
- J. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six months after the date of its issuance. For good cause the Code Enforcement Officer may allow a maximum of two extensions for period not exceeding three months each. The issuance of building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved application.

### Section 16.3 Revocation of Building Permit

- A. The Code Enforcement Officer may revoke a building permit previously issued and approved in the following instances:
1. Where there has been any false statement or misrepresentation as to an essential fact in the application, plans, or specifications on which the building permit is based.
  2. When a building permit was issued in error, revocation must be reviewed by the Board of Appeals.
  3. Where the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
  4. Where the person to whom the building permit has been issued fails or refused to comply with a stop order issued by the Code Enforcement Officer.
- B. Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is being done in violation of the provisions of this law or not in conformity with the provisions of the application, plans or specifications, or in an unsafe and dangerous manner, the Code Enforcement Officer shall notify the owner of the property, or applicant, to suspend all work, and any and all such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by

delivering it personally, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail.

**Section 16.4 Certificates of Occupancy**

- A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be occupied or used, in whole or in part, for any purpose whatever until a certificate of occupancy is issued by the Code Enforcement Officer in accordance with its class and kind under the provisions of the New York State Uniform Fire Prevention and Building Code.
- B. Each certificate of occupancy may state the purpose for which the building may be used in its several parts, the maximum permissible live loads on the several floors, the number of persons that may be accommodated in the several stories in case such number is limited by any provision of the New York State Uniform Fire Prevention and Building Code, other laws or laws of the Town of Veteran or the approved specifications and special stipulations of the building permit, if any.

**Section 16.5 Violations**

- A. It shall be the duty of the Code Enforcement Officer and any duly authorized assistants to enforce the provisions of this law and/or any determination of the Town Board, Zoning Board of Appeals, and/or Planning Board. Proceedings with respect to any violation, as herein defined, shall be conducted pursuant to this Article, and/or any other consistent provision of law or regulation.
- B. Violations
  - 1. Any state of non-compliance with the provisions of this law and/or any determination of the Town Board, Zoning Board of Appeals and/or Planning Board is a violation. For purposes of this Article, each week of non-compliance with the provisions of this chapter and/or any determination of the Town Board, Zoning Board of Appeals and/or Planning Board shall be a separate and additional violation.
- C. Proceedings for Criminal Penalties
  - 1. Each violation is hereby declared an offense punishable by a fine of three hundred fifty dollars (\$350).
  - 2. The Code Enforcement Officer or duly authorized assistant is hereby authorized to issue appearance tickets pursuant to the Criminal Procedure Law in the enforcement of this or any related laws of the Town of Veteran.
- D. Proceedings for Civil Penalties

1. Each violation is hereby declared an offense subject to a civil penalty of up to five hundred dollars (\$500). The Code Enforcement Officer may commence a civil action on behalf of the Town to recover such penalties.

E. Proceedings for Injunctive Relief

1. Should any land or building be used, erected, reconstructed, altered, repaired, converted or maintained, or any building, structure or land be used, so as to constitute a violation, the Town Board or the Code Enforcement Officer, in addition to other remedies (including but not limited to the proceedings provided for in subsection C and D), may institute an appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, inversion, maintenance or use, and/or to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any violating conduct, business or use in or about such premises.

**Section 16.7 Right of Inspection**

The Code Enforcement Officer, upon the showing of proper credentials and in the discharge of these duties, may inspect any building or structure under construction at any reasonable hour, and no person shall interfere with or prevent such inspection.

**Section 16.8 County Referral**

Pursuant to Sections 239-l and 239-m of General Municipal Law of the State of New York, certain classes of zoning actions shall be referred to the Chemung County Planning Board before final action is taken.

The actions to be referred include the following:

- A. Any municipal zoning regulation or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of five hundred (500) feet from:
  1. Any municipal boundary;
  2. The boundary of any existing or proposed County or State Park or other recreational area;
  3. The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
  4. The existing or proposed boundary of any County or state-owned land on which a public building or institution is situated.
  5. The boundary of any New York State Agricultural District, as defined by Article 25-AA

of the Agricultural Markets Law.

- B. and, any Conditional Use Permit or variance affecting such real property within such distance of five hundred (500) feet. Within thirty (30) days after receipt of such referred matter, the Chemung County Planning Board shall report its recommendations thereon to the referring municipal body for site plan review.

If the Chemung County Planning Board fails to report within such period or within such mutually agreed extension thereof, the municipal body may act without such report. If the Chemung County Planning Department recommends disapproval of the proposal, or recommends modification thereof, the municipal body shall not act contrary except by a vote of majority plus one of its full membership, and after adoption of a resolution fully setting forth the reasons for such contrary action.

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ARTICLE 17 FEE SCHEDULE

Schedule of fees for all building permits and applications shall be set by Town Board resolution from time to time.

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**ARTICLE 18 MISCELLANEOUS PROVISIONS**

**Section 18.1 Repeal**

All local laws regulating of the use of land in the Town of Veteran and all amendments thereto are hereby repealed, with the provision that violations of these laws and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this law.

**Section 18.2 When to Take Effect**

This law shall take effect and be enforced from and immediately after its passes, publication of notice of adoption thereof and posting, as prescribed by law.

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