

LOCAL LAW #2 OF 1988

VILLAGE OF ARGYLE, WASHINGTON COUNTY, STATE OF NEW YORK

A LOCAL LAW ESTABLISHING A ZONING LAW FOR
THE VILLAGE OF ARGYLE

BE IT ENACTED, by the Board of Trustees of the Village of Argyle,
State of New York as follows:

ADOPTED SEPTEMBER 8, 1988

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VILLAGE BOARD OF TRUSTEES:

**GEORGE MULVANEY, MAYOR
RICHARD DALABA
JAMES DIER
PATRICIA HOFFIS
EARL INMAN**

VILLAGE ZONING BOARD OF APPEALS:

**WESLEY CLARK
JOHN DOWMONT
JEFFREY KINGSLEY
CURTIS KNOWLTON
NORMAN MADSEN**

VILLAGE CLERK:

MARGARET LABOSIER

VILLAGE ZONING ATTORNEY:

JOHN W. CAFFRY

ARTICLE 1

INTRODUCTORY PROVISIONS

SECTION 1.010 - SHORT TITLE. This Local Law shall be known as the Village of Argyle Zoning Law. The Village of Argyle is sometimes hereinafter referred to as "the Village."

SECTION 1.020 - AUTHORITY. Enactment of this Local Law by the Village is pursuant to Article 7 of the Village Law.

SECTION 1.030 - PURPOSE AND OBJECTIVE OF THIS LOCAL LAW. The purpose of this Local Law is to preserve the rural nature of the Village, to promote the health, safety, morals and general welfare of the community and protect the property values and aesthetics of the community by channeling and directing growth and by regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes, to conserve, protect, enhance and perpetuate the historic landmarks, sites, places and buildings of the Village, to protect the Village from hazardous or noxious industries for which sufficient services and room do not exist within the limited area of the Village, all to the maximum extent permissible within the proper exercise of the police power as delegated by the Village Law and Municipal Home Rule Law.

SECTION 1.040 - ZONING BOARD OF APPEALS. Pursuant to Section 7-712 of the Village Law, the Village of Argyle has created a Zoning Board of Appeals consisting of five (5) members appointed by the Village Trustees in such manner and for such term as provided in the Village Law. The Zoning Board of Appeals shall have all the powers and

perform all the duties prescribed by statute and by this Local Law. The Zoning Board of Appeals shall have the power to grant variances, shall have appellate jurisdiction over actions of the Zoning Administrator for matters pertaining to this Local Law and shall interpret the terms hereof.

SECTION 1.050 - PLANNING BOARD. Pursuant to Municipal Home Rule Law Section 10, the Village of Argyle hereby authorizes the Village Board of Trustees to serve as the Village Planning Board. All references to the Planning Board in this Local Law shall mean the Village Board of Trustees acting as the Planning Board. The Planning Board shall have all the powers and perform all the duties prescribed by statute and by this Local Law. Among its powers the Planning Board shall have original jurisdiction for all matters pertaining to this Local Law pursuant to Section 7-725 of the Village Law regarding Site Plan Review.

ARTICLE 2

GENERAL PROVISIONS

SECTION 2.010 - APPLICABILITY TO LAND USE OR DEVELOPMENT WITHIN THE VILLAGE. No land use or development shall be undertaken or maintained except in conformity with all provisions contained in this Local Law relating to the zoning district in which the land, site, structure or use is located, or is proposed to be located. Where this Local Law is more restrictive than covenants or agreements between parties or other plans, statutes, laws, rules, regulations or ordinances, the provisions of this Local Law shall control.

SECTION 2.020 - DEFINITIONS.

(a) As used in this Local Law, unless the context otherwise requires:

1. "Accessory Use" means any use of a structure, lot or portion thereof that is customarily incidental and subordinate to, and does not change the character of, a principal land use, structure or development, including in the case of a residential structure, professional, commercial and artisan activities carried on by the residents of such structures.

2. "Accessory Structure" means any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development, including a guest cottage not for rent or hire, that is incidental and subordinate to and associated with a single-family dwelling.

3. "Agricultural Service Use" means any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility for fruits, vegetables and other agricul-

tural products or similar use directly and customarily related to the supply and service of an agricultural use.

4. "Agricultural Use" means any farm or use and management of any land for agriculture and/or livestock.

5. "Agricultural Use Structure" means any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.

6. "Apartment" means a dwelling unit in a building, which building is arranged, intended or designed to be occupied by two or more families living independently of each other which have either joint or common utility services and entrances.

7. "Bazaar" means a temporary group of booths or stands for the sale or exhibit of merchandise, and may include a flea market or group of concessions, but shall not include a circus, carnival tent show, medicine show, sideshow, carousel or similar performance.

8. "Clearcutting" means any cutting of more than fifty percent (50%) of any trees over eight (8) inches in diameter at breast height over the entire area of the cutting.

9. "Commercial Recreation Use" means any use involving the provision of recreation facilities or activities for a fee.

10. "Commercial Use" means any use involving the sale, rental or distribution of goods, services or commodities, either retail or wholesale.

11. "Dwelling Unit" or "Dwelling" means a building or

portion thereof, which provides complete housekeeping facilities for one family, including cooking, sleeping and bathroom facilities.

12. "Essential Services" means the construction, alteration or maintenance by public utilities or governmental agencies of gas, electrical, steam, water and cable television transmission or distribution systems.

13. "Excavation" means any extraction from the land of more than twenty (20) cubic yards of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits.

14. "Family" means one or more persons related by blood, marriage or adoption, or no more than four (4) unrelated 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 tourist accommodation.

15. "Fence" means an artificially constructed barrier of any materials or combination of materials, not including a hedge made up entirely of vegetation, erected to enclose or screen an area of land or a structure.

16. "Forestry Use" means any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.

17. "Forestry Use Structure" means any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

18. "Garage" means a structure used in connection with a residential unit for the storage of personal automobiles and house-

hold goods, and shall not include a commercial garage, automobile service station, gasoline station or other commercial use.

19. "Group Camp" means any land or facility for seasonal housing and recreational, educational or business related use by private groups or semi-public groups, such as boy or girl scout camps, fraternal lodge or university or college conference center.

20. "Home Occupation" means any commercial use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and occupies no more than fifty percent (50%) of the structure.

21. "Immediate Family" means siblings, parents, grandparents, spouses, children, grandchildren.

22. "In Existence" means with respect to any land use or development, including any structure, that such use or development has been completed or substantially commenced.

23. "Junk Automobile" means any unregistered or old motor vehicle, no longer intended for, or in condition for, legal use on the public highways. For the purpose of this definition, "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or for use in construction activity.

24. "Junkyard" means any open lot or area for the dismantling, storage or sale as parts, scrap, or salvage, of used or wrecked motor vehicles, machinery, scrap metals, wastepapers, rags, used or salvaged building materials or other discarded materials.

25. "Land Use or Development" or "Use" means any construction or other activity which changes the function, use, or intensity of the use, of land or a structure, or materially changes the appearance of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance, or interior alterations to existing structures or uses, but shall include any such interior alterations intended to allow a structure to be used for a new use and any substantial exterior alterations. This may include both principal and accessory structures and uses. The term "use" shall also include existing uses.

26. "Light Industrial Use" means any manufacturing, production or assembly of goods or materials, which does not produce odors or emissions. Also, the following uses are expressly prohibited except when produced solely by, and for the personal noncommercial use of, the residents of the property: Abbatoir and stock yards; acetylene gas manufacturing or storage; acid chlorine or hydrochloric, nitric, picric, or other sulphureous or corrosive acid manufactures; celluloid manufacture, treatment or storage; cement manufacture, mixing or batch plants; chemical manufacture or processing; crematory; distillation of bones, coal or wood; dye stuff manufacture; fat rendering; fertilizer manufacture and bone grinding; fireworks or explosive manufacture or storage; gasoline, naphtha or petroleum refining; glue, or gelatin manufacture; incineration, reduction or storage of garbage, dead animals, offal or refuse; automobile or other junk yards or scrap metal yards or storage; potash works; printing ink manufacturer; soda or compound manufacture; tallow, grease or lard manufacture or refining from animal fat; tanning, curing, japanning or storage of rawhides or skins, tar distillation or manufacture; sauerkraut manufacture; manufacturing, warehousing, or dumping of any hazardous chemicals; the use of radioactive material in any form, or any product that requires the use of radioactive material in its manufacture; dumping garbage or refuse.

27. "Lot" means a parcel that is part of a legally recorded subdivision or a recorded or recordable parcel in the County Clerk's Office.

28. "Lot Width" means the distance between the lines of the lot which extend from the road on which the lot fronts.

29. "Maximum Height" means the maximum height allowed for any structure, as measured from the lowest point of the finished grade adjoining the structure to the highest point of the structure.

30. "Mineral Extraction" means any extraction, other than specimens or samples, from the land of stone, coal, salt, ore, talc, petroleum products or other materials, except for sand, gravel, or topsoil extractions, including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps, and mine drainage.

31. "Mine Extraction Structure" means any mine hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings, garages or other main buildings or structures.

32. "Mobile Home" means any self-contained dwelling unit, with a steel frame, but not including a travel trailer, that is designed to be transported to its site on its own wheels or those of another vehicle, and contains the same water supply, kitchen facilities and plumbing, sewage disposal and electric system as immobile housing whether or not located on a foundation, and is designed to be used exclusively for residential purposes or any structure so marked as a "mobile home or structure" by New York State. A mobile home contains all necessary systems, but a modular home may require additional construction of such systems at its site. A modular home or other dwelling unit without a steel frame that is indistinguishable from conventionally built homes but is constructed elsewhere in two or

more main sections and transported to and permanently assembled on site is not considered a mobile home. All mobile homes located in the Village shall be at least 1,000 square feet in floor area.

33. "Mobile Home Court" means a parcel of land which is designed and improved for the placement of two or more mobile home units thereon.

34. "Motor Home" - See "Transient Mobile Home."

35. "Multiple Family Dwelling" means any structure containing apartments, townhouses, condominiums or similar units (including the conversion of an existing single-family dwelling), designed for occupancy by more than one family, each in a separate dwelling unit.

36. "Nonconforming Lot" means any legally created lot of record in the County Clerk's Office on the effective date of this Local Law which does not meet the minimum lot area and/or lot dimension requirements of this Local Law for the zoning district in which such lot is situated.

37. "Nonconforming Structure" means any structure which is in existence within a given zoning district on the effective date of this Local Law but which is not in conformance with the regulations for that zoning district.

38. "Nonconforming Use" means any use which is in existence within a given zoning district on the effective date of this Local Law, but which is not a legal accessory use, permissible principal use, or use allowed by Site Plan Review for that zoning district.

39. "Open Space Recreation Use" means any recreation use particularly oriented to and utilizing the outdoor character of an

area, including a cross-country ski trail, hiking and backpacking trail, bicycle trail, horse trail, playground, picnic area, public park, public beach or similar use, but not including a snowmobile trail, motorcycle, jeep or all-terrain vehicle trail, and not including a commercial recreation use.

40. "Person" means any individual, corporation, partnership, association, club, trust, or other nongovernmental entity.

41. "Pond" means an area of water greater than one-eighth (1/8) acre at mean low water level, other than a stream. Small ponds with a surface area of less than one acre at mean low water level located in the course of a stream shall be part of that stream.

42. "Principal Structure" means a single-family dwelling; a mobile home; a tourist cabin or similar structure for rent or hire containing 300 square feet or more of floor space; each unit of a multiple-family dwelling; a commercial or industrial use structure in excess of 300 square feet, except for a commercial or industrial use structure which has more than 11,000 square feet of floor space, in which case each 11,000 square feet of floor space, or portion thereof, of such structure constitutes a principal building; or a structure containing a commercial use which is also used as a single-family dwelling. In addition, each motel unit, hotel unit, or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than 300 square feet of floor space, will constitute one-fifth (1/5) of a principal building. An accessory structure will not be considered a principal building.

43. "Professional Office" means the office of a doctor, lawyer, architect, real estate agent, chiropractor, therapist, dentist, podiatrist, engineer, surveyor, accountant, psychologist, or other such professional.

44. "Public or Semi-Public Building" means any component building of a college, school, hospital, animal hospital, library, place of worship, museum, research center, rehabilitation center, or similar facility, a municipal building or a meeting place of a fraternal, civic, religious or other nonprofit organization.

45. "Restaurant" means a business engaged in the sale of prepared food for on-site consumption, not including "fast-food" restaurants offering counter service or service to persons seated in automobiles.

46. "Sand and Gravel Extraction, Commercial" means any extraction from the land of more than fifty (50) cubic yards of sand, gravel or topsoil for any purpose in any two-year period.

47. "Sand, Gravel or Topsoil Extraction, Private" means any extraction from the land of sand, gravel or topsoil for the purpose of use on that lot, but not sale, by the owner of the land, and not including commercial sand, gravel or topsoil extraction.

48. "Shoreline" means the mean high water mark at which land adjoins the waters of ponds and streams with the Village.

49. "Single-Family Dwelling" means any detached building containing one dwelling unit, not including a mobile home, designed for occupancy by one family.

50. "Structure" means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single-family dwellings, mobile homes, signs, tanks, fences and poles and any fixtures, additions and alterations thereto or additional man-made objects.

51. "Subdivision of Land" or "Subdivision" means any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any group of persons acting in concert as part of a common scheme or plan and also including creation of condominiums. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for grazing, hunting and fishing and other open space recreation uses (where otherwise allowed by this Local Law).

Subdivision shall also include any development of a parcel of land as a shopping center, mobile home court, industrial area, condominium, or a multiple dwelling project, which involves the installation of streets, and/or alleys, even though the streets and alleys may not be dedicated to public use and the parcel may not be divided immediately for the purpose of conveyance, transfer, or sale.

The term "subdivision" includes resubdivision and as appropriate in this Local Law, shall refer to the process of subdividing land. "Subdivision" shall not include the conveyance of a small parcel of land so as to adjust a boundary between two lots, so long as no nonconforming lot is created, or no new lots of any size are created.

52. "Tourist Accommodation" means any hotel, motel, lodge, inn, bed and breakfast, resort, or tourist cabin designed to house the general public for a fee (not including travel trailers, travel vehicles or motor homes).

53. "Travel Trailer" or "Transient Mobile Home" means any portable vehicle, including a tent camper or motor home, which is

designed to be transported on its own wheels, and which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include one or all of the accommodations and facilities customarily included in a mobile home. Provided that, any travel trailers used for residential purposes for more than thirty (30) days (consecutive) or forty-five (45) days aggregate in any one calendar year shall be considered a mobile home.

54. "Travel Trailer Court" or "Campground" means a parcel of land which is designed and improved for use by two or more travel trailers or tents and provides a service such as parking, utility hookups or recreation or laundry facilities for the users of such vehicles or accommodations.

55. "Use" shall have the meaning set for "Land Use or Development."

56. "Volatile Substances" means combustible solids, liquids or gases, including but not limited to, butane, propane, gasoline, natural gas, kerosene, alcohol or other combustible substances, and not including motor oil packaged for retail sale or less than 100 gallons of used motor oil kept in an automobile service station or repair shop.

57. "Wetland" means any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh, which has been either mapped by the Department of Environmental Conservation as a Freshwater Wetland or which adjoins a stream or pond.

58. "Yard" means an unoccupied (other than by allowable fences and driveways or trees or other natural objects) space open to the sky, on the same lot with a building or structure.

59. "Yard, Front" means a yard that extends the full width of the lot and is situated between the adjacent highway right-of-way and the front line of the principal structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the highway right-of-way line. Patios, garages, carports, decks or porches, whether or not covered or enclosed, shall be considered as part of the principal structure and shall not project into a required front yard.

60. "Yard, Rear" means a yard that extends the full width of the lot and is situated between the rear line of the lot and the rear line of the principal structure projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, and the rear line of the building. Patios, garages, carports, decks or porches, whether or not covered or enclosed, shall be considered as part of the principal structure and shall not project into a required rear yard.

61. "Yard, Side" means a yard that is situated between the side line of the principal structure and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. Patios, garages, carports, decks or porches, whether or not covered or enclosed, shall be considered a part of the principal structure and shall not project into a required side yard.

62. "Zoning Permit" means a permit issued pursuant to Section 11.080 of this Local Law

(b) Any term used in this Local Law which is not defined in this or other Sections of this Local Law shall carry its customary meaning. If there is any question as to the meaning of any term, any interested party, the Zoning Administrator or the Planning Board may request an interpretation from the Zoning Board of Appeals.

ARTICLE 3

ZONING MAP

SECTION 3.010 - VILLAGE ZONING MAP. The boundaries for each Zoning District are the boundaries indicated on the map entitled "The Zoning Map of the Village of Argyle" which is hereby incorporated into and declared to be part of this Local Law, and may be hereinafter referred to as the "Village Zoning Map."

SECTION 3.020 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES. In making a determination when uncertainty exists as to boundaries of any of the zoning districts shown on the Village Zoning Map, the following rules shall apply:

(a) The district boundaries shall be construed to be measured from the boundary of the property line of the public right-of-way containing Main Street, and shall be of the width indicated on the map.

(b) Where district boundaries are indicated as approximately following the centerline of streets, alleys, or highways, such centerlines shall be construed to be the district boundaries.

(c) Where district boundaries are indicated as approximately following a stream, or other body of water, the center of such stream, or body of water shall be construed to be the district boundaries.

(d) Where district boundaries are expressly indicated as following lot lines, such lot lines shall be construed to be district boundaries.

(e) Where district boundaries are not indicated as approximately following the items listed in (a), (b), (c) and (d) above, the boundary line shall be determined by the use of the scale designated on the Village Zoning Map.

(f) Whenever any street, highway, alley or other public way is vacated in the manner authorized by law, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the abandoned right-of-way shall henceforth be subject to all regulations of the extended districts.

(g) In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

ARTICLE 4

ZONING DISTRICTS AND REGULATIONS

SECTION 4.010 - ZONING DISTRICTS. The Village is hereby divided into the following designated districts:

<u>SYMBOL</u>	<u>ZONE</u>	<u>AREA PER PRINCIPAL STRUCTURE</u>	<u>SCHEDULE</u>
R	Residential	One-half (1/2) acre	4.021
CP	Commercial-Professional	One-half (1/2) acre	4.022
CR	Commercial-Retail	One-half (1/2) acre	4.023

SECTION 4.020 - SCHEDULE OF REGULATIONS. The restrictions and controls intended to regulate development in each district are set forth in the attached schedules, which are supplemented in other sections of this Local Law.

Schedule 4.021 - Residential

Purpose: To provide for the housing needs of the residents of the Village in appropriate residential settings.

<u>Principal Structures and Permitted Uses</u>	<u>Permitted Accessory Structures and Uses</u>	<u>Uses Allowed by Site Plan Review</u>
Single-family dwelling	Detached garage for up to three (3) vehicles	Multiple-family dwelling with a maximum of two (2) dwelling units
Agricultural use and structure	Swimming pool	Private sand, gravel, or topsoil extraction
Bazaar when held by a not-for-profit organization not more than fourteen (14) days per year	Storage shed	Forestry use or structure
Essential services	Fence	Group camp
	Pole	Open space recreation use
	Noncommercial greenhouse up to 500 square feet	Mobile home court
		Campground

<u>Minimum Lot Size</u>			<u>Minimum Yard Setbacks</u>			<u>Maximum Percent of Lot to be Occupied</u>	<u>Maximum Height</u>
<u>Area (Acres)</u>	<u>Width (Feet)</u>	<u>Depth (Feet)</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>		
1/2	100	220	*30	10	15	50	2 1/2 stories or 35 feet, whichever is less.

Accessory structures may be located within ten (10) feet of a rear lot line.

*Or no closer than the average of the two adjacent structures (if there are two), whichever is less.

Section 4.022 - Commercial-Professional (C-P).

Purpose: To provide space for necessary professional and public services, and a mix of housing opportunities.

Principal Structures and Permitted Uses

All those allowed under Section 4.021

Permitted Accessory Structures and Uses

All those allowed under Section 4.021

Signs

Uses Allowed by Site Plan Review

Home occupation

Multiple family dwelling with a maximum of four (4) dwelling units

Public or semi-public building

Professional office

Essential services

<u>Minimum Lot Size</u>			<u>Minimum Yard Setbacks</u>			<u>Maximum Percent of Lot to be Occupied</u>	<u>Maximum Height</u>
<u>Area (Acres)</u>	<u>Width (Feet)</u>	<u>Depth (Feet)</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>		
1/2	100	220	15	10	15	50	3 stories or 40 feet, whichever is less.
<p>Accessory structures may be located within ten (10) feet of a side or rear lot line.</p>							

Section 4.023 - Commercial-Retail (CR).

Purpose: To provide for necessary commercial and public services, as well as a mix of housing opportunities.

<u>Principal Structures and Permitted Uses</u>	<u>Permitted Accessory Structures and Uses</u>	<u>Uses Allowed by Site Plan Review</u>
All those allowed under Sections 4.021 and 4.022	All those allowed under Sections 4.021 and 4.022	Light industrial use Tourist accommodation Restaurant Store or shop for retail business, including the production of food items for off-premises consumption such as a bakery Bank, theater and similar community services Personal service shop such as shoe repair, photographer, undertaker, tailor, drycleaner or laundry, beautician Commercial office Gasoline service stations and automobile sales and repair shops Agricultural service uses

<u>Minimum Lot Size</u>			<u>Minimum Yard Setbacks</u>			<u>Maximum Percent</u>	<u>Maximum Height</u>	
<u>Area</u>	<u>Width</u>	<u>Depth</u>	<u>(Feet)</u>			<u>of Lot to be</u>		
<u>(Acres)</u>	<u>(Feet)</u>	<u>(Feet)</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Occupied</u>		
1/2	100	220	15	15	15	50	3 stories or 40 feet, whichever is less.	
			Accessory structures may be located within ten (10) feet of a side or rear lot line.					

SECTION 4.030 - APPLICATION OF REGULATIONS. Except as hereinafter provided:

Section 4.031 - Application. No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district(s) in which it is located.

Section 4.032 - Dimensions. No structure shall hereafter be erected or altered which will (a) exceed the dimensional limits of this Local Law; (b) accommodate or house a greater number of families than allowed; (c) occupy a greater percentage of lot area than permitted; or (d) have narrower or smaller lot or yard, than are herein required for the district in which such structure is located.

Section 4.033 - Yards. No part of a yard, lot or other open space, around any structure required for the purpose of complying with the provisions of this Local Law, shall be included as part of a yard, lot or other open space similarly required for another lot or structure. Structures located on corner lots shall be required to meet the front yard setback requirements for both sides.

Section 4.034 - Greenspace. The "maximum percent of lot to be occupied" set forth in the schedules of this Article refers to the percentage of any lot that may be covered by structures and sidewalks, driveways, and parking lots, excepting that in the commercial zones it shall refer only to structures and an additional forty percent (40%) of the lot may be covered by sidewalks, driveways and parking lots.

SECTION 4.040 - USE REGULATIONS.

Section 4.041 - Permissible Uses. A use shall be permitted in a district if it is listed in the schedules of regulations as a permissible use for that district, provided all other requirements of this Local Law are met, including Articles 6 and 12.

Section 4.042 - Uses Permitted with Site Plan Review. A use listed in the schedules of regulations as a use permitted by site plan review for a given zoning district shall be permitted in that district when approved in accordance with Article 5 hereof, provided all other requirements of this Local Law are met, including Articles 5, 6, and 12.

Section 4.043 - Accessory Use or Accessory Structure. An accessory use or accessory structure shall be permitted if the use to which it is accessory is a lawful use pursuant to the terms of this Local Law and for which a permit has been issued if required pursuant to the terms of Article 12 hereof, so long as said accessory use or accessory structure does not result in an increase in any violation of the provisions of Articles 4 and 7.

Section 4.044 - Nonpermissible Uses and Structures. Any use or structure which is not a permissible use by right or by site plan review in a given zoning district or which is not an accessory use or structure to such a permissible or site plan review use or structure shall be a nonpermissible use or structure, and shall be deemed prohibited in that zoning district.

SECTION 4.050 - LOTS LOCATED IN MORE THAN ONE ZONING DISTRICT.

Section 4.051 - Area Considerations. Where an applicant owns a lot of land which is located in more than one zoning district, the total number of principal buildings allowable on such parcel pursuant to Section 4.010 may be calculated by considering the total area located in all such districts provided:

(a) No lot is created which is smaller in area than the smallest lot permitted pursuant to Section 4.020 of this Local Law and the schedules attached thereto, in the most restrictive of the districts involved; and

(b) The total number of principal buildings permitted for the entire parcel as determined by Section 4.010 of this Local Law is not exceeded.

(c) The yard, lot coverage, setback and dimensional requirements of each such district shall be applied to that part of the lot located within the district.

Section 4.052 - Use Considerations.

(a) Uses or structures (including accessories) prohibited in a district pursuant to Section 4.040 of this Local Law are not located in that portion of the lot located within that district, except as provided in Paragraph (b) of this section.

(b) For any lot in existence as of the effective date of this Local Law and which is located in two (2) districts, of which eighty percent (80%) or more of the area of said lot is zoned Commercial-Residential or Commercial-Professional, the entire lot may be used for any use allowed in such commercial zone, if approved by the Planning Board under Site Plan Review pursuant to Article 5.

ARTICLE 5

APPROVAL OF SITE PLANS AND CERTAIN USES

SECTION 5.010 - PURPOSE OF ARTICLE. The purpose of this article is to allow the proper integration of uses into the community which are listed in Article 4 and 6 of this Local Law and which may be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics, or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

- (a) The objectives of this Local Law.
- (b) Their effect on surrounding properties.
- (c) The ability of the Village to accommodate the growth resulting from the proposed use without undue adverse effect on the community, including the protection of health, safety and welfare of the community and the availability of appropriate utilities and services.

SECTION 5.020 - APPLICABILITY OF ARTICLE. A land use or development involving a use listed in Article 4 as a "Use Allowed by Site Plan Review" or requiring Site Plan Review pursuant to Article 6 hereof, or any other section hereof, shall not be undertaken unless and until the Planning Board has approved such use or approved it with conditions, and the Zoning Administrator has issued a zoning permit for such land use or development pursuant to the terms of Article 11 hereof.

SECTION 5.030 - AUTHORIZATION TO APPROVE OR DISAPPROVE SITE PLAN. The Planning Board is authorized to review and approve, approve with conditions, or disapprove, site plans. Site plans shall be prepared to specifications set forth in this Local Law and in the regulations

of the Planning Board, showing the arrangement, layout and design of the proposed use of the land shown on such plan.

SECTION 5.040 - APPLICATION FOR REVIEW OF SITE PLAN.

(a) Application for project approval shall be made to the Planning Board using forms approved by the Board. Applications shall include forms approved by the Board and contain sufficient information for the Board to make its findings under the State Environmental Quality Review Act (SEQR) and Section 5.050 of this Local Law. In determining the content of these application forms, the Planning Board may require different information for different types or scales of projects. A short Environmental Assessment Form (EAF) is required for all site plans. Either the Zoning Administrator or Planning Board may require a full EAF in accordance with SEQR.

(b) The following information will be required: a detailed description of the existing natural and manmade features of the project site, and a description of the project and its components, including all structures, landscaping, proposed roads and accesses, water supply and sewage disposal systems and the relationship to natural features; an analysis with supporting data on the impact of the project on the environment, both during the construction and thereafter; and an analysis and supporting data of any benefits that might be derived from the project.

(c) The Planning Board may require such other information to be submitted as it shall reasonably determine to be necessary for its review of the site plan.

(d) The following shall be the minimum documents and information to be submitted. Six copies of each item shall be submitted:

- (1) A legal description of the property.
- (2) The name and address of the owner.

(3) A map of the property, showing all existing and proposed natural and manmade features including streams, ponds and wetlands, vegetation types, and the streets, driveways, parking, structures, utilities, landscaping, drainage and stormwater runoff plans, wells and septic systems, and also showing all other structures within two hundred (200) feet of the boundaries.

(4) Front, side and rear elevations of all structures.

(e) The map and plans need not be prepared by a surveyor or engineer for any site plan for a single lot of one-half (1/2) acre or less, and preparation by a surveyor or engineer may be waived by the Zoning Administrator or Planning Board for any other application.

(f) All site plans for a lot or lots of one-half (1/2) acre or more shall show ground contours at five-foot intervals. This requirement may be waived by the Zoning Administrator or Planning Board for any application for under five (5) acres.

(g) The Planning Board may require such other information as it may reasonably determine to be necessary.

(h) If newly discovered information makes it reasonably necessary, the Planning Board may require additional information to be submitted even after it determines an application to be complete.

SECTION 5.050 - PROCEDURE.

(a) Application. Following receipt of an application for a project requiring Site Plan Review, the Zoning Administrator shall notify the Planning Board. The Planning Board shall determine the completeness of the application at its next scheduled meeting. If an application is found to be incomplete it shall be tabled until all required information is submitted. Any application which meets the criteria of Sections 239 L and M of the General Municipal Law must be referred to the Washington County Planning Board and its decision received prior to the Planning Board making any decision.

(b) Optional Hearing by Planning Board. Upon a determination that an application is complete, the Planning Board shall determine whether or not a public hearing shall be held. Said hearing shall be held within not less than fifteen (15) nor more than thirty-five (35) days following the determination of a complete application by the Planning Board. In determining whether a public hearing is necessary, the Planning Board shall be guided by the complexity and expected impacts of the project, the expected level of public interest in the project and the possibility of an eventual disapproval. The Planning Board shall give public notice thereof by the publication in the official newspaper of the Village of a notice of such hearing at least ten (10) days prior to the date thereof. Said notice shall state the date and time of the hearing, the location of the project, the name(s) of the owner and applicant and a brief description of the project. A copy of said notice shall be mailed by the Board to the owners of all lots within two hundred (200) feet of the project site, and a copy shall be conspicuously posted in the Office of the Village Clerk at least ten (10) days prior to the hearing.

(c) Planning Board Decision. Within sixty-two (62) days after a required public hearing or within sixty-two (62) days after the receipt of a complete application by the Planning Board where no public hearing was held, the Planning Board shall render a written decision. Said decision shall be in the form of an approval, approval with conditions, or disapproval based on the criteria and procedures set forth in this Local Law.

(d) Filing of Decision. The decision of the Planning Board shall immediately be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. The decision shall contain such findings of fact as are required by Section 5.070 hereof.

(e) Conditions. The Planning Board, in conjunction with its approval of any site plan review project, may impose such require-

ments and conditions as are allowable within the proper exercise of the police power and as shall be necessary for the protection of the natural and human environment of the Village, including modification of the project, and the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in this Local Law shall be respected. The Planning Board may impose reasonable conditions to insure that the project will be adequately supported by services and improvements made necessary by the project, and to insure that the project will be completed in accordance with requirements and conditions authorized under Section 5.020 of this Local Law. In addition, the Planning Board shall require that the Zoning Administrator incorporate any such requirements and conditions in any permit issued with regard to such site plan review project.

(f) Alteration of Time Limits. In the event of a conflict between the time limits set forth herein and those in the State Environmental Quality Review Act and the regulations promulgated pursuant thereto, the limits of said statute and regulations shall govern. The applicant and the Planning Board may extend any time limits of this Article by mutual agreement. If, due to changes in the project, or the discovery of new information so warrants, the Board may require the submission of additional information and the time limits set forth herein shall not run during the time in which the Board is awaiting such additional information.

SECTION 5.060 - CRITERIA FOR REVIEW OF SITE PLAN REVIEW APPLICATIONS. The Planning Board shall not approve a site plan review use unless it first determines that such site plan review use meets the site plan review standards and requirements of Sections 5.070 and 5.071 and that such site plan review use meets any additional standards and requirements of Article 6 applicable to that use.

SECTION 5.070 - REQUIREMENTS FOR SITE PLAN APPROVAL.

(a) In order to approve any site plan review use, the Planning Board must find that:

(1) The use complies with all other requirements of this Local Law, including the dimensional regulations of the zoning district in which it is proposed to be located; and

(2) The use would be in harmony with the general purpose and intent of this Local Law, specifically taking into account the location, character, and size of the proposed use and the description and purpose of the district in which such use is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed use, and the nature and rate of any increase on the burden of supporting public services and facilities which will follow the approval of the proposed use; and

(3) The establishment, maintenance or operation of the proposed use would not create public hazards from traffic, traffic congestion, or the parking of automobiles or be otherwise 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 Village; and

(4) The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Village and the Village's ability to provide supporting facilities and services made necessary by the project--taking into account the commercial, industrial, educational, residential, recreational or other benefits that might be derived from the project. In making this determination, the Planning Board shall consider those factors pertinent to the project contained in the development considerations set forth herein.

(b) If the Planning Board is unable to find that the site plan meets these requirements, the application shall be denied, or conditions shall be attached to the approval that will enable the Planning Board to make the required findings.

(c) Said findings, or the reasons that the required findings cannot be made, shall be set forth in writing.

Section 5.071 - Development Considerations. The following are those factors which relate to the potential for adverse impact upon the Village's natural, human, scenic, aesthetic, ecological, wildlife, historical, recreational or open space resources which shall be considered, as provided herein, before any site plan review project is approved in the Village. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivisions of land shall also be taken into account, as well as any commercial, industrial, residential, recreational or other benefits which might be derived therefrom. Interpretation and review of these considerations shall be guided by the project review criteria set forth in Appendix A and all other applicable provisions of this ordinance. A comparison of the existing or natural condition of the project site and the proposed conditions shall be considered.

(a) Natural Resource Considerations

1. Water

- (a) Water Quality (point and nonpoint sources)
- (b) Sedimentation or Siltation
- (c) Eutrophication
- (d) Drainage and Runoff Patterns
- (e) Flow Characteristics
- (f) Water Table and Rates of Recharge

2. Land

- (a) Topography
- (b) Erosion and Slippage
- (c) Floodplain and Flood Hazard

- (d) Mineral Resources
 - (e) Viable Agricultural Soils
 - (f) Forest Resources
 - (g) Open Space Resources
 - (h) Vegetative Cover
 - (i) The Quality and Availability of Land for Outdoor Recreational Purposes.
3. Air Quality
- (a) Air Quality
 - (b) Effects of Stationary Sources of Pollution
 - (c) Traffic-generated Pollution
4. Noise Levels
- (a) On-site
 - (b) Off-site
5. Critical Resource Areas
- (a) Rare Plant Communities
 - (b) Habitats of Rare and Endangered Species
 - (c) Key Wildlife Habitats
 - (d) Wetlands
 - (e) Unique Features, Including Geological Formations
 - (f) Agricultural Lands
 - (g) Stream Corridors
6. Wildlife
- (a) Fish and Wildlife
 - (b) Fish and Wildlife habitat
7. Aesthetics
- (a) Scenic Vistas
 - (b) Travel Corridors
 - (c) The Preservation of the Rural Nature of the Village
 - (d) Architectural Consistency with the Village's Existing Historic Look and Aesthetics

(b) Historic Site Considerations

1. Historic Sites or Structures On the Site
2. Historic Sites or Structures Near the Site

(c) Site Development Considerations

1. Natural Site Factors
 - (a) Geology
 - (b) Slopes
 - (c) Soil Characteristics
 - (d) Depth to Ground Water and Other Hydrological Factors
2. Other Site Factors
 - (a) Adjoining and Nearby Land Uses
 - (b) Adequacy of Site Facilities
 - (c) Availability of Utility Services

(d) Governmental Considerations (Service and Finance)

1. Ability of Government to Provide Facilities and Services
2. Municipal, School or Special Tax Districts

(e) Governmental Review Considerations

1. Conformance with Governmental Controls

ARTICLE 6

SUPPLEMENTARY REGULATIONS

SECTION 6.010 - TOURIST ACCOMMODATIONS.

(a) For tourist accommodation units which are attached to a similar unit by a party wall, units of tourist homes, or similar structures, and tourist cabins or similar structures for rent or hire involving an average of less than three hundred (300) square feet of floor space each, the minimum land area necessary per unit, shall be one-fifth the minimum lot area required for the zoning district in which the tourist accommodation is to be located. However, no tourist accommodation shall be built on a lot of less than the required minimum lot area in the applicable zoning schedule of Article 4.

(b) The minimum per unit land area for a tourist cabin or similar structure for rent or hire involving three hundred (300) feet or more of floor space shall be the minimum lot area in the applicable Zoning Schedule of Article 4.

(c) Adequate off-street parking shall be provided, with a minimum of two (2) spaces plus one (1) additional space per unit.

SECTION 6.020 - MULTIPLE FAMILY DWELLINGS.

(a) The minimum land area necessary per each individual dwelling unit in a multiple-family dwelling shall be the minimum lot area required by the applicable zoning schedule of Article 4 for a single-family residence in the zoning district in which the multiple-family dwelling is to be located.

(b) Adequate off-street parking shall be provided as per Sections 6.080 through 6.083 of this Article.

(c) Approval of water supply and sewage disposal by the New York State Department of Health or other appropriate regulating agency shall be mandatory where required by law.

SECTION 6.030 - AGRICULTURAL USES.

Section 6.031 - Animal Husbandry. Standards contained herein are on a "per animal" basis unless specified otherwise.

(a) Number of Animals.

(1) No person shall keep horses, cattle, mules, donkeys, sheep and other large domestic animals within the Village unless said person shall own or lease at least one (1) acre of land. A person owning or leasing one (1) acre or more may keep one (1) such animal and may keep one (1) additional animal for each additional acre over one (1) acre.

(2) In calculating the acreage under this subsection, only lands adjacent to each other may be considered; adjacent lands lying outside the Village may be considered; and only lands devoted exclusively for the support of said animal(s) may be considered, i.e., those within the animal's enclosure may be considered, but lands containing buildings (other than barns used by said animal(s)), lawns, driveways, etc., may not be considered.

(3) No person shall keep an unreasonable number of small animals within the Village that would harm the health, safety or welfare of the Village and its residents.

(b) Enclosures. Shelter shall be provided for farm animals according to their individual need, with consideration given to:

- (1) Weatherproofing
- (2) Ventilation
- (3) Drainage
- (4) Dry storage for feed
- (5) Secure enclosure--fence, cage, barn, etc.

(c) Manure. Animal waste must be treated as follows:

1. Bulk storage must be:

- (a) 100 linear feet from property line, unless adjacent property is in agricultural use
- (b) 100 linear feet from streams

2. All such waste must be handled so as to minimize odor and pests.

(d) Prohibitions. Pigs and goats are prohibited in the Village.

(e) Farm Animals. The following are minimum standards for individual accommodations:

1. Horses, cattle, mules, donkeys and other large animals:

- (a) Tie stalls - 12 feet x 5 feet
- (b) Enclosed box stalls - 12 feet x 12 feet
- (c) Common pen type enclosure - 150 square feet per animal
- (d) Exercise yard of 500 square feet per animal

2. Chickens (and other fowl), rabbits and other small mammals.

- (a) Accommodations must be secure from predators
- (b) Adequate room for the animal's mobility is necessary, common area should be a minimum of 18 inches high.
- (c) No more than five (5) fowl may be kept by any person.

3. Standards for accommodations of animals not covered by Section 6.031 will be determined by the Planning Board through Site Plan Review with advice from the Washington County Cooperative Extension Service.

Section 6.032 - Cultivation. The cultivation of large open areas is subject to the restrictions herein:

(a) Furrows shall be parallel to the contour of the land.

(b) Grades steeper than ten percent (10%) shall be interrupted every 100 feet of descent by an undisturbed strip of sod or shrubbery ten (10) feet or more in depth.

(c) Cultivation methods shall minimize runoff or leaching into streams or ponds and in no case shall be closer than fifty (50) feet from the mean high water mark of said body of water, except that in the case of an intermittent stream where cultivation may extend to twenty-five (25) feet from the mean high water mark.

SECTION 6.040 - EXCAVATION OF MINERALS/GRAVEL.

Section 6.041 - Excavation.

(a) Slopes caused by the excavation shall not exceed thirty percent (30%).

(b) Depth of excavation shall approach no closer than five (5) feet to the average annual high point of the ground water table.

(c) Stockpiled material shall not exceed thirty-five (35) feet in height.

(d) Commercial, sand, gravel or topsoil extraction and mineral extraction uses and structures are prohibited.

Section 6.042 - Buffer Zones.

(a) An undisturbed fifty (50) foot buffer zone shall surround the excavation within the limits of the property.

(b) The entry into the excavated area shall be curved so as to prevent a direct view from the public right-of-way.

(c) The provisions of the Soil Erosion Standards of this Local Law shall govern all excavations.

(d) No excavation shall occur within one hundred (100) feet of the mean high water mark of any stream or pond.

SECTION 6.050 - STORAGE OF VOLATILE SUBSTANCES.

Section 6.051 - Application. The standards of this section shall apply to any commercial use or storage of volatile substances except for below ground storage of gasoline, diesel fuel or kerosene at an automobile service station.

Section 6.052 - Location.

(a) No storage area shall be within five hundred (500) feet of any residence or within two hundred (200) feet of the lot boundaries.

(b) Low-lying locations subject to flooding are prohibited.

Section 6.053 - Dike. A dike must surround any above-ground storage facility, and shall be capable of containing the entire stored volume. In no case shall the height of the dike be less than five (5) feet.

Section 6.054 - Buffer. A one hundred (100) foot vegetative buffer must surround any lot where volatile liquids are to be stored

above ground. Said buffer should maintain existing foliage or plant additional foliage to create a visual screen.

SECTION 6.060 - SOIL EROSION AND RUNOFF CONTROL STANDARDS.

Section 6.061 - Guidelines. Unless the standards in Section 6.062 below are more restrictive, the applicant shall conform to the published "Guidelines for Erosion and Sediment Control in Urban Areas of New York State" by U.S.D.A.-S.C.S., copies of which are maintained at each Soil and Water Conservation District Office.

Section 6.062 - Standards.

(a) When land is exposed during development, the exposure should be kept to the shortest practicable period of time and the smallest amount of land possible.

(b) To the maximum extent practicable, natural features such as trees, groves, natural terrain, waterways and other similar resources shall be preserved and any plantings shall conform substantially with the natural boundaries and alignment of watercourses.

(c) Hay bales, silt fencing, temporary vegetation and mulching and other sediment control measures sufficient to control erosion to the maximum extent practicable shall be used to protect areas exposed during development from erosion.

(d) Permanent vegetation shall be successfully established and erosion control structures shall be installed as soon as practical during development. Wherever feasible, natural vegetation shall be retained and protected.

(e) Topsoil removed shall be stored and then redistributed within the boundaries of the lands in question so as to provide a

suitable base for seeding and planting. Only topsoil not needed for these purposes may be removed from the lot.

(f) The development shall be fitted to the topography and soils to create the least erosion potential.

(g) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

(h) Where significant amounts of storm water runoff and/or sediment will be created by a development, permanent sediment controls (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters from said land and shall be permanently maintained by the landowner after construction is completed.

(i) The control of erosion and sediment shall be a continuous process undertaken as necessary prior to, during and after site preparations and construction.

(j) All fill material shall be of a composition suitable for the ultimate use of the fill, free of rubbish and carefully restricted in its content of brush, stumps, tree debris, rocks, frozen material, and soft or easily compressible material. Fill material shall be compacted sufficiently to prevent problems of erosion.

(k) Grades of at least one-half percent (1/2%) and drainage facilities shall be provided to prevent the ponding of water, unless such ponding is proposed within site plans, in which event there shall be sufficient water flow to maintain proposed water levels and avoid stagnation.

(l) For all site plan review projects located on an acre or

more of land the permanent runoff control measures shall be sufficient to ensure that there is no net increase in runoff from the site.

(m) Provisions shall be made that there will be no detrimental effect on water quality of watercourses. There will be no discharge of sediment or other material into watercourses.

SECTION 6.070 - STANDARDS FOR THE REGULATION OF MOBILE HOMES, MOBILE HOME COURTS AND CAMPGROUNDS.

Section 6.071 - Purpose. The purpose of these standards is to promote the health, safety, and general welfare of the inhabitants of the Village of Argyle by establishing specific minimum requirements and regulations governing the occupancy and maintenance of mobile homes, mobile home courts and campgrounds (travel trailer court).

Section 6.072 - Permits Required for Mobile Home Courts of Campgrounds. No person, being the owner, lessee or occupant of any land within the Village of Argyle, shall use, permit, or continue any existing use of said land, as a mobile home court or a campground, unless a permit therefore has been obtained as hereinafter provided.

Section 6.073 - Application for a Permit for Mobile Home Court or Campground.

(a) Each application for such a permit shall be in writing signed by the applicant and filed in triplicate with the Village Clerk and shall state:

1. The name and address of the applicant and of the owner of the land.

2. The name and address of each partner, if the applicant is a partnership.

3. The name and address of each shareholder, officer and director, if the applicant is an association or a corporation.

4. A complete legal description of the land upon which the proposed court or campground is to be located and its tax map number.

5. The number of lots to be used for mobile homes in the proposed or existing court or campground.

(b) Such application shall be accompanied by eight (8) complete sets of plans and specifications prepared and certified by a registered architect, licensed professional engineer or licensed surveyor. Such plans shall show the date thereof and the name of the applicant, be drawn to a scale of twenty (20) feet to one (1) inch, show contours at two (2) foot intervals, indicate the north point thereof, and shall show and identify:

1. The location and boundaries of the land proposed to be used as a mobile home court or campground.

2. The major physical features of the land within the court or campground and within five hundred (500) feet thereof, including all ponds, watercourses, wetlands and areas subject to flooding, and all wooded areas.

3. All existing development within the court or campground and within five hundred (500) feet thereof, including structures, streets, woods and highways, utilities and service facilities.

4. All proposed development within the court or campground, including (a) entrances, exits, streets and walkways, with suitable indication of the widths thereof, (b) each proposed transient or other mobile home lot, driveway, parking area, and refuse collection area, with suitable indication of the dimensions thereof, (c)

structures and improvements, (d) grading and landscaping, (e) storm water drainage, (f) utilities and service facilities, (g) existing or proposed public improvements in or adjoining the park or campground or within five hundred (500) feet thereof, and (h) existing zoning.

5. Detailed drawings of and specifications for proposed structures, utilities, and other improvements, and the method and plan for exterior lighting within the part,

(c) Such application shall be accompanied by letters or other acceptable certificates indicating compliance by the applicant with all pertinent rules and regulations of the New York State Department of Health, the Sanitary Code of the State of New York, Washington County and the approval of the Washington County Sanitary Inspector.

(d) If the applicant is not the owner of the premises upon which the proposed court or campground is to be located, such application shall also be accompanied by an original or certified copy of a lease of the premises to the applicant, and a statement signed and acknowledged by the owner of the premises, consenting that the premises be used as a mobile home court, transient mobile home court or campground.

(e) Such application shall be accompanied by the proper application fee as hereinafter provided.

Section 6.074 - Permitting Procedure for Mobile Home Courts and Campgrounds.

(a) Upon receipt of a permit application as hereinabove provided, the Village Clerk shall indicate the date of receipt thereon and promptly transmit one copy of the application and all accompanying plans and specifications and other supporting documents to the Zoning Administrator, and one copy thereof to the Planning Board for site plan review. The Village Clerk shall also place a notice in the offi-

cial Village newspaper to the effect that such application has been filed and post a notice conspicuously in the Clerk's office.

(b) The Zoning Administrator shall promptly ascertain whether, in his opinion, the court or campground complies with the requirements of this Local Law, with Section 43-0119 of the Environmental Conservation Law, if applicable, and the applicable rules and regulations of the New York State Department of Health, and the Sanitary Code of the State of New York and so advise the Planning Board. This opinion shall be advisory only.

(c) Planning Considerations. All applications for such permits shall be subject to site plan review. Along with other considerations required by this Local Law the Planning Board shall promptly consider the location and the general arrangement of the court or campground, including the location and width of streets, the location, size and arrangement of the lots; the location of other structures with the court or campground; the location of entrances and exits; and the location, type and extent of landscaping and screening materials.

(d) Issuance of Permit for Mobile Homes. If the application is approved by the Planning Board, the Village Clerk shall, upon receipt of an additional permit license fee equal to the actual cost to the Village of any engineering or other professional services incurred by the Village in consideration of the application, issue a permit to be effective for a period of two (2) years from the date thereof. Such permit shall specify the uses of each lot on the premises and shall designate the number of lots for other mobile homes.

(e) Transfer. No such permit shall be transferable or assignable without the consent of the Planning Board. In review of such a transfer or assignment, the procedures of this section shall be