

followed and the purchaser shall be required to ensure compliance with the standards of the Local Law and the permit.

(f) Expansions of Existing Facilities. Any person holding a license or permit for a mobile home court, transient mobile home court, or campground, and desiring to add additional lots to such court or campground shall be considered as an original applicant.

(g) Required Fees. Besides the fees required for Site Plan Review, the application fee for a mobile home court, or campground shall be ten dollars (\$10.00) multiplied by the number of units proposed to be authorized by the permit.

Section 6.075 - Requirements for Mobile Home Courts. In addition to the general requirements for site plan review, the following shall apply to any mobile home court:

(a) Site.

1. The court shall be located in an area where grades and soil conditions are suitable for use as mobile home sites. Soil erosion standards of this Article shall apply.

2. The court shall be located on a well-drained site which is properly graded to insure rapid drainage and to be free at all times from stagnant pools of water.

3. The court shall be at least ten (10) acres in size, with at least five hundred (500) feet of frontage on a public highway.

(b) Mobile Home Lots.

1. Every mobile home court shall be marked off into mobile home lots.

2. Every mobile home lot shall have a total area of not less than 22,000 square feet and minimum dimensions of 100 feet x 220 feet.

3. The total number of mobile home lots and principal structures other than mobile homes in a mobile home court shall not exceed the overall density requirements of the zone within which the court is located.

(c) Mobile Home Placement.

1. No mobile home shall be parked or otherwise located in a court except upon a mobile home stand located on a marked mobile home lot.

2. Generally the placement of a mobile home must conform to the provisions of the particular district. In no circumstances shall a mobile home stand be nearer than a distance of:

(a) Thirty (30) feet from an adjacent mobile home stand in any direction;

(b) Forty (40) feet from an adjoining property line;

(c) Seventy-five (75) feet from the center line of any State, County or Village Highway;

(d) Twenty (20) feet from the nearest edge of any boundary of any right-of-way or street within the court.

3. Only one (1) mobile home shall be permitted to occupy any one (1) mobile home lot.

(d) Mobile Home Stand.

1. Each mobile home lot shall have a mobile home stand which will provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structure, and the retention of the home on the lot in a stable condition.

2. The stand shall be of sufficient size to fit the dimensions of the anticipated mobile home and its appurtenant structure or appendages.

3. The stand shall be constructed of an appropriate nonporous material which is durable and adequate for the support of the maximum anticipated loads.

4. The stand shall be suitably graded to permit rapid surface drainage.

(e) Accessibility.

1. Every mobile home court shall be easily accessible from a public highway or street.

2. Any mobile home court containing more than sixteen (16) mobile home lots shall have two (2) points of entry and exit, but no such court shall have more than four (4) entry and exit points.

3. Every entrance to and exit from a court shall be so designed and located as to provide safe and convenient movement of persons and vehicles into and out of the court and to minimize friction with the free movement of traffic on the public highway and streets to which it connects. Every entrance and exit shall:

(a) be at right angles to the public highway or street to which it connects;

(b) be free of any material which would impede the visibility of a driver on a public highway or street;

(c) be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.

4. Each mobile home court shall have streets providing convenient access to all lots and other important facilities with the court. All such streets shall:

(a) be improved to not less than minimum Village street specifications;

(b) be so designed as to permit safe and convenient vehicular circulation within the part;

(c) be adapted to the topography and have suitable alignment and gradient for traffic safety;

(d) intersect at right angles;

(e) have a thirty (30) foot minimum width or right-of-way;

(f) be maintained to a minimum width of twenty (20) feet.

5. Except in case of emergency, no parking shall be allowed on any street in any court.

6. An improved driveway shall be provided for each lot. This driveway shall have a minimum width of nine (9) feet.

(f) Parking.

1. Two (2) off-street parking spaces shall be provided on each lot with access thereto by a driveway having a minimum width of nine (9) feet.

2. Additional off-street parking space shall be provided at strategic and convenient locations for guests and delivery and service vehicles.

(a) There shall be one (1) such additional parking space for each two (2) lots within the court or campground.

(b) Such parking spaces shall be provided in bays which shall provide for adequate maneuvering.

3. Such parking spaces and driveways shall:

(a) be constructed of an appropriate durable non-porous material adequate for the support of any load reasonably expected to be placed thereon;

(b) have a durable surface and be suitably graded to permit rapid surface drainage.

(g) Utilities and Service Facilities.

1. The following utilities and service facilities shall be provided in each court and shall be constructed and maintained in accordance with all requirements, rules and regulations of the New York State Departments of Health and Environmental Conservation and the Sanitary Code of the State of New York, where applicable:

(a) an adequate supply of pure water for drinking and domestic purposes supplied by pipes to all lots and service buildings within the court, with proper connections to each lot and building;

(b) waste from mobile homes shall be disposed of in a common sewer system or septic tank in a manner approved by the Planning Board and all applicable regulatory agencies;

(c) garbage cans with tight fitting covers, in quantities adequate to permit the disposal of all garbage and rubbish from the court. Such cans shall be kept covered and in sanitary condition at all times. An adequate supply of such cans shall be kept within one hundred (100) feet of each lot. Garbage and rubbish shall be collected and disposed of outside the court as often as may be necessary to insure that such cans shall not overflow;

(d) each mobile home lot shall be provided with weatherproof electric service connections and outlets which are of a capacity and type approved by the New York State Board of Fire Underwriters or other applicable regulatory agency.

(h) Open Space and Landscaping.

1. Each mobile home court shall provide common open space for the use of the occupants of such courts.

2. Such open space shall be conveniently located in the court, and such space shall have a total area equal to at least ten percent (10%) of the gross land area of the court.

3. Every mobile home court shall have lawn or other suitable vegetative cover in all areas not used for the placement of mobile homes and structures, walkways, driveways, and parking areas. Trees or shrubs shall be provided to the extent necessary to screen objectionable views, and to provide adequate shade and a suitable setting for the mobile homes and other facilities in the court.

4. Views which shall be screened include fuel tanks and other nonresidential uses, garbage storage and collection areas, and all abutting yards of adjacent properties.

5. Other plantings shall be provided along those areas within the court which front upon public or private streets, to re-

duce glare from automobile headlights and provide pleasant outlooks for the living units.

6. No mobile home lot may contain more than one accessory structure.

7. A vegetative buffer shall surround the court and shall be sufficient that no mobile home located in the court may be seen from any nearby lot or public street.

(i) Required Records. The owner or operator of every mobile home court shall keep a permanent record in writing of all persons occupying or using the facilities of such court, which shall include the following:

1. The name and address of the occupant of each lot, and their automobile registration plate numbers;

2. The name and address of the owner of each mobile home;

3. The registration number, if any, and the make and color of each mobile home.

Section 6.076 - Requirements for Campgrounds.

(a) Any existing or future travel trailer court, or campground, shall require the same permit, renewal permit, supplemental permit, and the payment of the same annual fee, as any mobile home court.

(b) A transient mobile home court, or campground, shall not be subject to the provisions of Sections 6.075(b), (c), or (d), of this Local Law, but shall be subject to the minimum requirements of all other applicable sections of this Local Law, or any other laws, rules

or regulations, as well as the provisions of Section 6.075(a), (e), (f), (g) and (h).

(c) Any campground shall be provided with sufficient drinking water, toilets, showers and other sanitary facilities to accommodate all travel trailers therein as follows:

1. An adequate supply of pure water for drinking and domestic purposes and at least one cold water tap shall be provided for any two (2) adjoining campsites.

2. The toilet and other sanitary facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by soundproof walls.

3. Toilet facilities for males shall consist of not less than one (1) flush toilet for every fifteen (15) campsites, one (1) shower, with individual dressing accommodations, for every ten (10) campsites, and one (1) lavatory for every ten (10) campsites.

4. Toilet facilities for females shall consist of not less than one (1) flush toilet for every fifteen (15) campsites, one (1) shower, with individual dressing accommodations, for every ten (10) campsites, and one (1) lavatory for every ten (10) campsites.

5. An adequate supply of hot and cold running water shall be provided for each shower and lavatory.

6. Service buildings housing the toilet and sanitary facilities shall be permanent structures complying with all applicable ordinances and statutes, and shall be located not closer than twenty (20) feet from any campsite.

7. The service buildings shall be well lighted at all times of the day and night, well ventilated with screened openings,



constructed of such moisture-proof material, including painted wood-work, as shall permit repeated cleaning and washing, and maintained at a temperature of at least 68 degrees fahrenheit during the period from October 1 to May 1. The floors shall be of water impervious material.

8. All service buildings and the grounds of the court or campground shall be maintained at all times in a clean, sightly condition.

9. All sewage and waste water shall be discharged into a public sewer system in compliance with applicable statutes or ordinances, or into a private sewer and disposal plan or septic tank system of such construction and in such manner as well meet all legal requirements and present no health hazards.

10. Each lot or campsite shall be at least five thousand (5,000) square feet in size.

Section 6.077 - Inspection, Maintenance, Revocation, Renewal.

(a) Administrator. The Zoning Administrator or other authorized representative of the Village of Argyle, shall have the right, at any reasonable time, to enter any mobile home court, or campground, and shall have the right to inspect all parts of said court or campground, and to inspect the records required above. This shall not include the right to inspect the interior of an individual mobile home or travel trailer.

(b) Violations. If the Zoning Administrator or authorized representative of the Village, finds that any such court or campground is not being maintained in a clean and sanitary condition, or is not being conducted in accordance with its permit or with the provisions of this or any other statute, Local Law, rule or regulation, the Zoning Administrator shall issue an order in writing upon the holder of the permit, or the person in charge of said court or campground,

directing the conditions therein specified to be remedied within ten (10) days.

(c) Revocation of Permit.

(1) If such conditions are not corrected within such period, the Zoning Administrator may cause a notice in writing to be served upon the holder of said permit, or the person in charge of such court or campground, requiring the holder of the permit to appear before the Planning Board at a time to be specified in such notice and to show cause why such permit should not be revoked. The Planning Board may, after a hearing, at which testimony of witnesses may be taken and the holder of the permit shall be heard, revoke such permit, or refuse to renew it at the next renewal date. Said revocation may be in addition to other fines and/or imprisonment authorized by this Local Law.

(2) Upon the revocation of or refusal to renew any such permit, the premises shall forthwith or thereupon cease to be used for the purposes granted in said permit, and all mobile homes or travel trailers shall forthwith be removed therefrom.

(d) Renewal of Permit. An application for the renewal of any mobile home court or campground permit under this Local Law, must be filed with the Village Clerk at least two (2) months, but no more than four (4) months prior to the expiration of the permit. The renewal application shall be in writing and signed by the applicant and shall contain the same information as required in the original application for a permit. Such renewal application need not be accompanied by a plan of such court or campground, unless substantial changes have been made, nor by a copy of the lease of the premises, unless a new lease has been entered into subsequent to the time of filing the previous application. Upon review and approval by the Zoning Administrator, a renewal permit shall be issued effective upon the expiration of the prior permit and, subject hereto, shall continue in force for a period of two years. Such renewal permit shall not be

transferred or assigned. The applicant shall, at the time the renewal permit is applied for, pay the required fee which shall be equal to the application fee of Section 6.074(g).

(e) Denial of Renewal. If the court or campground is not being maintained or operated in accordance with this Local Law, the permit and all other laws, the Zoning Administrator shall deny renewal of the permit. In the event of denial, the use shall cease as per Section 6.077(c)(2).

(f) Preexisting Use. Any mobile home court, or campground, which is in operation on the effective date of this Local Law, shall be entitled to a permit for a term to expire on December 31, 1988, and to a renewal thereof, upon the filing of an application therefore and after the payment of the required fee as provided herein. All the provisions of this Local Law shall apply to any such court or campground. All such courts or campgrounds must comply with the terms of this Local Law by December 31, 1988 or no renewal of said permit shall be issued. Review of an application for such renewal shall be by site plan review.

Section 6.078 - Regulation of Mobile Homes Outside of Mobile Home Courts.

(a) Limitation. No mobile home shall be parked or placed outside a licensed mobile home court, for more than twenty-four (24) hours, except as provided below.

(b) Temporary Displacement. As an exception to Section 6.078(b) above, application may be made, pursuant to the provisions of Article 5 of this Local Law, for a site plan review permit, for a period not to exceed one hundred eighty (180) days, by the owner of land within the Village, to temporarily replace an occupied dwelling destroyed by fire or other disaster. Such a site plan review permit shall not be issued for any land restricted by deed or other covenants

against placement of mobile homes or temporary structures. Such a site plan review permit shall not be transferable and becomes void if ownership of the land changes, or if the mobile home is unoccupied for more than forty-five (45) consecutive days. Such a site plan review permit shall be renewable for only one additional period of not exceeding one hundred eighty (180) days.

Section 6.079 - Exceptions. None of the provisions of this Local Law shall be applicable to the following:

(a) The business of mobile home or travel trailer sales (which is permitted only in the C-R District), except that any such business shall be subject to the landscaping requirements applicable to mobile home courts, and where units are used as living quarters, they shall conform with all of the provisions of this Local Law applicable to mobile home courts.

(b) The storage or garaging of travel trailers, not being used for living or sleeping purposes, within a building or structure, or to the storage of one unoccupied such home on premises occupied as the principal residence by the owner of the travel trailer, provided however, that such unoccupied travel trailer shall not be parked between the street line and the rear building line of such premises, and providing further, that the Zoning Administrator has been notified in writing in advance of the storing or garaging of such travel trailer.

(c) A travel trailer or mobile home located on the site of a construction project, survey project or other similar work project, and which is used solely as a field office, work or tool house in connection with such project, provided that the Zoning Administrator has been notified in advance of the parking or placement of such a travel trailer or mobile home and provided further that such travel trailer or mobile home is removed from such site within thirty (30) days after the completion of such project.

SECTION 6.080 - OFF-STREET PARKING AND LOADING.

Section 6.081 - Off-Street Parking.

(a) Off-street parking space shall be required for all uses commenced, and all structures constructed, altered, extended and engaged in use after the effective date of this Local Law. Each off-street space shall consist of at least two hundred (200) square feet and shall be at least ten (10) feet wide by twenty (20) feet long and shall be reached by an access driveway at least twenty (20) feet clear in width. In addition, space necessary for aisles, maneuvering and drives shall be provided. Parking requirements are specified in Section 6.082.

(b) For uses not specified in Section 6.082, the Planning Board may establish parking requirements consistent with those specified in Section 6.082. Where a need is demonstrated by information presented during site plan review, parking may be required in excess of the minimum.

(c) For any building having more than one (1) use, the total number of parking spaces shall be the total of the amounts required for each use.

(d) Whenever possible parking spaces required in all districts shall be located in the side or rear yard on the same lot as the principal use.

(e) Floor areas for the purposes of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas if used primarily for storage or service.

(f) Any parking lot or parking area that will contain more than fifty (50) cars shall be effectively divided by planted divider strips or curbing fixed in place so as to effectively divide each

parking area of fifty (50) cars from another driveway and parking area for the purpose of insuring safety of vehicles moving within the entire parking area and to control speed.

(g) Unless lot widths in existence prior to the effective date of this ordinance prohibit compliance, ingress and egress to parking areas in commercial and industrial developments shall be no closer to one another than one hundred fifty (150) feet along streets.

(h) The Planning Board may require as a condition of site plan review that off-street parking areas located within fifty (50) feet of a residential use shall be shielded by wall, vegetation, fencing or other suitable material which shall serve to screen views, noise and uncontrolled entrance.

Section 6.082 - Off-Street Parking Schedule. The following shall be the minimum spaces required. The Planning Board may as a part of Site Plan Review require additional spaces if a need is proven for such additional spaces.

<u>Use</u>	<u>Minimum Spaces Required</u>
a. Dwelling	Two (2) spaces for each dwelling unit
b. Tourist Accommodation	Two (2) spaces plus one (1) additional space for each unit
c. Church, Temple, Theater or other place of assembly.	One (1) space for each three (3) seating spaces in main assembly room
d. School	Three (3) spaces for each classroom
e. Retail store or Bank	One (1) space for each one hundred (100) square feet of gross floor area
f. Restaurants	One (1) space for each one hundred (100) square feet of gross floor area
g. Wholesale, Storage, Freight Terminal, or Utility Use	One (1) space for each one thousand (1,000) square feet of gross floor area

- h. Light Industrial Use      One (1) space for each employee on the maximum working shift, plus one (1) space for each company vehicle
- i. Office or Home Occupation      One (1) space for each one hundred (100) square feet of floor area devoted to such use, including waiting areas, halls, restrooms, etc.
- j. Other Uses      As reasonably determined by Planning Board pursuant to site plan review.

Section 6.083 - Off-Street Loading. At least one (1) off-street loading space shall be provided for each public, commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 2,000 square feet, computed as described above. Space for off-street loading shall be in addition to space for off-street parking.

Each off-street loading space shall be subject to the following minimum requirements:

(a) Each berth shall be not less than twelve (12) feet wide, forty (40) feet long and fourteen (14) feet in height when covered.

(b) The Planning Board may require as a condition of site plan review that off-street loading space (or spaces) located within fifty (50) feet of a residential property shall be shielded by wall, fencing, or other suitable material which shall serve to screen views, noise and uncontrolled entrance.

SECTION 6.090 - SIGN REGULATIONS.

(a) Regulations for the design, erection and maintenance of signs shall be according to the Village Sign Law. In addition, off-premises signs and flashing, rotating or neon signs, pennants, or banners are prohibited.

(b) Temporary "For Sale" or "For Rent" signs, signs for permitted bazaars, signs for garage or yard sales, directional signs

and signs relating to construction work, not exceeding four (4) square feet, shall be permitted in all zones without a zoning permit.

(c) In commercial districts, signs not exceeding forty-eight (48) square feet are permitted. No more than one (1) such sign shall be allowed on any lot, excepting that those of the type and size allowed in a residential district shall also be allowed.

SECTION 6.100 - FENCE REGULATIONS.

(a) The setback requirements of this Ordinance shall not apply to fences.

(b) No fence over six (6) feet in height from natural grade is permitted without site plan review.

(c) No fence located between a principal structure and the adjacent street shall be over three and one-half (3 1/2) feet in height without site plan review.

SECTION 6.110 - CLEAR CUTTING. No clear cutting of more than one-half (1/2) acre is permitted without site plan review.

SECTION 6.120 - HISTORIC AREAS. All structures built prior to the year 1900 are hereby declared to be historic buildings. In order to conserve, protect, enhance and perpetuate these structures and the historic ambience of the Village, the commercial districts of the Village and all areas within five hundred (500) feet of any lot on which a historic building is located are hereby declared to be historic areas subject to the regulations set forth in Section 6.121.

Section 6.121 - Regulations Within Historic Areas.

(a) All structures erected, altered, or rebuilt in historic areas shall be of similar exterior appearance to the existing historic buildings of the Village.



(b) The use of brick and horizontal wood siding shall be encouraged in all districts, and the use of large windows, concrete or metal buildings and glass-walled construction shall be prohibited for a structure in a historic area.

(c) Alteration, rebuilding or renovation of an existing historic building shall not materially alter the exterior of such building so as to detract from its historic appearance.

ARTICLE 7

NONCONFORMING USES, LOTS AND STRUCTURES

SECTION 7.010 - CONTINUATION.

(a) Subject to the provisions of this Article, a nonconforming structure or use of a structure containing a nonconforming use may be continued and maintained, if kept in reasonable repair, but may not be altered, enlarged or extended after the date this Local Law becomes law.

(b) A single-family dwelling or mobile home may be enlarged up to a maximum of twenty-five percent (25%) of its size as of the effective date of this Local Law or rebuilt, however, in no case shall any increase or expansion violate, or increase noncompliance with, the minimum setback requirements of this ordinance.

(c) This Article shall not be construed to permit any unsafe use or structure, or to affect all proper procedures to regulate or prohibit the unsafe use or structure.

SECTION 7.020 - DISCONTINUANCE. If a nonconforming use is discontinued for a continuous period of one (1) year, further use of the property shall conform to this Local Law.

SECTION 7.030 - CHANGE. If a nonconforming use is replaced by another use, such use shall conform to this Local Law.

SECTION 7.040 - COMPLETION OF STRUCTURE. Nothing contained in this Local Law shall require any change in plans, construction, alteration or change in designated use of a structure for which substantial construction work has lawfully commenced prior to the adoption of this Local Law.

SECTION 7.050 - DESTRUCTION OF NONCONFORMING USE.

Section 7.051 - Area Nonconformity. Any structure which is non-conforming due to building size, lot coverage or setback violations or greater intensity than would be allowed by this Local Law, which is destroyed by fire, flood, wind, hurricane, tornado or other acts beyond the control of man, shall be allowed to be rebuilt according to its original dimensions and intensity within one (1) year of the date of such damage, and if not rebuilt within said one (1) year, may only be rebuilt in conformance with this Ordinance.

Section 7.052 - Use Nonconformity. Any structure which contains a nonconforming use according to the provisions of this Local Law which is destroyed by fire, flood, wind, hurricane, tornado or other act beyond the control of man, to the extent of fifty percent (50%) of the replacement value of the structure, or more, can only be replaced within one year of the date of such damage, and if not restored within said year, may only be used in conformance with this Local Law.

SECTION 7.060 - GENERAL EXCEPTION TO MINIMUM LOT AREA REQUIREMENTS. Any nonconforming lot of record as of March 10, 1988 which does not meet the minimum lot area and/or minimum lot width and depth requirements of this Local Law for the zoning district in which such lot is situated shall be considered as complying with such minimum lot requirements, and no variance shall be required, provided that such lot does not adjoin other lots in the same ownership, provided however that all such lots in the same ownership may be treated together as one lot. Lots owned by a husband and wife or their minor children shall be considered to be in the same ownership.

ARTICLE 8

VARIANCES

SECTION 8.010 - PURPOSE OF ARTICLE. The purpose of this Article is to provide for variances from this Local Law in cases where the strict application thereof would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and objectives of this Local Law.

SECTION 8.020 - AUTHORIZATION TO GRANT OR DENY VARIANCES. Any variance to this Local Law shall be granted by the Zoning Board of Appeals in accordance with the standards and procedures set forth in this Article. In granting a variance, the Zoning Board of Appeals may impose conditions similar to those provided for site plan review uses to protect the best interests of the surrounding property, the neighborhood and the Village as a whole.

SECTION 8.030 - APPLICATION FOR VARIANCE.

Section 8.031 - File with Zoning Administrator. Applications for variances may be instituted by filing an application with the Zoning Administrator. The Zoning Administrator shall provide copies of the application and all supporting documents to the Zoning Board of Appeals and the Planning Board.

Section 8.032 - Required Form. The variance form required by the Zoning Board of Appeals shall be used by the applicant plus any additional information required by the Zoning Board of Appeals as necessary to make its findings according to Section 8.040 of this Local Law.

Section 8.033 - Information Required. The applicant must supply the Zoning Board of Appeals with three (3) copies of the following:

(a) A legal description of the property.

(b) A map showing the property and all properties within a radius of two hundred (200) feet of the exterior boundaries thereof.

(c) Plans and elevations sufficient to show the proposed variance.

(d) The map and plans need not be prepared by a surveyor or engineer unless requested by the Zoning Board. Such other drawings or information considered necessary by the Zoning Board of Appeals to make an informed decision may be required.

SECTION 8.040 - REQUIREMENTS FOR GRANTING VARIANCES.

(a) Area Variances. A variance to allow land use or development, or subdivision, to be located on a lot or property which does not conform to the dimensional requirements for that district listed in Article 4, or a variance from the setback, lot coverage and height regulations, may be granted only in the event that all of the following circumstances are specifically found to exist by the Zoning Board of Appeals, and are each so stated in the Board's findings, and no such variance shall be approved unless all of the following circumstances are so found;

1. That the strict application of said requirements would result in a specified practical difficulty to the applicant; and

2. That the variance would not be materially detrimental to the purpose of this Local Law specifically as follows:

(a) Public facilities and services would not be adversely affected.

(b) Other property nearby or in the district in which the property is located and the neighborhood character would not be adversely affected.

(c) That the proposal would not conflict with the description or purpose of the district, or the objectives of any plan or policy of the Village.

(d) That the variance requested is a minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

(b) Use Variance. A variance to allow a use within a district other than a use allowable as a permissible use or site plan review use may be granted only in the event that all of the following circumstances are specifically found to exist by the Zoning Board of Appeals, and are each so stated in the Board's findings, and no such variance shall be granted unless all of the following circumstances are so found.

1. That the strict application of said use provisions of this Local Law would result in a specified unnecessary hardship to the applicant which results from lot size or shape legally existing prior to the date of this Local Law, or topography, or other circumstances over which the applicant has no control.

2. That the property in question cannot yield a reasonable return if used for any permissible use or site plan review applicable to the zoning district in which the property is located.

3. That the variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same district possess without such a variance.

4. That the variance would not be materially detrimental to the purposes of this Local Law, or to other property in the area in which the property is located, or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the Village.

5. That the variance requested is the minimum variance which would alleviate the specific unnecessary hardship found by the Zoning Board of Appeals to affect the applicant.

SECTION 8.050 - VARIANCE APPLICATION HEARING AND DECISION.

(a) Within thirty-five (35) days of receipt of a completed application for a variance, the Zoning Board of Appeals shall give notice of a public hearing to be held on the application within not less than fifteen (15) days nor more than thirty-five (35) days thereafter.

(b) Prior to said public hearing, the Planning Board shall review the application and make a written, nonbinding, recommendation which sets forth the reasons supporting the recommendation. A copy of said recommendation shall be provided to the applicant at the time that it is forwarded to the Zoning Board of Appeals and it shall be read into the record at the public hearing.

(c) Within sixty-two (62) days of the final adjournment of the public hearing, the Zoning Board of Appeals shall grant, grant with conditions, or deny the variance applied for. The decision of the Board shall be in writing and shall contain each of the findings specified in Section 8.040 of this Local Law, and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board.

(d) The Zoning Board of Appeals shall refer all completed variance applications to the Washington County Planning Board for its report and recommendation where required by Section 239-m of the General Municipal Law and Article 9 of this Local Law. In no such

case shall final action be taken until said County Planning Board has submitted its report, or until forty-five (45) days have passed since the date of referral, whichever occurs first.



ARTICLE 9

REFERRALS

SECTION 9.010 - GENERAL MUNICIPAL LAW--SECTION 239-m. This section shall apply only if the Washington County Planning Board asserts or is granted jurisdiction to review the particular actions described.

(a) Any variance application, site plan review or zoning amendment within the following thresholds shall be referred to the Washington County Planning Board for its review and comment:

1. Within 500 feet of the Village boundary.
2. Within 500 feet of an existing or proposed County or State:
  - (a) park or recreation area;
  - (b) right-of-way, parkway, thruway, road or highway;
  - (c) stream or drainage channel or easement;
  - (d) public building or institution.

(b) Within thirty (30) days after receipt of a full statement of such referred matter, the Washington County Planning Board shall report its recommendations to the referring Village Body.

(c) If the County Planning Board fails to report within thirty (30) days, the Village Body may act without such report.

(d) If the County Planning Board recommends disapproval of the proposal, or recommends modification thereof, the Village Body having jurisdiction shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the mem-

bers thereof, and after the adoption of a resolution, fully setting forth the reasons of such contrary action.

(e) For any proposal which has been reviewed by the Washington County Planning Board, within seven (7) days after final action by the appropriate Village board, a report of said final action shall be filed with the Washington County Planning Board.

ARTICLE 10

AMENDMENTS

SECTION 10.010 - PURPOSE OF ARTICLE. The purpose of this Article is to allow for amendment to this Local Law and the Village Zoning Map whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this Article.

SECTION 10.020 - REFERRALS. The Village Clerk shall refer any proposed amendment to the Zoning Board, and where required by Section 239-m of the General Municipal Law, to the County Planning Board having jurisdiction, for the report and recommendations by those bodies to the Village Board.

SECTION 10.030 - HEARING AND DECISION ON PROPOSED AMENDMENT. The procedure as to the notice of a public hearing on an enactment of a proposed amendment shall follow and be governed by Section 7-708 of the Village Law, and Section 239-m of the General Municipal Law, including all subsequent amendments thereto.

SECTION 10.040 - RECORDS OF AMENDMENTS. The Zoning Administrator and the Village Clerk shall each maintain records of amendments to the text of this Local Law and of the Village Zoning Map.

ARTICLE 11

ADMINISTRATIVE PROVISIONS

SECTION 11.010 - ZONING ADMINISTRATOR; APPEALS. The Zoning Administrator shall have the power and duty to administer and enforce the provisions of this Local Law. The Zoning Administrator shall be appointed and may be removed at the pleasure of the Village Board. An appeal from an action or omission by the Zoning Administrator regarding a requirement of the Local Law may be made only to the Zoning Board of Appeals. Any such appeal must be filed with the Village Clerk no later than thirty (30) days from the date of the action or omission appealed from.

SECTION 11.020 - REQUIRED RECORDS. The original or a certified copy of all decisions, approvals, rulings and findings of any Board under this Local Law, and of all permits and certificates issued under this Article, shall be promptly furnished to the Zoning Administrator and the Village Clerk by the deciding board. Said records shall be maintained as required by law.

SECTION 11.030 - APPEAL FROM ACTION OF PLANNING BOARD OR ZONING BOARD OF APPEALS. An action, omission, decision or ruling of the Planning Board or Zoning Board of Appeals pursuant to this Local Law may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, and Article 7 of the Village Law.

SECTION 11.040 - INTERPRETATION. The Zoning Board of Appeals is empowered to interpret the terms and application of this Ordinance.

SECTION 11.050 - FORM OF PETITIONS, APPLICATIONS AND APPEALS. Unless otherwise stated, all petitions, applications and appeals provided for in this Local Law shall be made on forms prescribed by the

Zoning Board and Planning Board. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

SECTION 11.060 - APPLICATION FEES. Fees provided for by this Local Law shall be paid to the Village Clerk upon the submission of applications and appeals. No fee shall be allowed to be substituted for any other required fee.

Section 11.061 - Fee for Zoning Permit. The fee for an application for a zoning permit shall be \$10.00.

Section 11.062 - Fee for Site Plan Review. Applications requiring review according to the provisions of Article 5 of this Local Law shall be subject to the following fees:

- (a) Twenty-five Dollars (\$25.00), or
- (b) Ten Dollars (\$10.00) per lot, whichever is greater.

Section 11.063 - Fee for Zoning Board of Appeals Proceedings. The payment of a fee of ten dollars (\$10.00) is required for the processing of an application for a variance or interpretation, or an appeal to the Zoning Board of Appeals.

SECTION 11.070 - NOTICE. Notice of all public hearings shall be made in accordance with the rules set forth in this Local Law. Notice of all applications, regardless of whether a public hearing is held, shall be posted in the Village Clerk's office and mailed to the adjoining landowners at least ten (10) days prior to a decision.

SECTION 11.080 - ZONING PERMITS.

(a) Permits Required. No structure shall be erected, added to, or structurally altered, nor shall any new use be established, until a zoning permit therefore has been issued by the Zoning Administrator, and a building permit is obtained from Washington County, if required. No such permit shall be issued for any structure where said

construction, addition or alteration or use thereof would be in violation of any of the provisions of this Local Law. No zoning permit for a structure or use requiring a variance or site plan review shall be issued until the site plan or variance has been approved.

(b) Submittal Requirements. There shall be submitted with all applications for zoning permits three (3) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings or signs to be erected and such other information as may be necessary to determine and provide for the enforcement of this Local Law. If such information has already been provided in connection with a variance or site plan review application, this requirement shall be waived unless the project has been changed as a result of such variance or site plan approval.

(c) Permit and Certification. Upon receipt of all appropriate information and fees, and after all requirements of this Local Law have been met, the Zoning Administrator shall issue a Zoning Permit. The permit shall incorporate all conditions required by the Zoning Board or Planning Board. Two copies of the submitted layout or plot plan certified by the Zoning Administrator as to compliance with this Local Law, shall be returned to the applicant. The applicant shall be responsible for providing a copy of the permit to Washington County.

Section 11.081 - Criteria for Issuance of a Zoning Permit. The Zoning Administrator shall issue a zoning permit only if he determines the following:

(a) The new land use or development complies with any applicable sanitary codes administered by the Village.

(b) The new land use or development meets the area, ground coverage, setback, and bulk and height controls of this Local Law, unless an area variance has been granted, and if the variance is

subject to conditions to be met prior to the granting of a permit, that all such conditions have been met.

(c) The new land use or development has received site plan approval, if applicable, and if such approval is subject to conditions to be met prior to the granting of a permit, that all such conditions have been met.

(d) It is nonpermissible use for which a use variance has been granted pursuant to the terms of Article 10 hereof, and if such grant was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met.

(e) It is a sign and such sign complies with this Local Law and the Village Sign Law.

Section 11.082 - Expiration of Zoning Permits. If a project for which a zoning permit has been issued has not been completed within 365 days after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued, unless said permit has been renewed prior to the expiration date. A zoning permit may be renewed automatically by the Zoning Administrator once, for one (1) year. No additional renewal shall be issued unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for the issuance of a permit, including reapproval of any variance or site plan.

Section 11.090 - Site Inspections. The filing of an application for a variance under Article 8 hereof, and an application for site plan approval under Article 5 hereof, or an application for a zoning permit under Article 11 hereof by a person shall be deemed a granting of approval by such person to the Planning Board, the Zoning Board of Appeals, and the Zoning Administrator, and to such persons as they may designate, to conduct such examinations, tests, and other inspections of the sites which are the subjects of such applications, as the body

or officer having jurisdiction deems necessary and appropriate for the purposes of this Local Law.

SECTION 11.100 - BUILDING APPROVALS BY WASHINGTON COUNTY.

(a) The requirements of this Local Law shall not supersede the requirements for building permits and certificates of occupancy from Washington County pursuant to the New York State Fire and Building Code.

(b) Construction of any structure shall not commence without a building permit from Washington County, if required.

(c) No structure shall be used or occupied without a certificate of occupancy issued by Washington County if such certificate of occupancy is required by law.

(d) Sanitary sewer systems must comply with Washington County regulations when adopted; until such time, New York State Department of Health Code will be enforced.



## ARTICLE 12

### ENFORCEMENT

SECTION 12.010 - PENALTY. Any person owning, controlling or managing any building, structure, land or premises wherein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this Local Law, shall be guilty of an offense and subject to a fine of not more than two hundred fifty dollars (\$250) or to imprisonment for a period of not more than six (6) months, or both such fine and imprisonment, or by penalty of two hundred fifty dollars (\$250) to be recovered by the Village in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "person" for the purpose of this Article.

SECTION 12.020 - ALTERNATIVE REMEDY. In case of any violation or threatened violation of any of the provisions of this Local Law, or conditions imposed by a zoning permit, in addition to other remedies herein provided, the Village Board of Trustees may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 12.021 - Stop Work Order.

(a) The Village Board of Trustees herein grants the Zoning Administrator the administrative responsibility of immediately terminating any actions described in Section 12.020 by posting a Stop Work Order on the premises wherein the violation has occurred.

(b) The Stop Work Order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the Stop Work Order must be terminated immediately.

(c) Relief from the Stop Work Order can be realized as follows:

1. If all provisions of this Local Law together with other conditions specified by the Zoning Administrator are met, then the Planning Board may authorize the termination of the Stop Work Order.

2. Except for cases involving Site Plan Review, if a variance is granted by the Zoning Board of Appeals permitting the violations specified on the Stop Work Order to continue henceforth as allowable, said administrative decisions shall also specify the conditions for the termination of the Stop Work Order.

SECTION 12.030 - MISREPRESENTATION. Any permit or approval granted under this Local Law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant shall be void. This Section shall not be construed to affect the remedies available to the Village under Sections 12.010 and 12.020 of this Local Law.

## ARTICLE 13

### CLUSTER PROVISIONS

SECTION 13.010 - CLUSTER PROVISIONS. The Planning Board, simultaneously with the approval of a plat or plats, pursuant to this Article, may modify provisions of Article 4 of this Local Law, including lot area and lot width (overall densities shall not be varied) subject to the conditions hereinafter set forth. The purposes for such authorization shall be to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands.

### SECTION 13.020 - REQUIREMENTS FOR CLUSTERING.

Section 13.021 - Application. If the owner makes written application for the use of this procedure, it may be followed at the discretion of the Planning Board if, in said Board's judgment, its application would benefit the Village.

Section 13.022 - Must be Zoned Residential Only. This procedure shall be applicable only to lands zoned for residential purposes, and its application shall result in a permitted number of dwelling units which shall in no case exceed the number which could be permitted if the land were subdivided into lots conforming to the minimum lot size or lot width and density requirements of this Local Law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements.

Section 13.023 - Unit Types. The dwelling units permitted shall be only of the type allowed in the district in which the site is located.

Section 13.024 - Open Space Areas. In the event that the application of this procedure results in a plat showing lands available for park, recreation, open space, or other such purposes directly related to the plat, then the Planning Board, as a condition of plat approval, may establish such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

Section 13.025 - Review of Site Plan. The proposed site plan, including areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, and streets, driveways and all other physical features as shown on said plan or otherwise described, accompanied by a statement setting forth the nature of such modifications, changes, or supplementations of existing zoning provisions as are not shown on said site plan, shall be subject to review and public hearing by the Planning Board in the same manner as set forth in Article 5.

Section 13.026 - Local Law Notations. On the filing of the plat in the office of the County Clerk, a copy shall be filed with the Village Clerk, who shall make appropriate notations and references thereto on the Village Zoning Map. Said plat and the deeds to all lots in the subdivision shall declare that it was approved pursuant to this Article and that the property may not be further subdivided without review by the Planning Board.

ARTICLE 14

REPEALER

SECTION 14.010 - REPEAL OF PRIOR ORDINANCES. The Ordinance entitled "Village of Argyle Zoning Ordinance" adopted on January 18, 1951, and the Ordinance entitled "The Mobile Home Ordinance of the Village of Argyle" adopted December 28, 1967, together with all changes and amendments thereto, are hereby repealed and declared to be of no effect.

ARTICLE 15

SEVERABILITY

SECTION 15.010 - SEVERABILITY. Should any section or provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole, or any part thereof, other than the part so decided to be unconstitutional or invalid.

ARTICLE 16

EFFECTIVE DATE

SECTION 16.010 - EFFECTIVE DATE. This Local Law shall take effect ten (10) days after its publication in the Greenwich Journal, a newspaper published in Greenwich, New York in Washington County and having general circulation in the Village, and upon completion of any required filing with the Department of State, or twenty (20) days after the date of its adoption, whichever comes later.

## APPENDIX A

### PROJECT REVIEW CRITERIA FOR SITE PLAN REVIEW

#### 1. SOILS

##### A. Soils, General

Objective: Prevent accelerated soil erosion and the potential for earth slippage.

General Guideline: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas; limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

##### B. Agricultural Soils

Objective: Conserve viable agricultural soils.

General Guideline: Avoid activities on Class I and Class II agricultural soils and presently in agricultural service which would diminish or preclude continuing use thereof for agricultural purposes.

#### 2. TOPOGRAPHY

Objective: Minimize topographic alterations.

General Guideline: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.



3. SURFACE WATERS.

A. Water Quality and Eutrophication

Objective: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

General Outline: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alteration; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

B. Surface Drainage

Objective: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

General Guideline: Minimize alterations to existing drainage patterns and drainage courses; preserve drainageways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

C. Flood Plains

Objective: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

General Guideline: Avoid the placement of buildings intended for human habitation, commercial use and industrial use within flood plains; avoid the use of fill to create

elevated sites; and within any flood hazard special zoning district and any flood hazard fringe special zoning district conform all development plans to the flood plain regulations contained herein.

4. GROUND WATER

Objective: Preserve quality, infiltration rate, and levels of ground water.

General Guideline: Comply at a minimum with applicable governmental water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifers and aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

5. SHORELINES.

Objective: Maintain or enhance the existing physical biological and aesthetic characteristics of the shoreline of all ponds and streams.

General Guideline: Minimize construction or development of any kind near or on the shorelines; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and undeveloped state.

6. MINERAL RESOURCES

Objective: Conserve existing mineral resources.

General Guideline: Avoid activities which would preclude present or future use of important mineral resources that

may be of economic significance to the region. Avoid unsightly excavations.

7. AIR QUALITY

Objective: Maintain or enhance existing air quality.

General Guideline: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by activities.

8. NOISE LEVELS

Objective: Limit additions to noise levels.

General Guideline: Adhere at a minimum to applicable governmental noise level standards; utilize noise abatement equipment to extent practical; and maintain natural buffers such as existing topographic relief and vegetation.

9. WETLANDS

Objective: Preserve the hydrologic, wildlife, vegetational, aesthetic, educational, open space and recreation values of wetlands.

General Guideline: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto, if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land. Encourage development to occur on nonwetland portion of a lot instead on within wetlands.

10. NATURAL COMMUNITIES, GENERALLY.

Objective: Protect generally the existing natural plant and animal communities and preserve rare and endangered plant and animal species.

General Guidelines: Preserve key spawning areas, wintering ground, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species, maintain vegetated areas generally as habitats and buffer zones; minimize shoreline alterations and avoid introduction of toxic materials and nutrients to water bodies and land.

11. VEGETATION

A. Vegetation, General

Objective: Preserve or quickly restore terrestrial vegetation.

General Guideline: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

B. Rare and Endangered Terrestrial Plant Species

Objective: Preserve rare and endangered terrestrial plant species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

C. Forest Land

Objective: Preserve forest lands.

General Guideline: Minimize clear cutting.

12. WILDLIFE

A. Wildlife, General

Objective: Maximize the preservation of wildlife species.

General Guidelines: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

B. Rare and Endangered Wildlife Species

Objective: Preserve rare and endangered wildlife species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered wildlife species and allow for the continuing propagation of these species.

13. OPEN SPACE

A. Open Space, General

Objective: Maintain the open space character of the project site, adjacent land, and surrounding areas, and to preserve the rural nature of the Village.

General Guideline: Preserve vegetative screening and existing topography and employ clustering and careful siting methods where appropriate to minimize the impact of development activities and land use alterations on open space; and preserve undeveloped areas as large as possible in view of project objectives.

B. Outdoor Recreation

Objective: Maintain the quality and availability of land for outdoor and open space recreational purposes.

General Guideline: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross-country skiing trails as well as horse trails, playgrounds, picnic areas, parks, beaches, and similar uses.

14. ADJOINING AND NEARBY LAND USES

A. Surrounding Land Uses, General

Objective: Minimize incompatibility of new development with the character of adjoining and nearby land area and structures.

General Guideline: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns. Consider conformity of architecture with surrounding architecture.

15. HISTORIC SITES

Objective: Protect archaeological sites, historic sites, and unique historical structures for their educational and cultural value to the Village, area, region or state, and to preserve the rural nature of the Village.

General Guideline: Preserve and restore archaeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands

which would be incompatible with the significance of such sites and structures.

16. SPECIAL INTEREST AREAS

Objective: Preserve special interest areas such as unique natural features and their surrounding environs.

General Guideline: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features, provide for their continuing protection; utilize these special interest areas as assets to development.

17. GOVERNMENT CONSIDERATIONS

A. Service and Finance

Objective: Fully explore and assure the ability of government to provide governmental services and facilities made necessary by the project.

General Guideline: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible, the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability of the government to provide services and facilities.

B. Regulation

Objective: Conform development activities to all applicable governmental rules and regulations.

General Guideline: Comply with all applicable ordinances, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, and State Department of Health and Environmental Conservation.

18. PUBLIC UTILITIES AND COMMUNITY RESOURCES

Objective: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

General Guideline: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; and avoid necessity for major uncompensated increases in community services and activities such as recreational facilities, social, cultural and health services, and transportation facilities.

The principal development activities associated with a project and means for avoiding undue adverse impact to be considered in connection with the determination required for site plan review and approval include the following:

A. Streets and Roads

Objective: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

General Guideline: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate



site distances, lanes, road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

B. Siting and Construction of Structures

Objective: Design, site and construct structures to best serve their intended functions and to minimize impact on existing natural and public resources.

General Guideline: Blend structures with existing topography and their surrounding environs; avoid steep slopes; minimize grade alterations; and avoid complex costly engineering solutions of site problems with potentially excessive environmental impacts.

C. Storm Drainage

Objective: Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrologic effects.

General Guideline: Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural surface water retention areas such as wetlands, bogs and marshes; and minimize run-off by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

D. Water Supply

Objective: Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage.

General Guideline: Comply with all State and local health standards with regard to the design, location, construction and maintenance of water supply systems.

E. Solid Waste Disposal

Objective: Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water, and visual pollution and in a manner which will not create hazards to the health and welfare of people or wildlife.

General Guideline: Comply with all applicable State and local standards for the disposal of solid waste; provide adequate storage containers; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well-drained soils and at sufficient distances from water bodies so as to prevent contamination thereof; and avoid locating disposal areas on steep slopes.

F. Pesticides and Herbicides

Objective: Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.

General Guideline: Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface water or wetlands or in a manner which may cause contamination thereto or to groundwater.

APPENDIX B

RULES OF PROCEDURE

GENERAL GOVERNING RULES: The Planning Board and Zoning Board of Appeals shall each be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.

SECTION I. MEETINGS

1. Meetings

(a) Regular business meetings shall be held according to the time and date posted in the Argyle Village Hall.

(b) Special meetings may be called by the Chairman at any time provided that at least seventy-two (72) hours notice shall be given each member and required newspaper before a special meeting is held. The Chairman shall call a special meeting within ten (10) days of receipt of a written request from any two (2) members of the Board.

(c) Public Notice of all regular meetings shall be given in accordance with the Public Officers Law, at least seven (7) days in advance.

2. Cancellation of Meetings. Whenever there is no business to be considered at a regular meeting, the Chairman may dispense with said meeting by so notifying each member at least forty-eight (48) hours prior to the time set for such meeting and posting notice thereof in the Village Hall.

3. Caucus. All proceedings are open to public observation and scrutiny. Should Board wish to meet with the Zoning Administrator for a briefing of the applications and business to be conducted at the regular meeting, said briefing (or caucus) shall be held in public as a part of the regular meeting and not before the published or adver-

tised beginning of said regular meeting. However, no more than two (2) members may meet with the Zoning Administrator at any time to be briefed on the status of any matter pending.

4. Order of Business. The order of business shall be as follows:

- (a) Approval of minutes
- (b) Administrator's report
- (c) Public hearings
- (d) Action on other applications
- (e) Action on rezoning recommendations
- (f) Status report of past Board action by the Zoning Administrator
- (g) Other business
- (h) Adjournment

5. Voting and Disqualification of Members

- Board
- (a) A quorum shall consist of three (3) members of the Board
  - (b) All matters shall be decided by roll call vote
  - (c) An affirmative vote of three (3) or more members shall be required to approve Board action, except as required by Article 9.
  - (d) No member of the Board shall comment or vote on a matter in which he or a member of his family shall be personally or financially interested.
  - (e) If a public hearing is required, the date shall be fixed for the hearing within thirty-five (35) days of receipt of a completed application. Following the public hearing, final decision shall be made upon the application within sixty-two (62) days of the date of said hearing.

## SECTION II. RECORDS

The Board shall keep minutes of its proceedings, including its examinations, findings and official actions and shall record the votes

of each member upon every question put to vote or, if absent or failing to vote, indicating such fact. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decision of the Board and the findings of fact on which the decision was based, and an appropriate record of every official determination of the Board shall be on file in the office of the Board, together with all documents pertaining thereto. The Board shall notify the applicant and the Village Clerk of all official actions.

### SECTION III. PROCEDURES

1. Application. All appeals and applications made to the Board shall be in writing, in the form prescribed by the Board. Every appeal or application shall refer to the specific provisions of these regulations involved and shall exactly set forth the approval requested, the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Such appeal shall be taken by filing with the Board of Appeals a notice of application or appeal specifying the grounds thereof. Upon such application the Zoning Administrator shall transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. Any application or appeal must be filed at least fifteen (15) days prior to the meeting at which it will be considered.

2. Stay. An appeal or request for interpretation to the Zoning Board stays all proceedings in furtherance of the pending action unless the Zoning Administrator certifies to the Board of Appeals after the application for interpretation or appeal shall have been filed that by reasons of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator, applicant and Zoning Board.

3. Tabling. When in accordance with this Local Law it is found that additional information is required to act on any application, it may be tabled by vote of the Board. An appeal may also be tabled at the request of the applicant.

#### SECTION IV. NOTIFICATION OF PUBLIC HEARING

The Board shall fix a reasonable time for any public hearing in connection with an appeal or application and shall give public notice thereof by publication in the official paper of a notice of such public hearing at least ten (10) days prior to the date thereof; and shall, at least ten (10) days before such public hearing, mail notice thereof to the applicant or appellee, and all owners of land within two hundred (200) feet of the subject parcel. Notice shall also be posted in the office of the Village Clerk at least ten (10) days prior to the hearing.

#### SECTION V. AMENDMENTS

These rules set forth in Appendix B may be amended at any regular meeting by an affirmative vote of not less than three (3) voting members of the Board, provided that such amendment has been presented in writing by the proponent to each member of the Board at least thirty (30) days preceding the meeting at which the vote is taken. No such amendment may conflict with this Local Law or any other law. An amendment made by one Board shall not be binding upon the other. An amendment made by the Village Board of Trustees shall be binding upon both Boards.