

Village of Port Henry
Development Review Law

Local Law: 2007-01

Adoption and Amendment History:

Date Adopted: 1989

Date Effective: 1989

Original adoption.

Date Amended: March 29, 2007

Date Effective: April 18, 2007

Section 1.07(B)(3) and Section 2.11 revised in their entirety. Paragraph numbering updated throughout for consistency.

Date Amended: November 26, 2007

Date Effective: December 16, 2007

Section 1.07 revised, Section 2.19 added, definitions added and updates throughout following legal review.

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Article 1. Introductory Provisions

Section 1.01. Enactment

- (A) The Village Board of Trustees (the "Village Board") of the Village of Port Henry, Essex County, New York, does hereby ordain and enact this Village of Port Henry Development Review Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 7-725 of the Village Law.

Section 1.02. Short Title

- (A) This local law shall be known as the "Village of Port Henry Development Review Law." The Village of Port Henry is hereinafter referred to as the "Village."

Section 1.03. Intent and Purpose

- (A) A clean, wholesome attractive community is declared to be of importance to the general well being of the inhabitants of the Village and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Village. Of primary importance in protecting the community and promoting orderly development of the economy of the Village is the monitoring and regulation of land use within the Village.
- (B) The maintenance and conservation of the Village's existing historic and architectural character is also deemed essential to the continued development of the economy of the Village. Inharmonious development could destroy irretrievable historic and architectural resources. In addition, the shoreline along Lake Champlain represents a significant natural resource with enormous potential for the Village. Shoreline development must be supervised to ensure the protection and enhancement of this area.
- (C) It is the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the Village by regulating land use activity within the Village through review and approval of development plans. It is intended that this control of development within the Village will achieve the following general objectives:
 - (1) Preserve and improve the historic character of the Village.
 - (2) Ensure and enhance adequate public access to Lake Champlain both now and in the future.
 - (3) Improve the visual quality of major streets.
 - (4) Concentrate traffic and services in areas suitable for development.
 - (5) Protect residential areas from traffic, noise and incompatible uses.
 - (6) Establish an orderly method for evaluating individual projects and organizing growth and development so that they will enhance the character of the Village as well as the economy.
 - (7) Ensure that new development is in keeping with adjacent uses, neighborhood character and Village character.
 - (8) Protect and enhance the natural beauty of the area so that it may be enjoyed by future generations.

- (9) Protect structures and areas of historic or architectural importance from demolition or incompatible adjacent uses.
 - (10) Enhance the image of the Village to residents and visitors.
- (D) It is not the intent of this local law to prohibit *per se* any land use activity, but to allow all land use activities that will meet the standards set forth in Article 2 hereof.

Section 1.04. Definitions

- (A) As used in this local law, unless the context otherwise requires:
- (1) **Accessory structure** means any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such 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.
 - (2) **Downtown street** means Main Street, Broad Street, Church Street, and College Street between Broad and Church Streets
 - (3) **Historic structure** means a structure that is at least 50 years old.
 - (4) **Land use activity** means any construction, land division or other activity that materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. **Land use activity** shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, material changes in or expansions of existing uses, signs, roads, driveways, extraction of soil or mineral deposits, demolition and major facade or street front renovations.
 - (5) **Shoreline** means the mean high water mark of any lake, pond, river or permanent stream. The mean high water mark of Lake Champlain is 99.8 feet above mean sea level.
 - (6) **Structure** means any object constructed, installed or placed on land to facilitate land use and development or division of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

Section 1.05. Planning Board

- (A) Pursuant to Section 7-718 of the Village Law a planning board of the Village is hereby created and is referred to in this local law as "Planning Board." Said Board shall consist of five (5) members appointed by the Village Board in such manner and for such term as provided in the Village Law. The Planning Board shall have all the powers and perform all the duties prescribed by statute and by this local law. After public hearing by the Planning Board and subject to the approval of the Village Board, the Planning Board may establish such rules and regulations as are necessary for the transaction of its business and as are not inconsistent with the terms and provisions of this local law.

Section 1.06. Authorization of Planning Board to Review Development Plans

- (A) The Planning Board is hereby authorized to review and approve, approve with qualifications or modifications or disapprove plans for new land use activities within the Village as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

Section 1.07. Applicability

- (A) All new land use activities shall be reviewed under this local law except as specifically excluded pursuant to Section 1.07(B) or (C). The Codes Enforcement Officer shall not issue a building permit for land use activities requiring site plan review for which the Planning Board has not granted approval.
- (B) **General Exceptions from Review.** All new land use activities shall require site plan review and approval except the following:
- (1) Construction of, renovation of, or additions to a one- or two-family dwelling and ordinary accessory structures and uses to a residence that meet all of the following:
 - (a) The new home, addition or structure shall be set back a minimum of 25 feet from all lot lines, 50 feet from all streams and wetlands, and 100 feet from the mean high water mark of Lake Champlain;
 - (b) The home or structure shall not exceed 2½ stories in height;
 - (c) The home or structure shall have a footprint of less than 2,500 square feet;
 - (d) Not more than 150 net cubic yards of material shall be removed from or deposited on the site;
 - (e) No new access onto a public or private road shall be created;
 - (f) Not more than 10 trees 4 inches in caliper or greater at 4 feet above the ground shall be removed;
 - (g) No changes shall be made to the façade of a historic structure that can be seen from a downtown street as defined in these regulations; and
 - (h) No exterior lights shall be installed that cast light upward or onto adjoining properties.
 - (i) The home or structure is located on property that does not contain any Critical Environmental Areas as defined by the Adirondack Park Agency or the Village of Port Henry Master Plan.
 - (j) Does not involve the installation of a septic system.
 - (2) Fences up to 4½ feet in height.
 - (3) Ordinary repair and maintenance (painting, residing, roofing, etc.) and interior alterations provided there is no change of use, but not including changes to the appearance of the façade of a historic structure that can be seen from a downtown street as defined in these regulations.
 - (4) Non-structural agricultural or gardening uses.
 - (5) Temporary agricultural produce stands.
 - (6) Garage sales not exceeding 3 days in length not more than 4 times in a calendar year.
- (C) **Signs not Requiring Review.** Non-illuminated signs in conformance with Section 2.10(E)(3) not in excess of 4 square feet in area (except as specified below) that meet the following shall be exempt from review under this law:
- (1) One sign advertising the sale or rental of the premises upon which the sign is located.
 - (2) One sign advertising the architect, engineer or contractor working or responsible for a project on the premises upon which the sign is located.
 - (3) One professional or trade name plate, or home business sign.
 - (4) Signs that mark property boundaries, give directions, prohibit trespassing, hunting, fishing or off-road vehicles or warn of hazards.

- (5) Historic markers, memorial signs or plaques, or names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.
 - (6) Signs giving the name of the residents of a dwelling or its address.
 - (7) Temporary signs relating to garage, lawn or other individual, non-recurring sales, for the sale of produce grown or harvested by the property owner, for a political campaign. Such temporary signs must be removed within three days of the termination of the event being advertised.
 - (8) Signs of any size erected by the federal, state, county or local government or any department or agency thereof, or any patriotic flag or banner not used for commercial advertising purposes. Any temporary sign placed to advertise a civic event or an event sponsored by a house of worship, school, library, museum, social club or society; such temporary signs must be removed within 3 days of the termination of the event being advertised.
 - (9) Up to 2 temporary advertising signs 15 square feet or less in area placed on the premises of a business for a period of not more than 14 days.
- (D) **Discontinued Uses.** Any use that has been discontinued for a period of 2 years or more shall be subject to review pursuant to the terms of this law before such use is resumed.

Section 1.08. Relationship to Other Laws

- (A) This local law in no way affects the provisions or requirements of any other federal, state or local laws or regulations, and does not excuse any person from having to comply with such other applicable laws and regulations. Where this local law is in conflict with any other law or regulation, the more restrictive shall apply.

Section 1.09. General Development Review Procedures

- (A) Activities requiring approval under this local law shall be reviewed according to the procedures set forth in detail in Article 3 hereof. Any person uncertain as to the applicability of this law to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination.
- (B) Application for review and approval shall be made on forms prescribed from time to time by the Planning Board and shall include all information requested on the requisite application form, unless waived by the Planning Board.
- (C) In reviewing applications, the Planning Board shall apply the review considerations and standards described in Article 2 hereof.
- (D) Within 62 calendar days of receipt of a complete application, the Planning Board shall approve the application, approve it with conditions or modifications or hold a public hearing on the application. If a public hearing is held, the Planning Board shall, within 62 calendar days of the date of the close of the hearing, approve, approve with conditions or modifications or disapprove the application. Any decision of the Planning Board may be appealed by a proceeding under Article 78 of the Civil Practice Laws and Rules.

Article 2. General Review Standards

Section 2.01. Applicability

- (A) The following standards and considerations shall be utilized by the Planning Board for the review of a development plan, and no application shall be approved or approved with conditions or modifications which does not reasonably comply with these standards.

Section 2.02. Aesthetics

- (A) Site development shall be planned so that it harmonizes with the existing landscape character and blends into the landscape by using existing landforms and vegetation.
- (B) New land use activities, structures and site improvements shall be harmonious with existing character of the neighboring area. Review may be based on, but not limited to, such factors as general design, arrangement, location, texture, material, color, facade, openings and bays, cornice heights, building height and scale of the proposed land use activity or structure. The need for the proposed use in the proposed location, its consistency with existing character of nearby uses and structures, the possible detrimental effects on or obstruction of views of nearby buildings and the effect on the historic character of the area will also be considered.
- (C) The types and character of buildings in the Village vary considerably; so adjacent uses are the most important guide for building form and character, especially where adjacent buildings have been designated as having historic or architectural significance. Buildings shall be of a size, construction, material, color and facade, and have lot sizes and setbacks, which are in keeping with the historic nature of the Village and compatible with nearby buildings.
- (D) As there are different residential neighborhoods in the Village with different general types of buildings in each, new structures should be consistent with the style and character of the neighborhood. Prevalent styles include the larger Victorian-era type of building reaching heights of up to 30 feet, the smaller cottage style seldom higher than 20 feet and the Twentieth Century types.
- (E) Facades of buildings in commercial areas especially shall conform closely to that of the adjacent buildings in terms of window and door openings, heights of first and subsequent stories, cornice treatment, materials and other visible characteristics.
- (F) In order to maintain a street wall and a dense, pedestrianized area in commercial areas, zero front and side setbacks are appropriate, with rear or side (off-street) service access or side service access of approximately fifteen (15) feet.
- (G) Buildings not more than forty (40) feet high in commercial areas and thirty (30) feet high in remaining areas are preferred.
- (H) In areas of mixed uses, adequate setbacks shall be provided and screening shall be used between dissimilar uses.
- (I) Building setbacks shall be consistent with adjacent and nearby sites, and shall be not less than 50 feet from any railroad tracks and the shoreline of Lake Champlain.

- (J) Where new construction or substantial rehabilitation is concerned, the needs of the site for plantings, paving, screening and other landscaping amenities shall be considered.
- (K) The location, size and intensity of the proposed activity shall be in harmony with the appropriate and orderly development of the area in which it is to be located.

Section 2.03. Off-Site Impacts

- (A) Development shall be planned and undertaken so as to minimize impacts upon adjoining and nearby land uses (especially residences), and shall not adversely affect the existing character of the surrounding neighborhood.
- (B) The locations, nature and height of buildings, walls, signs and fences and the nature and extent of the landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land buildings, and/or will not impair their value.
- (C) Any noise, odor, vibration, dust, gas or emission of any type that is likely to result from the nature of the operation shall not be hazardous or offensive.

Section 2.04. Existing Topography and Vegetation

- (A) Existing vegetation, topography and careful siting methods shall be utilized to minimize the visual impact of the proposed development.
- (B) Existing vegetation shall be retained along roads in sparsely developed areas.
- (C) Hillside cuts for roads and other site development in areas of high visibility shall be stabilized and vegetated with native species to avoid highly contrasting unnatural landforms.
- (D) In highly visible areas, such as hillsides, existing and introduced native vegetation shall be used to blend the structure with the surrounding landscape while still providing a view from within the structure.
- (E) Outdoor areas, walks, parking areas or similar site improvements shall be landscaped with relocated or introduced native vegetation where possible.

Section 2.05. Travel Corridors

- (A) The aesthetic character of the Village and the Village's travel corridors shall be preserved or enhanced to the maximum extent possible.
- (B) Development proposed within travel corridors and in the vicinity of important entry and arrival areas shall be constructed in a manner which maintains the character of the Village.
- (C) Siting of buildings placed within high quality views or in the foreground view of travel corridors shall utilize vegetational and topographic screening and landscaping techniques to minimize their intrusion on the character of the area.

Section 2.06. Unique Historical/Geological Forms

- (A) Unique historical, natural or geologic features shall be preserved to the extent possible.

- (B) Demolition of unique structures shall be avoided. Rehabilitation, renovation and adaptive reuse of structures shall be considered and demolition shall be proposed only when the existing structure cannot practically be used for anew or expanded land use activity.

Section 2.07. Scenic Views

- (A) Potential scenic views shall be protected, and development shall not obstruct such vistas from public view.
- (B) In areas where the views are an important component of the value of property, new uses shall be evaluated carefully in terms of their effect on these views.
- (C) Buildings shall be of a height compatible with adjacent uses and shall not interfere with lake views from roads, nearby properties or other established viewing points.
- (D) Scenic vistas created by the presence of open fields, especially in the vicinity of heavily wooded areas, shall be protected by the placement of development within wooded areas.
- (E) For highly visible wooded areas, structures shall be sited in wooded areas rather than in open fields. Light colored or highly reflective materials shall be avoided. In previously developed or in agricultural areas, natural building materials shall be used.
- (F) The siting of development in highly visible locations shall be avoided and, where this is impractical, vegetative screening shall be used to minimize visual impacts.
- (G) Buildings shall not be silhouetted against the skyline but shall be sited below the crest or ridgeline of hills to preserve a natural topographic and vegetative profile.
- (H) Roads, utility rights-of-way and other linear alterations shall follow topographic patterns, diagonally traversing slopes to avoid forms which tend to stand out against the rolling mountainous terrain of the Adirondacks.

Section 2.08. Construction Activities

- (A) All earth moving activities shall be planned in such a manner as to minimize the amount of land area disturbed.
- (B) Natural features such as topography, waterways and other similar resources shall be preserved, and development shall conform substantially with natural boundaries and alignment of watercourses.
- (C) Permanent vegetation shall be successfully established and erosion control structures shall be installed as soon as practical. Wherever feasible, natural vegetation shall be retained and protected.
- (D) Where it is not possible to permanently stabilize a disturbed area immediately after the final earth moving has been completed or where the activity ceases for more than fifteen (15) days, interim stabilization measures shall be implemented promptly, including mulching and planting of vegetation.

- (E) Runoff from any slope exposed for longer than fifteen (15) days shall be controlled through utilization of mulching, check dam, temporary sediment basins and other generally approved engineering methods.
- (F) Topsoil from all areas to be excavated shall be removed and stored. Upon completion of the earth movement the topsoil shall be respread to provide a suitable base for seeding and planting.
- (G) All fill material shall be of a composition suitable for the ultimate use of the fill, free of rubbish and carefully restricted in its contents 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.

Section 2.09. Drainage

- (A) In general, natural undeveloped areas in wetlands or in areas of greater than twenty (20%) slope shall remain undeveloped.
- (B) Satisfactory provision shall be made for surface water drainage; existing drainage and runoff patterns shall not be disturbed any more than necessary.
- (C) Satisfactory provision shall be made for control of soil erosion and for revegetation of disturbed soil areas.
- (D) No on-site surface or ground water drainage system in connection with the construction or alteration of any building, structure or natural land form shall be located or constructed in such a manner as to intensify run-off in an unacceptable manner, pollute, or cause erosion on adjoining properties. Surface water shall be appropriately drained to protect buildings and structures with a minimum grade of one half percent (0.5%) and to prevent development of stagnant ponds or pools, except where planned as part of the development proposal. Surface drainage shall be conveyed to an existing system of stormwater disposal where available, and all surface drainage shall be designed so as not to discharge onto walkways, streets, or adjacent property in such a manner as to create a nuisance or hazard, or into any sanitary sewer. To prevent accelerated erosion and resulting sedimentation, erosion and sedimentation control structures shall be designed, implemented and maintained.
- (E) Stormwater shall be managed and controlled on the site utilizing retention structures, infiltration, or other generally accepted engineering practices so as to prevent water velocities exceeding the velocities encountered prior to site development from being conveyed through or from the project site during a twenty (20) year storm. Where this is not possible, the Board may permit the channel to be grassed or lined with erosion resistant materials.
- (F) Proposed sediment basins shall have a minimum capacity sufficient to accommodate a single event twenty (20) year storm or the annual sediment load, whichever is greater. Adequate measures shall be provided to ensure that sediment basins will be cleaned when the basin capacity is reduced by greater than twenty percent (20%) of its holding capacity. The discharge from a sediment basin shall be to a natural waterway.

- (G) The applicant shall conform to the latest published "Guidelines for Erosion and Sediment Control in Urban Areas of New York State" promulgated by the United States Department of Agriculture, Soil Conservation Service, copies of which are maintained at the Essex County Soil and Water Conservation District Office.
- (H) Clear responsibilities for long-term maintenance of retention and detention basins, including periodic clearing of filters, removal of debris and sediment and weed cutting will be assigned by the Board. Wherever possible, restrictive deed covenants shall be used to assure that maintenance responsibilities are legally binding.
- (I) Wherever possible and feasible, surfaces for driveways, parking areas and similar areas shall be of permeable material, except that surfaces for such areas located on steep slopes shall be of impermeable material with adequate provisions for erosion control and drainage.
- (J) The quality, infiltration rate and levels of groundwater shall be preserved as much as possible.

Section 2.10. Roads and Parking

- (A) Vehicular circulation and service access shall be planned to protect pedestrians, and to avoid pedestrian/vehicular conflicts.
- (B) Off-street parking shall be provided on the site in sufficient quantity for occupants' and/or users of the proposed structure or land use activity.
- (C) The visual impact of parking areas shall be minimized.
- (D) Parking areas and driveways shall be designed and constructed to provide safe, convenient and aesthetically pleasing access to and from public highways.
- (E) Activities which involve a new road or driveway entering onto a public highway shall comply with the following standards:
 - (1) The point of intersection with the public highway shall be a point at which sight distances are good and sufficient in both directions.
 - (2) The angle of intersection with the public highway shall be as close to ninety degrees (90%) as possible.
 - (3) The grade of the driveway or road within 50 feet of the public highway shall be moderate.
 - (4) In the case of new connections to Village Highways, the existing public road drainage shall be protected so that surface drainage flow is not impeded. The Board shall prescribe the size and type of culvert, if any, to be utilized at the point of intersection, and shall also prescribe whether the applicant or the Village itself (at the applicant's expense) will supply and/or install the culvert.
 - (5) Any access permits necessary from the County of Essex, Town of Moriah or State of New York as a result of access causing entry to a State, Town or County Highway shall be obtained by the applicant, in addition to compliance with the terms of this section.
- (F) All proposed traffic access and roads shall be adequate in width, grade, alignment and visibility, and not located too near street corners or other places of public assembly; necessary traffic signalization and other safety controls, devices and facilities shall be given proper consideration and be duly provided wherever appropriate or warranted.

- (G) Access should be restricted to discrete points of entry and exit and shall not be along the entire road frontage of the project.
- (H) Snow removal, if applicable, shall be provided on the site so as to avoid obstructing drivers: vision, protect landscaping elements and avoid posing problems for adjoining properties.
- (I) All roads shall be planned and installed to logically relate to the existing soils, topography and vegetation. For these purposes, areas with steep slopes, shallow soils, soils with the water table at or near the surface, and soils that are highly susceptible to erosion or slippage shall generally be avoided.
- (J) Adequate erosion control and drainage shall be provided for all roads, and especially those constructed on steep slopes.
- (K) Clearing and grading of roads in wooded areas shall be limited to that which is necessary to construct safe roads, provide needed roadside and embankment drainage, construct stable cuts and fills and provide utility installation.
- (L) All cleared banks, expose borrow areas, and cut and fill slopes, including ditch banks, shall be revegetated in a manner suited to site conditions.
- (M) Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of design flow by means of revegetation, sodding, mulching, netting, stone paving, rip-rap, and other materials or combinations of these, depending on hydraulics and soil properties.
- (N) Road and private drive grade shall not exceed a twelve percent (12%) average grade over any 150 foot length, and shall not exceed fifteen percent (15%) over any length.
- (O) Road maintenance procedures shall minimize the use of salt and deicing compounds for keeping surfaces free of ice and snow. Lightly salted sand is a desired alternative. Under no circumstances shall any deicing compound be used to keep culverts free of ice or snow.

Section 2.11. Signs

- (A) Purpose. The purpose of these standards is to provide a coordinated, uniform and consistent approach for the Village of Port Henry Planning Board's review of signs proposed to be erected or maintained in the village, taking into consideration the historic, cultural, scenic, aesthetic and natural resources sought to be protected by this law. The appearance, character and quality of a community are affected by the location, size, materials and graphic design of signs. Therefore, such signs shall convey their messages clearly and simply to enhance their surroundings. These standards are intended to:
 - (1) Promote and protect the public health, welfare and safety by regulating signs;
 - (2) Prevent sign or advertising distractions and obstructions that may contribute to traffic accidents;
 - (3) Reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way;
 - (4) Enhance and protect the village's physical appearance, historic character and natural beauty in order to provide a more enjoyable and pleasing community for residents and visitors;
 - (5) Protect property values by creating a more attractive business and tourism climate; and

- (6) Encourage use of well-designed signs that clearly present visual messages in a manner compatible with their surroundings.

(B) Definitions.

- (1) *Sign* means any sign, billboard, advertising structure or inscribed surface, pattern of artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any business or activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype or advertising matter is made visible. The meaning of sign shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.

- (2) *Sign area* means the total area of all faces or surfaces of a sign anywhere upon which writing or any illustrative, emblematic or other artistic or expressive matter appears; or, in cases where writing or illustrative, emblematic, or other artistic or expressive matter is not set against any face or surface, the total area within a single continuous rectangular perimeter enclosing the extreme limits of such writing or illustrative, emblematic or other artistic or expressive matter (see diagram to right). The sign area of a sign having more than one face or surface on which writing or illustrative, emblematic or other



SIGN AREA CALCULATED BY
DRAWING A RECTANGLE AROUND
ALL LETTERING OR EMBLEMS

- artistic or expressive matter appears shall be the total area of all such faces or surfaces; but if a sign consists of two such faces or surfaces placed back to back, the sign area of the side having the greater sign area shall constitute the total sign area. The sign area of a group of connected or related signs shall be the sum of the sign areas of the signs belonging to it.
- (3) *Erect* means to build, construct, alter, enlarge, relocate, attach, hang, place, affix or maintain any sign, and includes the painting of wall or window signs.
- (4) *Luminous sign* means an incandescent or other sign which gives forth its own light, or any transparent or translucent sign through which artificial light is emitted, including, without limitations any neon sign, fluorescent sign or advertising light display.
- (5) *Level of natural ground* means the level of ground prior to any grading or fill done primarily for the purpose of erecting any sign or raising the level of a sign's allowable height.

(C) Number of Signs.

- (1) Not more than 2 signs may be erected or maintained advertising or otherwise relating to a single business or activity, not including signs exempt under Section 1.07(B)(3).
- (2) Not more than 1 freestanding sign may be erected or maintained upon any single premises.

(D) Size, Height and Components of Signs.

- (1) No sign shall be erected or maintained having a sign area greater than 40 square feet. No luminous sign shall be erected or maintained having a sign area greater than 15 square feet.

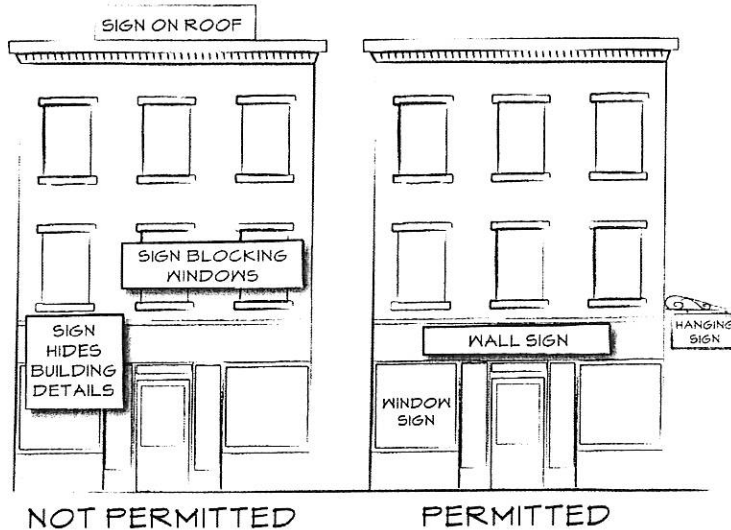
- (2) If two signs are erected or maintained with respect to a given activity, the total sign area of the two signs shall not exceed 60 square feet.
- (3) No free-standing sign shall exceed 10 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or its supporting structure.
- (4) Signs shall be simple in design and color scheme and shall contain a minimal number of component parts.

(E) Design and Location of Signs.

- (1) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. All

luminous signs, indirectly illuminated signs and lighting devices shall employ only lights emitting light of constant intensity. No exterior sign shall contain any neon or similar lighting.

- (2) No luminous sign, indirectly illuminated sign or lighting device shall be placed or directed

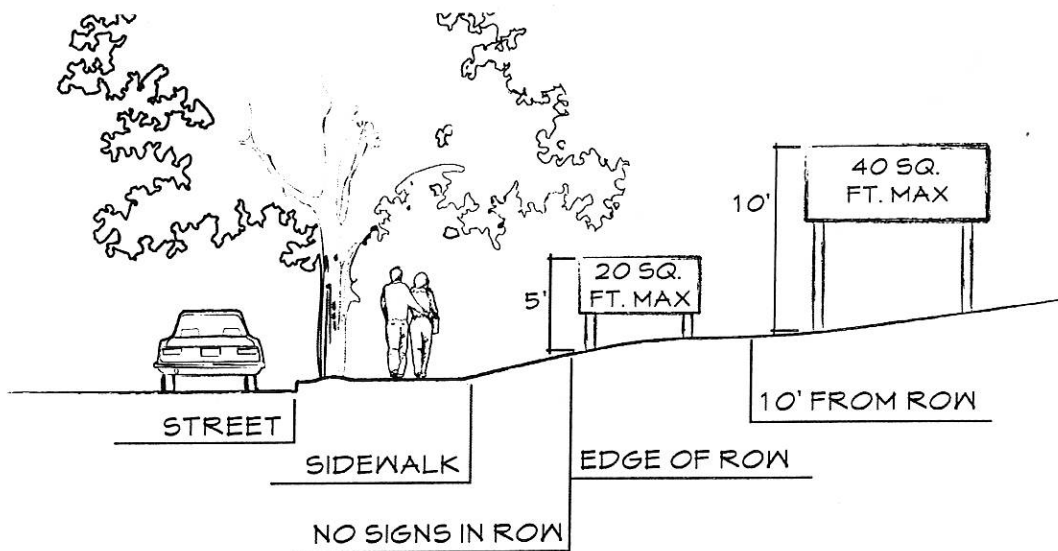
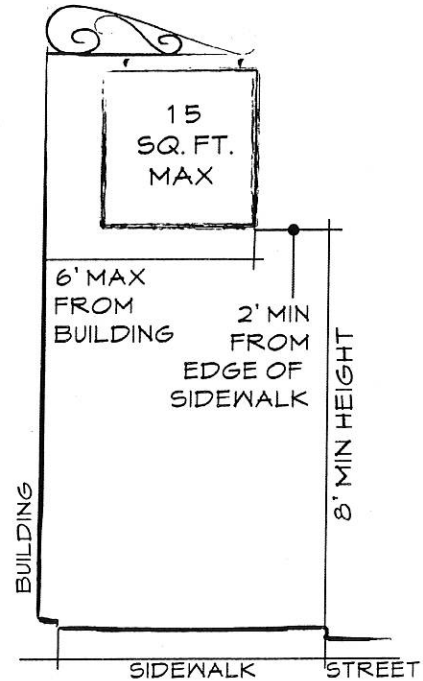


so as to direct beams of light upon any public street, highway, sidewalk or adjacent premises in a manner that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.



- (3) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, balloon or other similar moving, fluttering or revolving device. Such devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth. A "sign" does not include the flag or pennant or insignia of any nation or association of nations or of any state, city or other political unit or of any charitable, educational, philanthropic, civic or religious organization. However, no commercial property may display more than 3 flags of a single type or erect a flagpole taller than 20 feet.
- (4) A sign identifying the name of a business shall have not more than 20 percent of its sign area devoted to advertising products sold on the premises.
- (5) No sign shall be placed upon or be supported by any water body or any tree, rock or other natural object rather than the ground.
- (6) No sign shall be erected or maintained upon the roof of any building or structure.
- (7) Wall signs shall be placed in a manner that complements the architecture of buildings as illustrated left.
- (8) Not more than 25 percent of the total windowpane area of a storefront may be obscured by signs.

- (9) No motor vehicle on which is placed or painted any sign intending to advertise the premises shall be parked or stationed on such premises or in a public parking space in a manner primarily intended to display the sign.
- (10) No wall sign shall project more than 2 feet from the wall of any building. No hanging sign shall project more than 6 feet from the wall of any building or beyond 2 feet from the edge of the sidewalk, whichever is less, as illustrated to the right.
- (11) The lowest portion of a hanging sign or its support structure shall be at least 8 feet above the sidewalk or grade directly beneath it, as illustrated to the right.
- (12) No freestanding sign shall be erected or maintained within the right-of-way of a public road. Nor shall any free-standing sign exceeding 20 square feet in area or 5 feet in height be erected or maintained within 10 feet of the edge of the right-of-way of a public road, as illustrated below. This minimum setback distance shall not apply to signs erected upon any building entirely housing the business or activity with which the signs are principally associated.



- (13) No sign shall impair the visibility of or sight distance for vehicles entering or exiting a public road or private access.

- (14) No sign shall be erected or maintained more than 200 feet from the business or activity with which it is principally associated except as provided for in Paragraphs (F) or (J). For the purposes of this provision, the location of a business or activity shall include all of the principal private access road connecting the actual place of that business or activity with a public street or highway.
- (F) Number Of Permitted Signs Where More Than One Principal Activity Is Being Conducted. Notwithstanding the standard governing the number of signs permitted to be erected or maintained on any parcel of real property set forth in Paragraph (C), the following standards shall guide the board in its review of all private signs on properties where more than one principal activity is proposed to be conducted on a separate and discrete basis (such as in the case of a shopping center or other multiple commercial use facility).
- (1) A single free-standing sign not in excess of 40 square feet in sign area nor more than 10 feet in height may be erected identifying the center or facility as a whole and the names of the businesses within, but shall not contain any other advertising matter.
 - (2) One individual wall or awning sign not in excess of 30 square feet in sign area may be erected for each separate principal activity, such as a shop or store.
 - (3) An overall sign design plan for any such center or facility shall be required, which shall include the sign design plan or plans for each principal activity within, and shall reflect a reasonable uniformity of design, lettering, lighting and material.
- (G) Removal and Repair of Signs. Any sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located must be removed within 90 days. All signs are to be maintained in good condition. Any sign that is abandoned, unsafe, insecure or a menace to the public may be removed by the village at the owner's expense if the owner takes no action to repair or remove such a sign within 30 days after written notification.
- (H) Portable Signs. A single portable sign not in excess of 15 square feet in area may be placed within 200 feet of the business or activity being advertised. No such sign may be placed in a public parking space or public park, nor may a portable sign be placed in a manner that would restrict public sidewalks to a width of less than 3 feet. Portable signs placed on the sidewalk should be placed on the street-side edge of the sidewalk. Portable signs may not be illuminated or embellished with devices as described in Paragraph (E)(3). Portable signs may only be placed out when the business being advertised is open. The area of a portable sign will not be included under Paragraph (D)(2).
- (I) Nonconforming Signs. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. If a project is proposed for a property upon which an existing sign is located, and the existing sign is associated with the principal activity which is the subject of the proposed project but does not conform to these standards, the board may require that the nonconforming sign be brought into compliance with these standards. Such requirement that the non-conforming sign be brought into compliance may require the removal of the sign upon the termination of a period calculated to be its remaining economic life based upon actual depreciation schedules. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than the current depreciated value of the sign as of the state of alteration or repair.

- (J) Tourism Information Locations. Three locations exist within the village for the purpose of providing tourist information: the Chamber of Commerce sign at Bulwagga Bay pull-off, the downtown booth on Main Street, and the kiosk at the boat launch. The board may approve off-premise signs at these locations in coordination with and upon approval of the sponsoring organization and in conformance with the purposes of these standards.
- (K) Temporary Signs. The Board may approve 1 temporary sign for a new business not to exceed 40 square feet in area to be erected for a period of 60 days or until the installation of a permanent sign, whichever is less.

Section 2.12. Water Supply

- (A) Any drilled, point-driven or dug well shall comply with the standards of the New York State Department of Health.

Section 2.13. Emergency Access

- (A) All proposed structures shall be readily accessible for emergency vehicles, including police, ambulance and fire protection.

Section 2.14. Impact on Municipal Services

- (A) The Planning Board shall take into account the ability of the responsible unit of government to provide the services and facilities that will be required by the use or project under consideration, and guide development in a manner that reflects the physical capacity of the service system or facility and financial capacity of the responsible unit of government to respond to additional requirements generated by the use or project.

Section 2.15. Shoreline Protection

- (A) All construction involving any shoreline shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased run-off of ground and surface water into the waterway and to remove only that vegetation which is necessary to the accomplishment of the project.
- (B) No on-site sewage tile field or seepage pit shall be located within 100 feet of any shoreline and septic or other holding tank shall be located within 50 feet of any shoreline, as measured from the normal high water mark of the water body.
- (C) Any boat pump-out or other connection to provide for the accommodations of sanitary wastes shall be connected to an adequate and approved sewage disposal system whether a public system or an individual on-site system.
- (D) Any storage of petroleum products, or petroleum products use facilities (whether a marina, boat service-facility or other use) within 100 feet (or other reasonable setback as determined to be necessary by the Planning Board) of the shoreline shall include adequate provisions for ensuring that leaks shall be prevented and that any leak, rupture of or spill will be contained and not be introduced into or affect the adjacent waterway, including but not limited to:

- (1) All underground tanks shall be set on firm foundations and surrounded with at least six (6) inches of non-corrosive inert materials such as clean sand, earth or gravel well tamped into place.
- (2) Tanks shall be covered with a minimum of 2 feet of earth or, if the underground tanks are, or are likely to be, subjected to vehicular traffic they shall be protected against damage from vehicles passing over them by at least 3 feet of earth cover, or 18 inches in well tamped earth, plus 6 inches asphaltic or reinforced concrete. When asphalt or reinforced concrete paving is used as part of the protection, it shall extend at least 2 feet horizontally beyond the outline of the tank in all directions. Corrosion protection for the tanks and its piping shall be provided.
- (3) All tanks shall be strength tested as evidenced by the ASME Code Stamp, API monogram, or the label of the Underwriters Laboratories, Inc. Tanks not so marked shall be strength tested before they are placed in service in accordance with good engineering principles.
- (4) Corrosion protection for the tank and its piping shall be provided by one or more of the following methods:
 - (a) Use of protective coatings or wrappings;
 - (b) Cathodic protection; or
 - (c) Corrosion resistant materials of construction.
- (5) Any paved or otherwise improved parkway, loading or service area within 100 feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or soil siltation into the waterway.
- (6) No boat docks or dockage area shall extend closer than 10 feet to any adjoining property line. The property line will be extended into any body of water as measured perpendicular to the shoreline at the corner of the property line or extended along the course it runs on the land, whichever results in greater setback.
- (7) Adequate safety and traffic control devices shall be provided to ensure controlled safe ingress and egress of boats, for a distance of 200 feet or a distance to be determined by the Planning Board.
- (8) Public access within the setback from the shoreline shall be encouraged, except where such access would present a hazard to public safety.

Section 2.16. Multiple Family Dwellings

- (A) In the case of a multiple family dwelling, the needs of residents for adequate useable open space for play areas and informal recreation shall be considered.

Section 2.17. Commercial Facilities

- (A) In the case of a commercial facility or any facility designed for use by the general public or by several people, such as a marina, beach club or campground, adequate access, parking, sanitary facilities, trash disposal and similar amenities shall be provided for users of such a project to protect the health, safety and general welfare of the surrounding neighborhood.

Section 2.18. Historical Property

- (A) Uses of places, sites, buildings and structures having a special character or special historical or aesthetic interest or value shall make possible an efficient contemporary use of such a historical

property through repair or alteration while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

(B) The following Standards for Rehabilitation established by the United States Secretary of the Interior shall be met by any commercial project involving such a historical property:

- (1) "Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of the building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired."

(C) The above Standards for Rehabilitation should be used as guidelines for any residential project involving such a historical property.

Section 2.19. Standards for Non-Residential Structures

- (A) **Purpose.** The purpose of this section is to ensure that large-scale development is designed to fit harmoniously into the historic character of the village. The goal is not to recreate historic buildings, but rather to encourage development of new buildings that complement rather than overwhelm their neighborhood.

- (B) **Applicability.** The provisions of this section apply to the construction, replacement or significant renovation of buildings other than one- and two-family residences and municipal facilities, which have a footprint of 3,000 square feet or greater or which are part of a multi-building development with a total gross floor area of 5,000 square feet or more.
- (C) **Downtown Area.** The provisions of this section, except the maximum footprint and height requirements, may be waived or modified by the Planning Board for projects located within the downtown area bounded by Broad, College, Church and Main Streets to allow new development to follow the historic pattern of development. Multi-story, brick, zero lot-line structures are the most appropriate building type within the downtown area.
- (D) **Building Size.** No building shall have a footprint larger than 30,000 square feet.
- (E) **Building Height.** All buildings fronting on Main Street or a downtown street as defined in these regulations shall be a minimum of 2 stories and a maximum of 5 stories in height. Elsewhere in the village the maximum height shall be 3 stories.
- (F) **Building Design.** Buildings shall employ varying setbacks, heights, roof treatments, window openings and other structural or decorative elements to reduce the apparent size and scale of the building.
- (1) No uninterrupted façade shall extend more than 100 feet.
 - (2) A minimum of 20% of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least 6 feet.
 - (3) Building facades shall include a repeating pattern that includes no less than 3 of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
 - (a) Color change.
 - (b) Texture change.
 - (c) Material module change; or
 - (d) Expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib.
 - (4) Visible rear and side building facades shall be designed to complement the architectural treatment of the primary façade.
 - (5) Building façade colors shall be non-reflective, subtle, neutral or earth tone. The use of high intensity, metallic or fluorescent colors or black on facades shall be prohibited.
 - (6) Building trim and architectural accent elements may feature bright colors or black, but such colors shall not be metallic or fluorescent.
 - (7) Standard corporate and trademark colors may be permitted on signage, but shall be prohibited on buildings.
 - (8) Exterior building materials shall be of comparable aesthetic qualities on all sides.
 - (9) Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used.
 - (10) Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.

- (11) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 50% of their horizontal length.
 - (12) The integration of windows into building design is required. Window glass shall be transparent, clear glass (not tinted) between 3 to 8 feet above the walkway along any facades facing a public street.
 - (13) Ground floor facades of retail buildings that face public streets or contain the principal access to the building and which exceed 150 feet in length shall be designed to appear as a series of attached, individual storefronts even though the building itself may consist of a single retail occupancy.
 - (14) Public entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the design features listed below shall be incorporated into all building entryways.
 - (a) Canopies or porticos
 - (b) Overhangs
 - (c) Projections
 - (d) Arcades
 - (e) Peaked roof forms
 - (f) Arches
 - (g) Outdoor patios
 - (h) Display windows
 - (i) Distinctive architectural details
 - (15) Where multiple stores will be located in a single building, each store shall have at least one customer entrance that shall conform to the requirements of Paragraph (14) above.
- (G) **Building Style.** The building's architecture shall reflect the traditional building forms exemplified by the historic commercial, public and other monumental buildings in the village. Free-standing accessory structures (ATMs, gas pump canopies, sheds, etc.) shall be treated as architectural elements and meet the same design standards as the principal structure(s) on the site.
- (1) Pitched roofs with a minimum pitch of 5/12 may be required by the Planning Board to complement existing buildings or otherwise establish a particular aesthetic objective.
 - (2) A minimum of 20% of all the combined linear roof eave or parapet lines of the structure shall employ differences in height of 6 feet or more as measured eave to eave or parapet to parapet.
- (H) **Outdoor Sales.** Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access.
- (1) Permanent outdoor sales areas shall be defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building.
 - (2) If outdoor sales areas are to be covered, then the covering shall be similar in materials and colors to those that are predominately used on the building façade.
 - (3) Outdoor sales areas shall be considered as part of the building footprint.
 - (4) Outdoor sales areas must be clearly depicted on the site plan and separated from motor vehicle routes by a physical barrier and a minimum of 10 feet.
 - (5) Outdoor storage of products for sale in an area where customers are not permitted is prohibited.

(I) **Lighting.** The applicant shall demonstrate to the Planning Board that the proposed lighting is appropriate for the intended use. The Planning Board shall consider the hours of operation, characteristics of the neighborhood and the specific activities proposed in making its determination.

- (1) Lighting plans shall be submitted for all proposed exterior lighting drawn to a scale of 1-inch=20-feet and shall include the location and type of lighting equipment, the manufacturer's specification sheets and point-by-point calculated illuminance values noted on a 10-foot grid.
- (2) The following lighting criteria shall not be exceeded:
 - (a) Parking lots. An average of 1.5 foot-candles throughout, a maximum of 6 foot-candles, and a maximum-to-minimum uniformity ratio of 20:1 foot-candles.
 - (b) Intersections. An average of 3 foot-candles throughout, a maximum of 6 foot-candles, and a maximum-to-minimum uniformity ratio of 20:1 foot-candles.
 - (c) Property lines. A maximum of 0.1 foot-candles.
- (3) The maximum height of freestanding lights shall be the same as the principal building, but shall not exceed 20 feet.
- (4) When the activity is not in use, lighting shall be turned down to security level or turned off.
- (5) Where lights along property lines will be visible to adjacent residences, the lights shall be appropriately shielded.
- (6) All lights shall have shielding to provide a beam cut-off at no more than 75 degrees nadir.

(J) **Landscaping.** Landscaping shall be considered an integral part of the approved project.

- (1) The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings.
- (2) Use of native plant materials is preferred and a minimum of 60% of all plants shall be native to the northeastern United States.
- (3) A minimum of 30% of the building's total foundation, including a minimum of 50% along the building's front façade, shall be planted with landscaping consisting of one 1.5-inch caliper ornamental tree and 4 shrubs per 10 linear feet of foundation. Preferred locations for such landscaping are near entrances and facades facing public streets.
- (4) Landscaping consisting of three 2.5-inch caliper street trees, six 4-foot high understory trees, ten 12-inch high evergreen or 15-inch high deciduous shrubs, and five 3-foot evergreen trees shall be planted every 50 feet along and within a minimum 30-foot wide green strip buffer adjacent to all public streets, and along and within a minimum 20-foot wide green strip buffer strip adjacent to all neighboring properties.
- (5) One 2.5-inch caliper canopy tree, one 4-foot high understory tree, and five 12-inch high evergreen or 15-inch deciduous shrubs shall be planted within each parking lot island. All landscaped areas shall be a minimum of 10 feet in width at their smallest dimension and tree wells shall be a minimum of 36 square feet in area.
- (6) The applicant/property owner shall replace within 30 days any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant/property owner can demonstrate to the satisfaction of the codes enforcement officer that site conditions require an alternative species of comparable size.

(K) **Parking.** Parking areas shall provide safe, convenient and efficient access for vehicles and pedestrians.

- (1) Parking areas shall not be located between the front façade of the principal building and the primary abutting street.
- (2) Parking lots over 30 spaces shall be segmented visually and functionally into distinct parking areas of no more than 30 spaces by landscaped and curbed medians with a minimum curb to curb width of 10 feet. Curbed landscape islands shall be sited at the end of each parking aisle. Each landscaped island shall be a minimum of 360 square feet in landscaped area.
- (3) Provision shall be made for snow storage and/or removal. Snow storage areas shall be identified on the site plan.

(L) **Screening.**

- (1) Ground- and wall-mounted mechanical equipment, refuse containers and permitted outdoor storage must be fully concealed from ground level view with materials identical to those on the building exterior.
- (2) All trash collection areas that are not within an enclosed building shall be screened or recessed so that they are not visible and they shall be located at least 20 feet from any lot line. Screening and landscaping of these areas shall conform to the predominant materials used on the site.
- (3) Loading docks shall be screened by walls matching the building's exterior or fully opaque landscaping.
- (4) Rooftop equipment shall be screened by parapets, upper stories or exterior walls from view from public streets within 1,000 feet.
- (5) Gates and fencing may be used for security and access, but not for screening. Chain link, wire mesh or wooden stockade-style fencing is not acceptable. Use of stonewalls, similar to the historic walls found throughout the village, is preferred.

(M) **Pedestrian and Bicycle Facilities.** Pedestrians shall have the ability to walk safely from adjacent public streets and sidewalks to the building's principal entrance. Pedestrian walkways shall be clearly defined, landscaped and distinguishable from driving surfaces.

- (1) Continuous internal pedestrian walkways no less than 8 feet in width shall be provided from the public sidewalk or right-of-way to the principal public entrance of the building. Curbed walkways are preferred.
- (2) Walkways shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than 50 percent of the length of the walkway.
- (3) All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (4) Sidewalks no less than 8 feet in width shall be provided along the full length of the building along any façade featuring a public entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade. Weather protection features such as awnings or arcades are required within 30 feet of all public entrances.
- (5) Sidewalks at least 8 feet in width shall be provided along all sides of the lot that abut a public street, if no sidewalks currently exist. The Planning Board may require repair or replacement of existing sidewalks if they are in poor condition.
- (6) Secure, integrated bicycle parking at the rate of 1 bicycle rack for every 30 vehicle parking spaces.

Article 3. Review Procedures

Section 3.01. Preliminary Sketch Plan Review

- (A) Prior to submission of an application for development plan review, an applicant may meet in person with the Planning Board to discuss the proposed project. Such discussion shall consider the primary aspects of the project and application requirements, in order to assist the applicant in preparing his formal development plan.
- (B) The applicant shall provide the Planning Board with sufficient data regarding the proposed development to clearly illustrate the intention of the applicant. This shall include a map showing the important existing natural and man-made features on and adjacent to the site and a sketch plan showing the major features of the proposed development. If necessary, the site may also be visited. The Planning Board may, if appropriate, in the case of small developments with little impact on adjoining lands, accept the informal sketch plan as the formal site plan providing all other requirements are met.

Section 3.02. Application Requirements

- (A) Applications shall consist of the following, unless specifically waived by the Planning Board:
 - (1) Two copies of a site plan drawn to scale, to include the following (the sketch plan may be deemed to be the final plan at the Planning Board's discretion):
 - (a) Location map showing boundaries and dimensions of the parcel or tract of land involved, identification of contiguous properties, any easements or public rights-of-ways and all features within 500 feet of the site.
 - (b) Existing features of the site including existing land and water areas, existing buildings and any existing accessory structures, existing water supply systems and sewage systems located either on the parcel or on an immediately adjacent parcel and existing surface drainage characteristics.
 - (c) Delineation of proposed building locations and arrangement of buildings or installations on the site, including parking areas, circulation patterns and means of ingress and egress.
 - (d) Sketch of proposed building or structure including exterior dimensions and elevations of front, side and rear view clearly showing exterior finish materials to be used and facade details.
 - (e) Location and design of outdoor lighting facilities.
 - (f) Map indicating existing and proposed topography at a contour interval of not more than 2 feet where the slope is 10 percent or greater and not more than 5 feet where the slope is less than 10 percent, and of the existing and proposed elevations.
 - (2) Accompanying data, to include the following:
 - (a) Application form and fee.
 - (b) Name and address of applicant and any licensed professional consultants.
 - (c) Copy of deed to the property in question, if requested by the Planning Board.
 - (d) Authorization of owner if applicant is not the owner of the property in question.
 - (e) Description of materials and methods of construction for the exterior of the project.
 - (f) Results of any required on-site investigations including soil tests, borings and percolation tests, if applicable.

- (g) Record of the application and approval status of all required state and county permits, if any.
- (3) Such additional information as the Planning Board may reasonably require to assess the proposed project.

Section 3.03. Planning Board Review and Decision

- (A) In reviewing applications, the review considerations and standards of Article 2 hereof shall be applied by the Planning Board. Within 62 days of the receipt of a complete application for development plan approval, the Planning Board shall either act on it or conduct a public hearing. The Planning Board's action shall be in the form of a written statement mailed to the applicant stating whether or not the plan is approved, approved with conditions or modifications, or a public hearing is to be scheduled. Decisions of the Planning Board may include reasonable conditions or modifications to further the ends of this local law. In no case shall an application be disapproved without a public hearing. If a public hearing is held, the Planning Board shall approve, approve with conditions or modifications or disapprove the application within 62 days of the date of the close of the hearing. If an application is disapproved the reasons therefore shall be clearly stated. 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, certified mail, return receipt requested.

Section 3.04. Consultant Review

- (A) The Planning Board may consult with such local and county officials, and private consultants, in addition to representatives of federal and state agencies including, but not limited to, the Soil Conservation Service, the Department of Transportation, the Department of Environmental Conservation and the Department of Health as it deems necessary in connection with its review of any development plan.

Section 3.05. Public Hearing Notice and Conduct

- (A) In determining whether or not in its discretion to hold a public hearing, the Planning Board shall consider the size and complexity of the proposed activity, the level of public interest in the application and the possibility of disapproval.
- (B) Any public hearing held under this local law shall be advertised by a notice of public hearing, to be published once in the official newspaper of the Village at least 10 days prior to the date of the hearing. In addition, at least 5 days prior to the date of the hearing, notice shall be mailed to the applicant, and all owners of property within 500 feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Village.
- (C) Any hearing may be recessed by the Planning Board in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.

Section 3.06. Extension of Time Period

- (A) The time periods within which Planning Board actions are required by this Article are the maximum times allowable. The Planning Board shall act as quickly as possible in reviewing and approving applications in order to minimize delays to applicants, and it is the expectation of the Planning Board that a public hearing will seldom be required and that most applications will be expeditiously reviewed and approved (or approved with conditions or modifications) in a shorter time period than 30 days. Under certain circumstances, however, the maximum allowable time period within which the Planning Board must render its decision upon a completed application may be extended by the Planning Board for an additional period of 15 days or longer as otherwise mutually agreed upon by the Board and the applicant.

Section 3.07. Required Referral

- (A) Where applicable, the Planning Board shall refer the plan to the Adirondack Park Agency and the planning agency for Essex County for advisory review and report in accordance with Section 239-m of the General Municipal Law.

Section 3.08. Appeal of Board Decision

- (A) Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of a decision in the Office of the Village Clerk.

Section 3.09. Required Fee

- (A) An application for development plan review shall be accompanied by a fee in an amount which shall be established from time to time by the Planning Board and posted in the Village Office.

Section 3.10. Reimbursement of Costs

- (A) In addition to fees and costs chargeable pursuant to Section 617.17 of the Environmental Quality Review Act, costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed development plan shall be charged to the applicant, not to exceed such amount per acre or fraction thereof as shall be established from time to time by the Planning Board.

Article 4. Miscellaneous Provisions

Section 4.01. Administrative Officer

- (A) The Planning Board may appoint an administrative officer on a temporary or permanent basis or on a project-by-project basis, to assist in the administration and enforcement of this local law or any additional regulations adopted pursuant to Section 4.02 hereof.

Section 4.02. Further Regulation by Board

- (A) The Planning Board may, after public hearing, adopt such further procedural rules and regulations as it deems necessary to carry out the provisions of this local law.

Section 4.03. Amendments

- (A) The Village Board may, on its own motion or on recommendation of the Planning Board, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.
- (B) All proposed amendments originating by motion of the Village Board shall be referred to the Planning Board for its report and recommendation thereon. The Planning Board shall submit its report within 30 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

Section 4.04. Enforcement

- (A) Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this local law, or any conditions imposed by a permit or approval pursuant hereto, shall be guilty of an offense and subject to a fine of not more than \$250 or by penalty of \$250 to be recovered by the Village in a civil action. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.
- (B) In case of any violation or threatened violation of any of the provisions of this local law or conditions imposed by a permit or approval pursuant hereto, in addition to other remedies herein provided, the Village, by action of the Village Board, may institute any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises.
- (C) Any permit or approval granted under this local law which is based upon or is granted in reliance upon any material misrepresentations, or failure to make a material fact or circumstances 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 Paragraphs (A) and (B) of this section.
- (D) The Planning Board may settle by civil release and compromise any violations of this law, on terms which may be mutually agreeable to the Planning Board and alleged violator, prior to Village Board action under Paragraphs (A) or (B) of this section. Where such Village Board action has been initiated, consent of the Village Board shall be necessary prerequisite to such civil compromise and settlement.

Section 4.05. Severability

- (A) The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be deemed invalid, such invalidity shall apply only to the article, section, paragraph, or provision(s) adjudged invalid, and rest of this local law shall remain in full force and effect.